

Restorative Justice: The New Way Forward

BY LISA M. REA

Can we reform the justice system and prisons in ways that seek to restore lives and transform individuals injured by crime? Restorative justice promises to move us away from warehousing offenders and toward a system that leads offenders to personal accountability and allows victims to heal.

Most of us know someone injured by crime. They are offenders, ex-offenders and their families, or crime victims and their families. How should we as a society view prisons, corrections, and justice? How should we respond in ways that seek to restore lives and transform individuals injured by crime?

Let me share a few snapshots of victims of crime and offenders from my own experience to help frame this issue. I began working in the field of restorative justice in 1992 for Justice Fellowship, a sister organization of Prison Fellowship, serving as its state director in California. Our mission was to work to reform the justice system by introducing restorative justice principles to the system through the legislative process.

Restorative justice is a new vision for the justice system that puts the crime victim in the center of the system while stressing offender accountability to restore victims and communities as much as possible after crimes are committed. I was deeply troubled by the plight of the prisoner, seeing these individuals as some of the most forgotten men and women in society and often the most despised. I really did not know much about how the justice system worked, but learned through many mentors and meeting both

victims and offenders. Through this work I have developed a passion for restorative justice that does not lessen with time.

I felt it was important, if I were involved in legislative advocacy to promote restorative justice, to go inside a prison first. I found a chaplain who was immediately receptive and set up an appointment to bring me into California's Folsom State Prison. I was so nervous that first time I entered a prison that I had to find a convenience store after my visit for medicine to calm an upset stomach. I went into prison with a respected chaplain, so there certainly was no threat of violence or danger to me. Yet, the experience was upsetting as the doors slammed shut, we went through the metal detector to get cleared, and inmates stared as I crossed "the yard" with the chaplain. I never had that experience of fear again. I guess after that I just learned the ropes. It became normal, or as close to normal as you get inside a prison.

Another snapshot. I visited an inmate at San Quentin State Prison. During this experience, I went in alone just as a visitor. There are no special privileges when you visit an inmate here in California, which is largely true around the globe, unless you are a public official or a special visiting guest. As I waited to go inside, I noticed how many women and children were waiting to see their loved ones or friends. On one particular visit around Christmas time, I noticed the visiting room was like a microcosm of the outside world. The inmates and their families were trying to make things seem as normal as possible. The visiting room was decorated for Christmas with the usual holiday fare you would find in an office on the outside. Children were running around as if they were playing outside. This was their normal. (The holiday situation would be much different today, for in California inmate visits with families and friends have become severely restricted to certain times and days.) I remember thinking, as I watched these children, that this is the next generation. These children might very well become like their fathers or mothers – inmates of the state. They, too, might become all too familiar with living inside the walls of a prison.

Because restorative justice is victims-centered – it holds offenders accountable for wrongdoing, urging them to make things right, as much as possible, with their victims – I realized that I needed to learn far more about the pain experienced by crime victims. It is one thing to read the stories of victims of violent crime, but it is another thing to meet crime victims in person and hear them tell their stories.

Another snapshot. When Roberta Roper came from Maryland to speak at a justice reform conference where I also was speaking in 2000, we planned to meet for dinner. I knew a few details of how Mrs. Roper's daughter Stephanie had been viciously murdered. That night at dinner I asked the simple question that is so important to ask a victim of crime, "Will you tell me your story?" Mrs. Roper explained the unimaginable violence that took her daughter away from her in 1982. Stephanie's car had broken down on a rural road not from far the family's property as she was returning from college. She was

kidnapped, raped, tortured, and murdered, and then the offenders set her car on fire. I will never forget the visceral effect of hearing this story from this distraught mother. Tears ran down my face during that meal. I have heard many stories from many crime victims, but the pain in the face of that mother was wrenching. I could only listen and sob. It struck me how often Mrs. Roper must tell this story and thus relive it herself each time.

A few years earlier after speaking at a restorative justice conference at Fresno Pacific University on the need for more opportunities to bring victims and offenders together, I was approached by a woman from the audience. She began to tell me her story. Her son had committed a heinous murder, killing the victim with a baseball bat. With great pain in her face, this mother explained how she tried to reach out to the family members of the victim of her son's violence. She wanted to tell them how very sorry she was for her son's horrible actions. When she reached out to the family in a courtroom setting, she was rebuffed, and it was a very painful moment for her. This mother of the offender told me how important it was to move the justice system towards restorative justice, to bring victims and offenders together to meet. I will never forget that day.

