

Principles of Restorative Justice...

Crime is wrong!

by Ron Claassen
RJ Principles (Part 2)

Victims need to hear that what happened to them was wrong, unfair, and undeserved. It is wrong for someone to break into your house and take your things. However, often the first response a victim hears when telling their story of victimization is, "Did you have proper locks on your doors?" "Did you have the proper lights on?" While these things are a good idea to protect one's home, the one who broke into the home and took things that didn't belong to them was wrong. A first step in the restoration and healing process for both victim and offender is to recognize this.

In the July newsletter and in the next few I am laying out 11 principles I think could guide us (all who are working with or making decisions on how to respond to crime) in the direction of Restorative Justice. I first presented them at the National Conference on Peacemaking and Conflict Resolution (NCPCR) in Minneapolis in May. I am interested in your responses.

Principle #2. Restorative Justice recognizes that crime (violation of persons and relationships) is wrong and should not occur and also recognizes that after it does, there are dangers and opportunities.

The danger is that the community, victim(s), and/or offender emerge from the response further alienated, more damaged, disrespected, disempowered, feeling less safe and less cooperative with society. The opportunity is that the injustice is recognized, the equity is restored (restitution and grace), and the future is clarified so participants are safer, more respectful, and more empowered and cooperative with each other and society.

Recognizing the wrong in the criminal act, how it violates individuals and society, is an important starting point in the healing and restoration process for victim and offender. In New Zealand the language being used is "integrative shame." While it is important to recognize the wrong, it is also very important how that is done. If it stigmatizes and isolates the offender so they become less cooperative with society, it is counterproductive. But if the response leads to new learning and changing behavior for the future, it is very helpful to the restoration of both victim and offender.

VORP is one structure that works with offenders who choose to recognize the wrong and make things as right as possible. Because VORP exists in Fresno, last year over 450 offenders and their victims were encouraged and invited to consider responding to the violation experience in a cooperative way, and more than half came to constructive and restorative agreements.

Convicted courier builds equity at local bank

by Jesse Corwin
with Ron Claassen

[Our VORP story this month is from Jesse Corwin. Jesse is working with VORP as a volunteer through the Mennonite Voluntary Service program. Jesse is a graduate of Conrad Grebel College and the University of Waterloo (Canada). Jesse is our case manager, meaning he provides the needed coordination and liaison work between the referral source and the volunteer VORP mediator. In addition, he works on a few cases himself. Jesse's willingness to serve in this way is a wonderful and significant gift to our community. Names and some details have been changed to protect identities. — RC]

Shortly after I started working with VORP, Jeff Thomaserson called and said that he had been involved with our program about a year ago but things hadn't worked out. Jeff said that he just got out of jail (after one year) and wanted to pay back his victim. I was astounded and excited at the same time.

Case notes indicated that Jeff had been referred to the Adult VORP program in 1994. Jeff, a self-employed courier, had illegally cashed several people's insurance checks at a bank over a period of several months. Once the bank realized what was happening, Jeff was arrested. Jeff had been willing to meet with the bank and make amends. The bank, however, wanted to wait and see what happened at Jeff's sentencing. Jeff was sentenced to jail.

Jeff is married and has two small children. His wife was very supportive and met with us to talk about VORP and possible next steps. Jeff talked about some of the difficult circumstances he was experiencing at the time he was embezzling the money, but said repeatedly that his actions were not justified, he didn't intend for this to sound like excuses. He was focused on taking responsibility for his future actions and on hopefully reconciling with the people he'd hurt. Jeff said he wanted to pay back the money he had taken, even though his finances were strained.

I then called Rose Teddyvelt at the bank and she agreed to meet with me. She said that everyone remembered Jeff very well. At the bank, Rose showed me Jeff's file. It was bigger than the Encyclopedia Britannica. The amount taken was in the tens of thousands of dollars. I was surprised to find out how Jeff's actions affected so many people. First of all, the insured people only received their money after significant delays and hassle. The insurance company told them that the money had been distributed and the checks cashed. Eventually, once the truth about the money was discovered, the checks were reissued after a lot of consternation on both sides. The bank finally had to put up the funds for the checks because the bank shouldn't have cashed the checks in the first place. So they simply had to absorb the loss. Rose said the loss of these funds cost the bank some sort of rating that would have given bonuses to all the employees. In addition, several employees had to be disciplined. Insurance fraud is not a victimless crime. Real people were hurt.

In addition to the financial issues, relationships were damaged and trust destroyed. Jeff was able to cash the checks because he had established a personal rapport with several bank employees. The tellers hadn't taken some standard security precautions because they trusted Jeff. When they realized what was going on, they felt manipulated, deceived, and betrayed.

After talking with Rose, she agreed to participate in a VORP process, but with some reservations. She wondered how Jeff could afford to repay such a large amount of money, and she was skeptical about his motivation. Why would he want to do this if he had already gone to jail and "done his time"? Nevertheless, Rose agreed to meet with Jeff at the VORP office.

When the time for the meeting came, Rose called our office and said she was unable to leave work and asked if we could come to the bank. Jeff was already waiting in my office and agreed to go, even though he really preferred meeting at our office. He did not want to run into all the people he knew and had hurt at the bank. When we got to the bank, Jeff was quite nervous. The 10-minute wait in the lobby seemed like an eternity to Jeff.

(See 'Offender uses VORP...', page 2)