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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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Restorative Community Conferencing in Harrisonburg Flow Chart



Step 1 – Potential Case Identified

- HPD Clear Guidelines
- Officer Decides to Refer
 - *Offender taking some responsibility?*
 - *Victim willing to engage?*
 - *Ensure a safe process?*
- Superior Reviews

•1 – 7 days



Step 2 – Subcommittee Review

- HPD, JMU, EMU, FC confer
- Referral is made to Restorative Community Conference provider, *OR* referral back to HPD

•1 – 7 days



Step 3 – Case File Developed

- Basic Information FC
- Online Version
- Hardcopy

•1 day



Step 4 – Initial Meetings & Case Work

- Offender, Victim, & Other Separate Prep Meeting(s)
- Set date / time / place for conference, *OR* referral back to HPD
- Sign Participation Agreement

•1 – 6 weeks



Step 5 – Restorative Community Conference

- Include all stakeholders – referring officer participates
- Agreement & signatures
- Update case records

•1 – 3 sessions (one-to-two hours each)



Step 6 – Monitoring & Termination

- RJ case manager and referring officer
- Repair/update plans if necessary
- Case complete, closing conference, *OR* referral back to HPD

•1 – 6 months (or ongoing)



Harrisonburg Restorative Justice

“Meeting Victims’ Needs, Holding Offenders Accountable”

Steering Committee

Dr. Howard Zehr, Director

Zehr Institute for Restorative Justice
Eastern Mennonite University

Dr. Carl Stauffer, Co-Director

Zehr Institute for Restorative Justice
Eastern Mennonite University

Dr. Joshua Bacon

Director, Office of Student Accountability & Restorative Practices
James Madison University

Hillary Wing-Richards, Ed.S

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Tim Ruebke

Executive Director
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Fairfield Center

April Howard

Coordinator of Psychological and Student Services
Harrisonburg City Schools

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Harrisonburg Police Department

HARRISONBURG RESTORATIVE JUSTICE

Meeting Victims' Needs, Holding Offenders Accountable

What is Restorative Justice?

In brief, Restorative Justice is an alternative approach to dealing with crime and wrongdoing that focuses on the often-ignored needs of victims, offenders and the community as a whole.

The criminal justice system traditionally focuses on offenders: What law has been broken and what punishment is appropriate. The state punishes offenders, there is little, if any, involvement of victims in the process, and the reasons for offenses are not addressed.

The Restorative Justice process approaches wrongdoings as offenses against individuals, the community and society, and through a variety of techniques seeks outcomes that include victims being involved and satisfied, offenders understanding how their behaviors have affected others and taking responsibility for their actions, root causes of the harmful behavior being addressed, reparation for harm done, and both offenders and victims are satisfied with the process. Successful outcomes in these areas tend to reduce the likelihood of future offenses.

Not all wrongdoings can be dealt with by employing Restorative Justice principles; the approach is just one of several available in the community's toolbox. But when implemented, a Restorative Justice approach can be highly effective.

How do we know that Restorative Justice Programs are effective?

Studies have documented the efficacy of Restorative Justice programs and processes in a variety of locations. Here in Harrisonburg, the James Madison University Office of Accountability has employed Restorative Justice Techniques over the past four years to manage a variety of on-campus issues with impressive success, as has the City's Fairfield Center in its work with the local court system. The "grandfather" of the concept itself is Dr. Howard Zehr of Eastern Mennonite University's Center for Justice and Peace building, who over four decades has seen the successful implementation of the concept in a number of countries.

Why involve the Harrisonburg Police Department in the Restorative Justice process?

Most often, the police department is the first responder to complaints by citizens of crimes or nuisances. Data suggest that certain types of calls for service could be managed successfully without resorting to arrests and court procedures, if offenders and victims could find agreement on the accountability of the offender and appropriate restitution to the victim that also would satisfy the interests of the community at large. In addition, the results of Restorative Justice practices in the United States and other countries suggest they have a positive effect on

recidivism. Thus, in cases appropriate to resolution through a Restorative Justice program, potential benefits include reduced caseloads in the court system, a reduction in crimes in the future, a safer community, and restoration of offenders to productive status in the community, all of which enhance the police department's ability to effectively provide crime detection and prevention services.

Who decides what cases might be dealt with through the Restorative Justice process rather than the courts?

