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Harrisonburg Police Department Partnering With Community to Develop ‘Restorative Justice’ Program

HARRISONBURG—For the past two and a half years Police Chief Stephen Monticelli has been slowly transforming the way his officers engage issues in the city.

The first major change was the implementation of “Geographical Policing,” a concept based on improving cooperation between citizens and law enforcement officers in solving problems.

Along with Geographical Policing, the HPD has adopted a more data-driven approach to identifying crime trends and nascent problems. The data serve as a management tool in deciding how the department attacks crime and addresses other community concerns.

Now the Harrisonburg Police Department is embarking on an additional approach to managing the interfacing of some offenders and their victims, which traditionally focuses on the person committing a crime with little attention to the victim of the crime. The approach is called Restorative Justice (RJ), and while it’s been around for decades and is employed in many areas around the world, it is new to the Harrisonburg Police Department.

“Typically, the criminal justice system focuses on what crime was committed, who committed it, and what punishment that person deserves,” Chief Monticelli explains. “There are times when that formula does not adequately constitute ‘justice’ for the victim. Nor does it always represent what may be best for the community in the long run.”

The “grandfather” of Restorative Justice, Dr. Howard Zehr of Eastern Mennonite University, has explained the concept this way:

“Restorative justice emerged in the 1970s as an effort to correct some of the weaknesses of the western legal system while building on its strengths. An area of special concern has been the neglect of victims and their needs; legal justice is largely about what to do with offenders. It has also been driven by a desire to hold offenders truly accountable.

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“Recognizing that punishment is often ineffective, restorative justice aims at helping offenders to recognize the harm they have caused and encouraging them to repair the harm, to the extent it is possible. Rather than obsessing about whether offenders get what they deserve, restorative justice focuses on repairing the harm of crime and engaging individuals and community members in the process.”

The Restorative Justice concept as it will be implemented by the HPD typically will begin with the involvement of a patrol officer who has responded to a complaint from a citizen. If, in the judgment of the officer, the situation might be amenable to management through the Restorative Justice, rather than criminal arrest, and both offender and victim are agreeable, the matter would be referred to a trained facilitator for review and a determination whether the RJ approach would be appropriate.

The RJ process basically would involve a series of meetings between a facilitator, the offender and the victim, a determination by the victim what would constitute an appropriate and satisfactory resolution, the offender’s acceptance of responsibility and accountability for the wrongdoing, a formal written agreement for implementing the agreement, and monitoring by the RJ system to conclusion of the incident.

While such victim-offender meetings may be the typical approach, the RJ process is flexible. Depending on the issue, its resolution may also involve conferences or circles of members of the community working collaboratively to address particular problems.

Oversight of the RJ process will be managed by a steering committee that includes Dr. Zehr, representatives of the Commonwealth Attorney, Eastern Mennonite University, James Madison University, the Fairfield Center, local law practices, and the police department.

The RJ approach has broader application than violations of law. As an example, it might be used to resolve nagging nuisance issues in a neighborhood, such as occur from time to time between citizens and residents of nearby off-campus student housing. In such cases requests for RJ consideration might come directly from citizens to members of the RJ steering committee.

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