

RJ CitySM: Designing a Restorative Justice System

Daniel W. Van Ness
Executive Director, Centre for Justice & Reconciliation
at Prison Fellowship International

Executive Summary

My two plenary presentations will provide an overview of a research and design project the Centre for Justice & Reconciliation has been working on for several years. *Its purpose is to design a model justice system capable of handling all crimes, all offenders and all victims as restoratively as possible.*

The project is being conducted in three phases:

1. Design a written model of a restorative system.
2. Create a computer simulation of the model and adapt the model as required.
3. Adapt the simulation into two products:
 - a. A public policy instrument that can accept actual data from particular jurisdictions to demonstrate the feasibility of restorative justice
 - b. An educational simulation game that will teach students how to manage organisational change to bring about a restorative justice system.

We are nearing completion of the first phase, and will conduct the second phase early in 2006.

New approaches often require new structures; that has been the case in RJ CitySM. In this case the new structure, called the RJ Network, is responsible for referring cases and people to the appropriate programs, providing training in restorative processes and values, mobilizing community participation as needed, and monitoring and evaluating the entire process.

Terminology

We have defined restorative justice broadly as a response to injustice that emphasizes repairing the harm caused (and, as feasible, the harm revealed) by the crime, using respectful dialogue and agreement among the parties whenever possible. We acknowledge that restorative justice programs may find it necessary to impose decisions in certain instances when the parties fail to cooperate.

Elements of a restorative response to an injustice include:

1. Restorative processes: meetings of parties that take place in the aftermath of an injustice when those parties are willing to use respectful dialogue and agreement to resolve the interests and responsibilities of each. It is preferable for these meetings to involve face-to-face conversations by the parties, but they may also consist of indirect forms of communication through letter, audio- or videotape, or an intermediary.
2. Restorative outcomes: the agreements that result from a restorative process.
3. Reparative orders: decisions by judicial or otherwise official third parties that offenders whose matters cannot be resolved using restorative processes must compensate or otherwise offer reparation to the parties who were harmed.

Values

Restorative justice is characterized by both normative values (the way the world should be) and operational values (the way programs should function). There are four normative values, each with its related operational values:

1. *Peaceful social life* includes concepts of harmony, contentment, security, and wellbeing that exist in a community at peace with itself and with its members. When conflict occurs in such a community it is addressed in such a way that peaceful social life is restored and strengthened.
 - a. *Resolution*: the issues and people surrounding the offense and its aftermath are addressed as completely as possible
 - b. *Protection*: the physical and emotional safety of affected parties is a primary consideration in all phases
2. *Respect* means regarding all people as worthy of particular consideration, recognition, care and attention simply because they are people.
 - a. *Encounter*: affected parties are invited, but not compelled, to participate in person or indirectly in making decisions that affect them in the response to the offense
 - b. *Empowerment*: affected parties are given a genuine opportunity to effectively influence and participate in the response to the offense
3. *Solidarity* means the feeling of agreement, support, and connectedness that exists among members of a group or community. It grows out of shared interests, purposes, sympathies, and responsibilities.
 - a. *Inclusion*: affected parties are invited to directly shape and engage in restorative processes
 - b. *Assistance*: affected parties are helped as needed in becoming contributing members of their communities in the aftermath of the offense
 - c. *Moral education*: community standards are reinforced as the values and norms of the parties, their communities, and their societies are considered in determining how to respond to particular offenses
4. *Active responsibility* means taking responsibility for one's behavior. Active responsibility arises from within a person; passive responsibility is imposed from outside the person.
 - a. *Collaboration*: affected parties are invited, but not compelled, to find solutions through mutual, consensual decision-making in the aftermath of the offense
 - b. *Reparation*: those responsible for the harm resulting from the offense are also responsible for repairing it to the extent possible.

Goals and Strategies

Three goals shape a restorative response to crime. In order of decreasing importance they are:

1. *Resolution*: RJ CitySM seeks to repair the harms that result from crime, in ways that meet victims' needs, require offenders to make amends, and help both of them (re)gain full functioning as members of the community.
2. *Community building*: RJ CitySM seeks to respond to crime in such a way that all parties can be integrated into strong communities as whole, contributing members.
3. *Order*: RJ CitySM seeks to maintain a basic framework of order within which to carry out restorative practices.

Structures

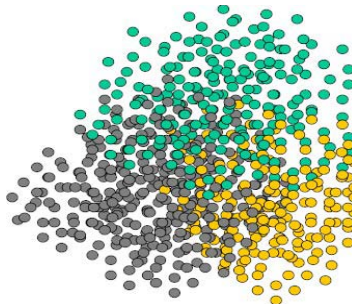
RJ City'sSM response to crime and other offenses emerges from a number of diverse and dynamic programs, systems, processes, boards, committees, movements, efforts, organizations, agencies, funds, neighbourhoods, families, individuals, and so forth.

These contributing parts must have sufficient structure, form, and coordination to be predictable, protect the public interest, and be responsive to stakeholder needs.

However, there must also be sufficient flexibility for innovation, community leadership and involvement, and adaptation to the preferences of stakeholders.

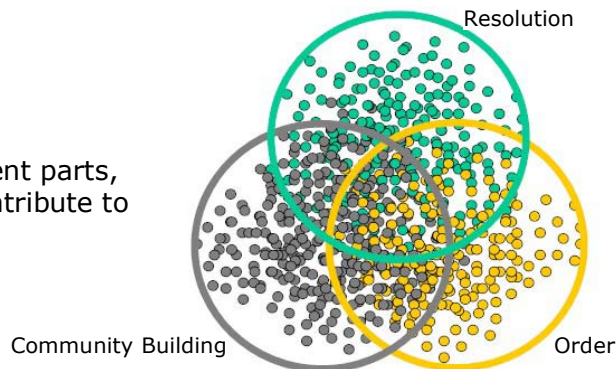
Some of the contributing parts are permanent, but the whole is, in many ways, changeable and even unpredictable as individual parts and members change, grow, and interact. While those responsible for coordination have a large influence on the parts and members of the whole, the individual parts and members have a large and dynamic influence on those who coordinate. There is coherence, intricacy, and life within what we will call the RJ Network.

The following figures illustrate the components of the RJ Network and how they interact.



The component parts pursue one or more of the three goals of resolution, community building, and order.

We might think of spheres of component parts, each consisting of those parts that contribute to particular goals.



The spheres and, through them, all the component parts of the RJ Network are coordinated and monitored by a Hub. The purpose of the Hub is to provide a framework for the dynamic interaction of the RJ Network's component parts.

