

Restorative Justice And Victim Offender Mediated Dialogue in Crimes of Severe Violence

An American Tragedy

Our nation has just experienced a crime of extreme violence that shatters our perception of safety and trust, dramatically calls into question our world-view and relationships to others, and seriously challenges our definition, value and understanding of accountability, healing and justice. Most of us have felt some sense of betrayal, terror, anger, or revenge well up inside of us as a result of what happened September 11, 2001. And if there was no constructive recourse accessible to address our personal needs, those initial emotions have become compounded by additional feelings of helplessness, emptiness and grief.

Like no other?

This tragedy has been likened to no other; but if we stop and reflect for a moment we realize that there are individuals in our midst that have experienced these same kinds of feelings on a direct and intimate basis, but who have received far less attention and public outcry for what was done to them. They were ruthlessly victimized through acts of murder, sexual assault, domestic violence, armed robbery, DWI maiming and manslaughters, and other violent crimes perpetrated by offenders within their own communities. And our judicial and corrections systems sought to address their needs. Unfortunately, to a great extent, those needs remain unmet.

Long before the terrorist attacks in New York, Washington and Pennsylvania drew attention to the devastation that violent crime can cause, these victims had already mirrored for us those feelings we have just recently felt. The public outcry for justice within this national tragedy is clear and unambiguous, as it should be. But victims of other violent crime have been crying out in this same way for countless years.

Alternatives to meeting the Need

These violated ones have continued to be re-victimized, albeit unintentionally, by a system and people unable to meet those needs with traditionally available resources. That is why a movement, a perspective, an approach called Restorative Justice has re-emerged from distant although, in fact, very near aboriginal, historical roots.

And that is why a process known as victim offender mediated dialogue in crimes of severe violence was developed out of needs that seemingly were difficult to understand but which now have been brought clearly and abruptly into the fore: the need for victims to be empowered through their initiation of a process that gives voice to their pain; the need to express to their offenders the full and wide devastation and human impact of the violation; to ask questions and receive answers and insight that only the offenders can give; to hear and see from the offenders some sense of remorse, taking of responsibility and being directly and personally accountable; to determine if there is anything that can

be done by offenders and/or victims to prevent such pain from happening again; to consider *if* there is anything of value and hope that can be brought out *of* such a tragedy; and perhaps most importantly, the need to have the opportunity to use the tool *of* dialogue to deeply grieve the horror *of* the reality that the past cannot be changed and yet there is a future to be lived.

Restorative Justice is a paradigm shift; it's a look through different lenses at our criminal justice system, indeed a look at our own lives and values. The present system characterized as retributive justice asks questions like "Who did it?" "How can we punish the offender?" Restorative Justice asks: "Who was harmed?" "What harm was done?" "How can we address the needs of victims, as well as the community and offenders, as a result of this harm?"

This approach places the victim at the very center, rather than at the periphery; in this way, the victim becomes the beginning point from which all other responses are determined, and all needs more fully met. It becomes justice marked by accountability, responsibility, understanding, prevention and healing, rather than an adversarial contest between well-financed attorneys or a punitive corrections system that has failed in accomplishing any rehabilitative purpose. Simply creating tougher laws and incarcerating more offenders for longer periods of time is not the answer. But the present ways and means of functioning within the system are not to be completely discounted; in fact, there are many collaboration tasks that can be accomplished without major systemic overhauls and financial recommitments. The important thing is to begin looking through the different lens, to see what one can see about oneself, about victims, offenders, the community and the world within which we all live. The new vision will bring change, but only when there is a change of heart, a clearer understanding of true needs, and a recognition of common ground alternatives.

These common ground and common sense alternatives are simple **and** complex, but all are relevant to our everyday lives. One of those alternatives, mediated dialogue between victims and offenders of violent crimes, embodies the complex simplicity and the simple complexity of restorative justice, and yet can become one of the best ways to understand the profound lessons needed to be learned. It not only offers the possibility of healing for victims but accountability-driven rehabilitation for offenders.

Victim Offender Mediated dialogue in crimes of severe violence is an outgrowth of Restorative Justice. It grew out of the experience and hearts of victims who demanded to directly address their needs, and for that matter, the needs of offenders and the community--to deal directly, even face-to-face, with the questions and pain and grief caused by these horrific violations. Those gnawing and unrelenting needs were fulfilled when those victims were finally able to meet, in sensitively controlled contexts and settings, with their offenders.

It seemed ludicrous to many to allow victims of violent crime to meet face-to-face with the ones who had hurt them, in order to facilitate some kind of healing process; and for others, it seemed too risky. Misperceptions of such encounters as being "soft on offenders" confused and misled some members of the victim community and the general public. .

A Viable, Effective Response

What transpired as a result of the experience of a few isolated pioneering victims was the establishment of the Victim Offender Mediation/Dialogue program of the Victim Services Division, Texas Department of Criminal Justice. This program that I developed and directed since its inception,

became recognized within the United States as the first in-system, statewide, victim-centered, victim-initiated mediated dialogue process in crimes of severe violence to provide for this extraordinary opportunity for healing and accountability. **The benefits have exceeded all expectations.** Over 550 victims have requested to initiate the process; over 50 volunteers mediators have been trained; of the 41 mediated dialogues and 14 creative alternatives that have been facilitated, 12 were completed over the final 3 month-period of my tenure as director, bringing the program to an established operational level. The life-changing impact of this process, as well as its availability and accessibility, has only just begun.

This process has been nationally and internationally recognized including on **CBS "48 Hours", in Texas Monthly, HOPE and Rolling Stone** magazines, and other books and publications. Many states and countries have sought consultation and/or training in order to replicate or adapt this process to their own context. My responsibilities in directing the program, however, restricted most opportunities for me to respond.

An Opportunity for You

My professional circumstances have now changed. September 1, 2001 marked the beginning of my more far-reaching efforts to establish highly victim-centered restorative justice initiatives throughout the country and the world. An experienced consultant, trainer and mediator in this field, I now have the opportunity to share what I have learned. **Concentric Journeys: "Common Ground Alternatives toward Healing and Justice"** is the framework under which I am now conducting the services I provide. Even at this early stage, the response has been exciting and hopeful.

I am convinced, from the work that you do, that this is an area out of which you could find great promise and potential. There is so much we can all learn together that can be applied directly to your concerns and responsibilities. I would presume there is a sensitivity and an awareness of the need, and perhaps an interest, even a commitment toward meeting that need through restorative justice venues and processes. If so, I would love the opportunity to connect with you either face-to-face, by phone or e-mail, or in the very least, via my website(s), beginning with www.concentricjourneys.com.

As you probably realize, I am passionate about this process and dedicated to its advancement. What I have come to understand is that this is not a job--it is a way of life, an orientation that shapes how we feel, think and ultimately how we live. It is one essential way to address this ongoing American tragedy. The needs of victims everywhere deserve our highest and best attention. In the wake of the horrifying tragedy that occurred on September 11 th, our common ground experience has been fiercely broadened. I pray we will not ignore the possibilities for healing and hope that have been widened and deepened as well.