Last snapshot. Dan Van Ness, my friend and colleague at Prison Fellowship, forwarded to me an email from Steve Watt, a former Wyoming state trooper who almost died after being shot multiple times by a fleeing bank robber in 1982. Explaining that he had forgiven the man who shot him, Mr. Watt said in the email, "I have a story to tell." A Wyoming newspaper account of the shooting was even more astounding than the email: it explained that Watt had offered the offender forgiveness, but not before Watt experienced anger and rage over the attack. The violent attack took away his childhood dream to be a law enforcement officer and left him with injuries that would plague him the rest of his life. Yet Watt now calls the offender, Mark Farnham, his friend. He believes that Farnham, who received a 55- to 75-year prison sentence for shooting and maiming a highway patrolman, has served enough time in prison and should be released.

Because restorative justice is victims-centered, I needed to learn far more about the pain experienced by crime victims. It is one thing to read their stories, but another to meet crime victims in person and hear them tell their stories.

While he was visiting in Northern California, I met Steve Watt at a restaurant. This very large man, wearing a black patch over one eye, limped

towards me with a big grin. One bullet had taken out his eye and the other four bullets had hit him up and down his spine. I thought, "This is a picture of the walking wounded." Some crime victims like Steve Watt wear the effects of violence on their bodies for all to see. Others like Roberta Roper are severely injured as well, but the effects of the violence are not immediately visible. Steve told me the rest of his story that day over lunch – how he had felt after the violence, but also the steps he took towards reconciliation with the offender. How did Steve get to a place where he had healed? How did he forgive? The testimonies of individuals like Steve Watt can help us evaluate the justice system and transform it for the better. Without the needed reforms, we are living with a dysfunctional justice system that injures victims, offenders, and communities.



Some might argue that our prison system was never meant to positively affect victims and communities. I will not analyze the original purpose of prisons in society, but we know that prisons have become something far different than what they were intended to be. Most societies have incarcerated individuals who were deemed to be a violent threat to others, but the United States prison system today has grown immensely beyond this rationale. As a result, the American state and federal prison population has expanded dramatically. During a twenty-year period when the general population grew less than 22%, the prison population more than doubled, from less than 700,000 in 1989 to over 1,500,000 in 2009. A total of 7,225,800 adults, or 3.1% of the U. S. adult population, were under correctional supervision – either on probation or parole, or in jail or prison – in 2009.¹ With 743 per 100,000 of its citizens in detention, the U. S. has the highest incarceration rate in the world.² The financial costs, not to mention the social costs to communities, are staggering. In California, for instance, it costs about \$47,000 to incarcerate one prison inmate for one year.³

Restorative justice principles invite us to reconsider the nature of crime: it is not an offense of a criminal against the state, but an offense committed by one individual (the offender) against other individuals (the victims). For this reason, the justice system should hold offenders accountable (as directly as possible) for restoring (as much as possible) the victims or their families. Restorative justice acknowledges that crime breaks the peace within communities. Offenders, therefore, must make things right with the community as well, if possible.

The American justice system, like most justice systems worldwide, does not work well for victims, offenders, and communities, which is why many people are seeking to embrace something new. Restorative justice provides the vision for change precisely because it brings to light the human impact of our failed policies. But it does not stop there. It proposes ways to build a bridge between the victim and the offender. Some might wonder whether

victims would want contact of any kind with their offenders. However, crime victims increasingly are seeking that contact, largely because the current system does not adequately acknowledge the impact violent crime has on victims, or hold offenders accountable to their victims in meaningful ways.

The story of Stephen Watt illustrates how he sought to have contact with his offender. Some would say his story is an anomaly. Yet, throughout my work the number of victims who are seeking to participate in some kind of restorative justice dialogue is increasing. The Justice and Reconciliation Project (JRP), which I founded in 2001, sought to organize victims around the cause of restorative justice and allow them to tell the stories of their experience of restorative justice. As victims told their stories publicly to lawmakers and through the media, more victims wanted to learn about the value of restorative justice. Victims might choose restorative justice for different reasons, but they had reached the same conclusion about the traditional justice system: it was not working for them. Watt's case was somewhat unique in that he did not formally participate in a victim offender dialogue program. He met his offender on his own, but with the support of a chaplain and his wife.

