

Restorative Justice and Mediation

Thomas J. Quinn

There are trends coalescing in our criminal justice system that create an opportunity for mediation professionals. While it seems the only policies concerning justice relate to "punish" and "punish some more," two other major trends are beginning to cause some widespread reconsideration of this single-minded solution; those trends reflect fiscal concerns and victim advocacy.

Get tough attitudes have almost tripled our jail and prison populations since 1980. With an average of \$20,000 per inmate per year and high recidivism rates, a growing audience is seeking new solutions. According to the National Center for State Legislatures, the corrections budgets of the states increased an average of 9.7% in fiscal year 1994, more than any other category and limiting growth in other areas such as higher education. This combination of growing caseload and fiscal pressure is fostering consideration of more creative and constructive approaches to crime and justice. Restorative justice principles offer a foundation for one series of creative paths, and the field of mediation can offer cost-effective and victim-sensitive applications of those principles.

Since the Mennonites started a Community Justice Center in Elkhart, Indiana in 1978, hundreds of programs that provide community-based mediation have sprung

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up. The forces that control our state houses and justice systems are increasingly recognizing the value and potential of these more personal, victim- and community-involved efforts that focus on reparation, restitution, and accountability.

It is also increasingly brought to their attention that the public greatly supports community service and restitution programs, as long as offenders are held accountable. Opinion surveys in Delaware, Oregon, Vermont and elsewhere found consistent desire on the part of the public for non-violent offenders to work to repay the community instead of just sitting idly in jail.

Mediation advocates should cite successes that appeal to policy makers on a number of measures:

1. Patrol Time - In Harrisburg, Pennsylvania cases from problem addresses referred by police to community mediation freed up countless hours of patrol time

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while more effectively resolving issues that brought the police to the scene.

2. Prosecution and Court Caseload - Properly screened cases can be referred out of the justice system to mediation programs, saving limited prosecution and judicial resources.

3. Prison/Jail Space - There have even been studies in New Zealand and Ohio that document significant savings of prison bed space by incorporating victim-offender mediation/dialogue.

4. Victim satisfaction - Most importantly, victims report quicker disposition, more complete restitution, and greater satisfaction than they do with the traditional criminal justice process. Mediated dialogue can even be offered in prison-bound cases, where in British Columbia it offered the victim some measure of closure, the offender an opportunity to grow, and the criminal justice system some much needed humanity.

There is fertile ground to be plowed in the public policy arena as frustration with the limits of the punishment model allow other approaches serious consideration. Mediation is an idea whose time has arrived, but the

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window will not be open forever. By familiarizing themselves with justice-related research, practitioners will advance the field of mediation and reach a greater portion of the population that can benefit from such a model. By working with victim advocates, mediation professionals can move from the margins to the mainstream of the justice process.