

Restorative Justice

History's Highlights

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"Super—Predators" (1990's) ¹

In the early 1990s, a new generation of young "super-predators" was predicted, which led politicians to call for harsher and more frequent punishment of juvenile offenders. Princeton professor John Dilulio based this prediction on his belief that inner-city children were growing up surrounded by teenagers and adults who were deviant, delinquent, or criminal.



However, the predictions never materialized. According to the Office of Justice and Delinquency Prevention, the rate of juvenile violent crime has consistently decreased since 1994, and to levels not seen since the 1970s.

Zero Tolerance Gun-Free Schools Act of 1994 ²

As part of the Improving America's Schools Act of 1994, states receiving federal funds were required to establish laws regarding firearms. The Gun-Free Schools Act of 1994 (GFSAS) mandates the expulsion, for a period of not less than one year, of students who bring a firearm to school. All states rely on federal funds to supplement their educational needs, so compliance with this legislation was unanimous.



Unfortunately, many administrators aren't familiar with the details of the law. This exposes them and their districts to possible civic liability. The student must be removed for at least a year, although the chief school administrator may modify the punishment. The period of removal pertains to the regular education setting. Alternative educational services may be provided, according to the GFSA, but schools may terminate all educational services to a student who violates this act, as long as no other legal requirements are infringed upon.

The GFSA also requires that police be notified when a student violates the Act. Any action taken by criminal justice or juvenile agencies will be in addition to, and Independent of, discipline imposed by a school. A student may be found not guilty of criminal charges, but still be subject to the provisions of the GFSA.

International Institute for Restorative Practices (1999)³



The IIRP grew out of the Community Service Foundation and Buxmont Academy, which began in 1977 (Pennsylvania). In 1999 the newly created IIRP broadened its training to informal and proactive restorative practices, in addition to formal restorative conferencing (Watchel, 1999). Since then the IIRP, an accredited graduate school, has developed a comprehensive framework for practice and theory that expands the restorative paradigm far beyond its origins in criminal justice (McCold & Watchel, 2001, 2003). Use of restorative practices is now spreading worldwide, in education, criminal justice, social work, counseling, youth services, workplace and faith community applications (Watchel, 2013).

Peacemaking Circles (1990's)⁴

Peacemaking Circles draw directly from the tradition of the Talking Circle, common among indigenous people of North America. Gathering in a Circle to discuss important community issues was likely a part of the tribal roots of most people. Such processes still exist among indigenous people around the world, and we are deeply indebted to those who have kept these practices alive as a source of wisdom and inspiration for modern Western cultures.



In contemporary society and largely outside the scope of mainstream awareness, Circles have been used by small groups of non-indigenous people for over 30 years. Women's groups in particular have made extensive use of a formal Circle Process. Those Circles have primarily occurred in the contexts of individuals sharing their personal journey in a supportive community. Some individuals have taken their experience with personal Circles into public settings, but a systemic effort to use Circles in mainstream public processes, such as criminal justice, is relatively new and grows out of work undertaken in Yukon, Canada in the early 1990s.

The Balanced and Restorative Justice (BARJ) Model⁵



The BARJ model was a concept developed, in part, by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention to make the philosophy of Restorative Justice applicable to the modern U.S. criminal and juvenile justice systems. BARJ focuses specifically on crime and recognizes three parties with an important role and stake in the justice process—offenders, victims, and communities. Law enforcement and the courts play an important role in implementing a BARJ response for offenders.

Restorative Justice can guide responses to a wider range of conflicts, including conflicts that do not involve an actual violation of law. The Restorative Justice philosophy as applied to schools views misconduct as a violation against people and damaging to relationships in the school and throughout the community.

Sentencing Circles: 1980s, 1990s⁶

"Sentencing circles have emerged as one of the main responses to the need for localized, community-responsive justice for Aboriginal peoples. They are seen as utilizing the traditional philosophy and principles found in Aboriginal communities which emphasize peacemaking, mediation and consensus-building, as well as respect for alternative views and equality of voices. Used in the Yukon since the 1980s, they have become more widely used across Canada in Aboriginal communities in the 1990s, primarily in rural communities, but some urban circles have been completed. Sentencing circles include the judge, victim, offender, family or supporters, elders and other justice and community representatives. The circle makes sentencing recommendations to the judge who may accept or reject them. Local justice committees are often involved and community members responsible for ensuring sentences are carried out."



Family Group Conferencing (Mid 1980's)⁶



"Family group conferencing originated in New Zealand in the mid 1980s, using traditional Maori dispute resolution techniques with young offenders. Family and friends of victims and offenders are brought together with a facilitator (a social worker) to discuss the event, its consequences and reach an agreement on restitution and the reintegration of the offender back into the community. Now legislated throughout New Zealand as part of an overall diversionary approach for young offenders, conferencing has been developed in a number of Australian states. A model which uses police referral and coordination of conferences at the pre-charge stage has been particularly well publicized, and forms the basis of much of the rapid expansion of conferencing techniques now taking place in North America and Europe."

VORP (Victim Offender Reconciliation Program) History (1982)⁷



"The very first attempts at what was to become VORP occurred in the mid 1970s in Elkhart, Indiana and Kitchener, Ontario. The first program was established in Kitchener in 1976 followed by the first U.S. Program in Elkhart in 1978. Since 1982 Victim Offender Reconciliation

Program of the Central Valley has been bringing victims and offenders together in safe mediation or family group conference settings to permit the offender to take responsibility for his or her actions, to make things as right as possible with the victim, and to be clear about future intentions. VORP follows up to ensure that agreements are kept. In 1990 there were 150 victim offender mediation programs in the U.S. and Canada. Now there are more than 1,200 world-wide."

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