

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

**RESTORATIVE JUSTICE
IN VIRGINIA**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 9

**COMMONWEALTH OF VIRGINIA
RICHMOND
1997**



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

John R. Isom
Executive Director

General Assembly Building

December 10, 1996

TO: The Honorable George Allen, Governor of Virginia, and
Members of the General Assembly:

MEMBERS:
FROM THE SENATE OF VIRGINIA:
Janet D. Howell, Vice-Chair
Mark L. Earley
Kenneth W. Stolle

FROM THE HOUSE OF DELEGATES:
Clifton A. Woodrum, Chairman
James F. Almand
Jean W. Cunningham
John J. Davies, III
Raymond R. Guest, Jr.
William S. Moore, Jr.

APPOINTMENTS BY THE GOVERNOR:
Robert C. Bobb
Terry W. Hawkins
Robert J. Humphreys

ATTORNEY GENERAL'S OFFICE
James S. Gilmore, III

Senate Joint Resolution 99, agreed to by the 1996 General Assembly, directed the Virginia State Crime Commission to study restorative justice for non-violent offenders, and to submit its findings and recommendations to the Governor and the 1997 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1996. I have the honor of submitting herewith the study report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Clifton A. Woodrum".

Clifton A. Woodrum
Chairman

CAW:sc

MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION 1996

From the Senate of Virginia:

Janet D. Howell, Vice Chair

Mark L. Earley

Kenneth W. Stolle

From the House of Delegates:

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James S. Gilmore, III

Law Enforcement Subcommittee Studying The Restorative Justice Model

Law Enforcement Subcommittee Commission Members

Senator Janet D. Howell, Sub-Chair

Delegate James F. Almand

Mr. Robert C. Bobb

Senator Mark L. Earley

Mr. James S. Gilmore, III

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SJR 99-Study of Restorative Justice Model

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A. SJR 99 Study Resolution

SJR 99: The Study of the Restorative Justice Model

I. Authority for Study

The 1996 General Assembly approved Senate Joint Resolution 99 (SJR 99/Miller, Y.) directing the Virginia State Crime Commission to conduct a study on “restorative justice” and to submit its findings and recommendations to the Governor and the 1997 General Assembly.

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission “to study, report, and make recommendations on all areas of public safety and protection.” Section 9-127 of the Code of Virginia provides that “the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate recommendations to the Governor and the General Assembly.” Section 9-134 authorizes the Commission to “conduct private and public hearings.” The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of the model of “restorative justice” to determine if Virginia should undertake the adoption of this model of community justice.

“Restorative justice” is a concept for nonviolent offenders in which physical restraint of the offender is set at an appropriate level to ensure public safety, the offender is held accountable, and victims and the community become the center of the criminal justice process in terms of restitution. A system of restorative justice involves putting nonviolent offenders to work in the community with suitable supervision, allowing them to pay back both the victims and the community for their crimes.

Virginia passed the Comprehensive Community Corrections Act for Local-Responsible Offenders and the Statewide Community-Based Corrections System for State-Responsible Offenders in 1995 which provide for a wide array of services and sanctions for certain nonviolent offenders in the community. The goals of these legislative initiatives are consistent with the concept of "restorative justice". The Crime Commission was requested to determine if there are additional strategies which may be needed to enhance the present system of community-based justice in Virginia.

II. Members Appointed to Serve

At the May meeting of the Crime Commission, Chairman Clifton A. Woodrum, selected Senator Janet D. Howell to serve as Chair of the Law Enforcement Subcommittee, which was directed to conduct the study of Restorative Justice. The following members of the Crime Commission were selected to serve on the subcommittee:

Law Enforcement Subcommittee

Senator Janet D. Howell, Sub-Chair
Delegate James F. Almand
Mr. Robert C. Bobb
Senator Mark L. Earley
Mr. James S. Gilmore, III
Delegate William S. Moore, Jr.
Mr. Robert J. Humphreys

III. Executive Summary

Restorative justice is the integration of punishment, mediation, and victim-offender reconciliation through a structured system of sanctions and services which emphasize accountability, community protection, and competency development. The Crime Commission examined the restorative justice concept and found that

Victim rights has become increasingly important in Virginia. A constitutional amendment guaranteeing certain rights of victims of crimes will be on the ballot in the Commonwealth this year. The use of victim impact statements in sentencing has increased. Virginia has expanded its victim-witness programs.

Virginia authorized the establishment of victim-offender reconciliation programs through local Crime Victim and Witness Assistance Programs in 1995 (HB 1316-Scott). Mediation or reconciliation is used in some areas when the individual case indicates that it is appropriate. Mediation as a requirement can often result in the revictimization of the crime victim and should be used only when it is in the best interest of the victim and the community as well as the offender. Coercing victims into a process of mediation where they may be vulnerable does not further the goals of restoration. Consideration should be given to examining the role of victim-offender reconciliation or mediation programs in the community. The use of this strategy should be a decision made by the community and the victim. The community criminal justice boards should consider working with their Crime Victim and Witness Assistance Program on developing guidelines for the establishment of such a program locally, in accordance with the provisions of §19.2-11.4.