Crime victims often speak of feeling left out of the justice system. Some have told me they feel used by the system, like they are just pawns in its game to convict and sentence the offender. Crime victims have questions that go unanswered unless there is some kind of contact with the offender. They want to ask questions such as these: Why was I, or my family, targeted? How did my loved one die? Was she in pain? How long did it take for her to die? They want to know answers that only the offender knows. That is the primary reason that crime victims take part in a restorative justice dialogue. They also express fears about the offender committing another crime against them or their family, when or if the offender is released. Victims want to see offenders take responsibility for their actions; many hope offenders will express remorse. All these questions and concerns motivate victims to seek restorative justice because they hold out some hope for healing, not closure—a word often used by the media, but used less often by victims themselves.

Restorative justice principles invite us to reconsider the nature of crime: it is not an offense of a criminal against the state, but an offense committed by one individual (the offender) against other individuals (the victims).



Today more programs are being created throughout the United States to respond to the needs of crime victims and assist them in experiencing restorative justice. These include in-prison programs like Bridges to Life and the Sycamore Tree Project that bring together (surrogate) victims and offenders to talk in small groups about crime.⁴ The value of in-prison restorative justice programs cannot be understated since it moves the justice system towards an orientation that acknowledges the effect of crime on victims.

When I directed the Texas Sycamore Tree Project, I had contact with each inmate who participated. I learned through these conversations that often inmates do not think about their victims. This should not surprise us at all, because the current system does not require that offenders consider the impact their crimes have on their victims. It sends offenders to prison to pay back the state or society; it does not require prison inmates to face their victims and seek to make things right with them. Many states prohibit and most all of them discourage contact between prison inmates and their victims. Yet, it is precisely through this type of victim-offender dialogue that many offenders may express remorse to their victims, who are no longer faceless, and may be transformed by taking responsibility for their actions more directly. The transformation of offenders is evidenced by the reduction of recidivism rates (i.e. offenders committing more crimes). Research also shows that victims experience greater satisfaction when they participate in restorative justice processes than through the traditional justice system.⁵

Restorative justice promises to move us away from warehousing offenders and toward a system that leads offenders to personal accountability and allows victims to heal. It needs the support of all who are committed to doing justice, to restoring the lives of victims, and to transforming the lives of offenders. It requires champions who advocate for public policy changes to make restorative justice a reality throughout our justice system.

NOTES

1 Bureau of Justice Statistics, "Correctional Populations" (Washington, DC: U.S. Department of Justice, 2010), accessed December 6, 2011, bjs.ojp.usdoj.gov/content/glance/tables/corr2tab.cfm.

2 Rwanda and the Russian Federation are in distant second and third places with about 595 and 542 incarcerated persons per 100,000 citizens. By contrast, the highest rate in Western Europe is 156 per 100,000 in England and Wales. These figures include people in pretrial detention as well as those sentenced to prison. "Entire World – Prison Population Rates per 100,000 of the National Population," *World Prison Brief Online* (London, UK: International Centre for Prison Studies, n.d.) accessed December 6, 2011, www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_poprate.

3 "California's Annual Costs to Incarcerate an Inmate in Prison" (Sacramento, CA: Legislative Analyst's Office, 2010), accessed December 6, 2011, www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/6_cj_inmatecost.aspx?catid=3.

4 Lisa Rea and Theo Gavrielides, "Restoring Victims and Communities," *Freedom from Fear* (New York: United Nations Interregional Crime and Justice Institute, 2009), accessed December 6, 2011, http://213.254.5.203/index.php?option=com_content&view=article&id=60:restorative-justice&catid=39:issue-3&Itemid=182. I directed the Sycamore Tree Project, one of the first intensive victim offender programs of its kind envisioned by Dan Van Ness of Prison Fellowship International (PFI) and tested as a pilot program in 1998 at a Texas medium security prison. Sycamore Tree has been replicated with great success in some twenty-seven countries. The Bridges to Life (BTL) program in Texas was founded by crime victim John Sage after participating in the initial 1998 Sycamore Tree Project. BTL currently runs victim-offender programs throughout the Texas prison system.

5 Lawrence Sherman and Heather Strang, *Restorative Justice: The Evidence* (London: Smith Institute, 2007), accessed December 6, 2011, www.sas.upenn.edu/jerrylee/RJ_full_report.pdf.



LISA M. REA

is a restorative justice and government relations consultant at Rea Consulting, founder of The Justice & Reconciliation Project, and blog correspondent for Prison Fellowship International.