The Harrisonburg program is being overseen by a Steering Committee that comprises representatives of the Commonwealth Attorney, the Fairfield Center, the Office of Student Accountability and Restorative Practices at James Madison University, the Zehr Institute for Restorative Justice at Eastern Mennonite University, experts in the fields of psychology and criminal law, and the Harrisonburg Police Department. Cases will be referred to the Steering Committee to be reviewed for suitability and those selected will be referred to an expert facilitator to initiate the process. At the outset, the Steering Committee will provide critical review of each case at its conclusion to judge its success and evaluate the process with an eye to identifying areas for improvement.

Can you provide examples of how the process will work?

Suppose a local business experiences inventory shrinkage which it suspects is the result of theft and asks the police department to investigate. Ultimately, the son of the owner's next-door neighbor is identified as the culprit. The customary next step is the filing of criminal charges against the youth, who would face a trial, and possibly conviction, and perhaps even incarceration. It is the youth's first offense and the business owner does not want to pursue a path that could result in a criminal record, so he requests that the problem be considered for resolution by the Restorative Justice program. The offender is willing to go this route.

If the case is found to be a candidate for Restorative Justice, a facilitator is involved. Over a period of time the facilitator works to develop in the offender an understanding of the harm caused the victim, a willingness to accept responsibility and be held accountable, and a formal agreement between offender and victim for a satisfactory form of restitution.

Issues addressed through Restorative Justice could be physical, financial or relational. Consider another scenario: Residents in a neighborhood adjoining a fraternity house are frequently annoyed by noise in the early hours of the morning and inebriated students loitering on their property. The residents approach a member of the Steering Committee and seek to initiate a process involving neighborhood residents, members of the fraternity, and university representatives, with an eye to educating students about the harm they are imposing on their neighbors, identifying what steps can be taken to resolve the issues, and arriving at a formal agreement to pursue remedial action.

Is Restorative Justice a way to let offenders off-the-hook for their offenses?

Not at all. Key elements of the approach are holding miscreants accountable for their actions, making certain that they understand the harm they have caused others, and strong emphasis on altering their behavior with the goal of preventing similar conduct in the future.

Is this Restorative Justice initiative a response to recent discussions in the community about jail overcrowding and construction of new facilities?

No. Consideration of a Restorative Justice program involving the Harrisonburg Police Department began more than two years ago and has been in the planning phase since then. Over time and with significant success, the program could be expected to keep some offenders from incarceration, but in its early stages the number will be relatively small. This is another tool and resource for the community.

Who will train police officers and others involved in the program?

James Madison University and Eastern Mennonite University have developed a training program to familiarize police officers and others with the principles and implementation of the Restorative Justice initiative. JMU will host the instructional efforts using trainers from EMU, Fairfield Center and JMU.

Bottom line, what are the benefits of a Restorative Justice Program for Harrisonburg?

The benefits to the community can be stated in a number of ways:

- Victims have a much greater opportunity to express their side of the issue than in the typical courtroom setting...how they feel about what has happened to them, what they would like to see happen to repair the harm caused.
- Offenders have a greater opportunity to express their reasons for committing the offense, perhaps mitigating circumstances that should be weighed. And together in dialogue with the victims, offenders gain insights into the nature of their actions, both the harm they have caused others and themselves, and cooperatively develop a plan of restitution.
- Wrongdoings that are addressed through a Restorative Justice program don't end up in court, thereby reducing the demand on court services, including incarceration facilities, probation officials, and related entities. Police officers spend less time in court, which frees them to conduct other law enforcement and community safety activities.

- The entire process, which has behavior modification as one of its goals, has been shown to reduce the rate of recidivism among offenders which means future crimes avoided along with the attendant benefits listed above.

Support is made possible in part, by the 26th District Juvenile Court Services Unit of Harrisonburg, Virginia, in honor of the late Officer Robert A. Campbell, Juvenile Probation Supervisor, and Friend, Advocate for Youth, Schools and Law Enforcement.



NEWS BRIEFING

March 19, 2015

Welcome

Chief Stephen Monticelli
Harrisonburg Police Department

Restorative Justice Explained – Meeting Victims’ Needs/Holding Offenders Accountable

Dr. Carl Stauffer, Assistant Professor
Co-Director, Zehr Institute for Restorative Justice
Eastern Mennonite University

Restorative Justice and the HPD

Lieut. Kurt Boshart
Harrisonburg Police Department

Satisfying the Community’s Needs

Marsha L. Garst
Commonwealth’s Attorney, Rockingham County

Practical Applications – Case Histories

Sue Prail
Director of Restorative Justice Initiatives
Fairfield Center

Dr. Josh Bacon, Associate Dean
Director, Office of Student Accountability & Restorative Practices
James Madison University

Closing Remarks

Jonathan Alger, President, James Madison University

Dr. Loren Swartzendruber, President, Eastern Mennonite University