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Restorative justice is expanding in Illinois, but more can still be done

A few years ago, two “skinhead” teenagers in Des Moines, Iowa, who considered themselves neo-Nazis, painted swastikas on a synagogue.

The teens were immediately caught, and the outraged members of the synagogue pressed authorities to prosecute them to the fullest extent of the law. Some even talked about vigilante justice.

The prosecutor, Fred Van Liew, could have gone the usual route in prosecuting the teens for vandalism or even hate crimes, but he decided instead to try a restorative justice process to resolve the matter.

Van Liew called the rabbi to see how he and the members of the synagogue were doing, and the rabbi expressed the fear and anger felt by temple members. Van Liew explained the restorative justice process to the rabbi and asked if he would consider meeting with the teenagers.

At first, the rabbi did not think he or the other temple members would ever consider meeting with the teenagers in person, but a week later he called back.

The rabbi said that the temple members had conferred several times, and although some thought that such a meeting would reduce the ultimate punishment, others saw the benefit and the consensus was that they agreed to meet.

The meeting took place in the synagogue basement around a conference table. The lights were dimmed, and there were candles and flowers in the middle of the table. After introductions, everyone was allowed to tell their stories.

The temple members present that night included two Holocaust survivors and a few temple elders. The Holocaust survivors, who had gone into hiding after the swastikas were painted on the synagogue, told of the horrors of being a child in a concentration camp and the difficulties of surviving that life and then trying to conduct a normal life in the aftermath.

The teenagers also told their stories. The young man had

hearing and speech problems and had endured school bullying and physical and emotional abuse by his stepfather. He ran away from home at the age of 16 and was accepted by members of the Aryan Nation in Alabama. After months of training in neo-Nazi ideology, he returned to Iowa to become a neo-Nazi leader with the hope he could persuade others to follow.

He only succeeded, however, in recruiting one person — his young girlfriend — who was eager to please and willing to assist him in his plan to deface the synagogue.

Listening to each other's stories over a period of hours, they began to see one another as people who had been hurt and were afraid. Through listening to each other in a respectful manner, they were able to craft a solution whereby the young couple acknowledged what they had done and agreed to perform restitution by spending many hours cleaning the building and studying Jewish history, including the history of persecution.

The couple also agreed to obtain high school GEDs, psychological assessments and job-seeking skills training. The young man agreed to remove his Nazi tattoos, and the temple agreed to help him find a hearing specialist. Ultimately, all parties lived up to the agreement, and the temple members offered forgiveness. The couple got jobs, got married and had a baby. They invited the rabbi and the temple custodian, whom they had gotten to know well from their cleaning duties, to the wedding.

I am recounting this story, which is fully described in Van Liew's Des Moines Register article, “Growing past hate: ‘Restorative justice’ helps heal pain from teen's vandalism,” published April 22, 2012, because I was recently exposed to some of the efforts local practitioners are making to increase the use of restorative justice in our community.

At “Going Deep: A Conversation on Race, Trauma & Restorative Justice,” restorative justice leaders Cook County



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Circuit Judge Sophia H. Hall, Cheryl Graves, Kay Pranis, Peter Newman, Kathy Bankhead and members of the community participated in a circle discussion focused on expanding the use of restorative justice.

As the true power of restorative processes is in the stories that are shared, I decided to start this column with a good story.

While I had some interesting experiences mediating juvenile victim-offender cases for the Center for Conflict Resolution years ago when I was a new mediator, I find the Des Moines synagogue incident to be a great example to highlight many of the potential benefits of restorative justice:

- Giving victims the opportunity to be directly involved, receive answers to their questions, express themselves about the impact of the offense, receive restitution or reparation, receive an apology, restore or create (where appropriate) a relationship with the offenders and/or reach closure.

- Giving offenders the opportunity to acknowledge responsibility and understand the effects on the victims, express emotions, receive support to repair the harm caused, make amends, apologize and, like the victims, to restore or create a relationship and/or reach closure.

The focus is not on forgiveness, although that is frequently a product of restorative processes.

According to the United Nations Handbook on Restorative Justice Programs, restorative justice processes include victim-offender mediation; community and family group counseling; circle sentencing; peacemaking circles; and reparative probation and community boards and panels.

The lines between these processes can blur. For example, while the synagogue process was a victim-offender mediation, by taking away the table, pushing the chairs into more of a circle, passing around an object for the participants to hold while they took turns talking and having the facilitator open up emotionally as well, it could easily have been transformed into what restorative practitioners refer to as a peacemaking circle.

The most important ingredient of a circle process — creating a place where people feel safe enough to be honest and vulnerable — was clearly present.

The Illinois Juvenile Court Act, 705 ILCS 405/1 et seq., uses a “balanced and restorative justice” model, which adopts the principles of balanced and restorative justice as the guiding philosophy for the Illinois juvenile justice system.

Organizations such as Alternatives, Albany Park Neighborhood Council, Project NIA, Lawndale Christian Legal Center, Community Justice for Youth Institute, Precious Blood Ministry of Reconciliation, Urban Life Skills and the Institute for Public Safety and Social Justice at the Adler School of Professional Psychology have been pioneering restorative justice throughout Chicago.

While much has been accomplished and many more talented people in Illinois are working to use restorative processes to reduce violence, address school discipline more fairly, help families with custody and support disputes and keep more young people out of jail, prison and juvenile homes, restorative processes are still underutilized, and the movement needs the support of all Illinois lawyers.