The restorative justice model seeks community involvement in decision making and processes by which connections are built among community members. The establishment of the community criminal justice boards (§53.1-183) in Virginia's Community Corrections Act for Local-Responsible Offenders serves as an excellent model of community representation. The boards include members not only from law enforcement and corrections but from the judiciary, the defense bar, the treatment community, and education. Local boards should be encouraged to include representatives beyond those required by law. Representation from public health, higher education, crime victims, ex-offenders are some options which

should be considered to broaden the community perspective of the boards. The appointments are made by the local governing body, giving community autonomy and control to the boards.

X. Findings and Recommendations

The Crime Commission directed staff to assess Virginia's current statutes as they relate to the proposals contained within the restorative justice model. Members of the Commission were active in initiating legislation, recently enacted, which created a comprehensive system of community-based corrections for both state and local responsible offenders. It was the consensus of the Law Enforcement Subcommittee that many of the programs and strategies of a restorative justice model were already in place in Virginia through this legislation.

Virginia passed legislation in 1995 which established a statewide system of community corrections for locally responsible offenders (§53.1-180): offenders who are eighteen years of age and are convicted of a misdemeanor or nonviolent felony as defined in §19.2-316.1 for which the court can impose a jail sentence. The legislation created a local option for community criminal justice boards for those jurisdictions participating in the community corrections program. The goals of the legislation were:

- * To allow individual cities, counties, or combinations thereof greater flexibility and involvement responding to the problem of crime in their communities:
- * To provide more effective protection of society and to promote efficiency and economy in the delivery of correctional services;
- * To provide increased opportunities for offenders to make restitution to

IV. Study Methodology

As a predicate to defining the goals of this study, staff researched the conceptual framework of "restorative justice" and collected data from various states which have instituted this model of community-based justice. Several national entities which work in this area were contacted and a representative from the Justice Fellowship, a division of Prison Fellowship, made a presentation to the Crime Commission an overview of the model for restorative justice. The chairman of the Virginia chapter of Justice Fellowship also presented to the Crime Commission. Staff also worked with individuals from the division of community corrections and victim services in the Department of Criminal Justice Services and the division of community corrections in the Department of Corrections.

The Crime Commission directed staff to assess Virginia's current statutes as they relate to the proposals contained within the restorative justice model. Members of the Commission were active in initiating legislation, recently enacted, which created a comprehensive system of community-based corrections for both state and local responsible offenders. It was the consensus of the Law Enforcement Subcommittee that many of the programs and strategies of a restorative justice model were already in place in Virginia through this legislation.

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- * To allow individual cities, counties, or combinations thereof greater flexibility and involvement responding to the problem of crime in their communities:
- * To provide more effective protection of society and to promote efficiency and economy in the delivery of correctional services;
- * To provide increased opportunities for offenders to make restitution to victims of crimes through financial reimbursement or community service;
- * To permit cities, counties, or combinations thereof to operate and utilize programs and services specifically designed to meet the rehabilitative needs of selected offenders; and
- * To provide appropriate post-sentencing alternatives in localities for certain offenders with the goal of reducing the incidence of repeat offenders.

The Statewide Community-Based Corrections System for State-Responsible Offenders (§53.1-67.2), passed in 1996, sets forth as its purposes:

- * To provide efficient and economical correctional services by establishing and maintaining appropriate sanction alternatives and by assisting state-responsible offenders who are incarcerated in returning to society as productive citizens, with the goal of reducing the incidence of repeat offenders.

The Pretrial Services Act (§19.1-152.2) recognizes the presumption of innocence of

individuals charged with offenses and seeks to provide pretrial supervision which reduces pretrial criminality and the failure of the accused to appear in court while assisting judicial officers with critical information needed in their decision making process. Certain services, such as drug testing and drug treatment, are provided when it is indicated. This assists the judge in making post-trial treatment decisions although the purpose of the pretrial services are directed towards an evaluation of potential for probation. The goals of these legislative initiatives are consistent with the components outlined in the restorative justice model. Staff focused on determining if additional strategies which are not included in Virginia's current statutes for community-based justice are needed to achieve the model of restorative justice.

V. Background

The growing interest around the country in the concept of "restorative justice" has been fueled by a growing frustration with the shortcomings of our present system and the lack of awareness of the victim's perspective in the criminal justice process. The current system focuses on punishing the offender; the restorative justice model seeks to repair the harm caused by the crime.

Restorative justice focuses on the role of the victim far more than traditional criminal justice approaches. Crime is seen as an act against individuals within communities as opposed to an act against the State; a retributive justice model. The victim and community receive the primary emphasis. The restorative justice model holds the offender accountable to the victim who's been harmed and to the community that has been disrupted. The victim is more involved and has an opportunity to participate more directly in the criminal justice process. Interventions are focused on the restoration of material and psychological losses to individuals and the community following the damage that results from criminal

behavior. It is a balance between the offender, the victim, and the community.

The balanced and restorative justice model incorporates the following principles:

- * **Accountability** - An obligation is created as a result of an offense. Victims and communities should have losses restored by offenders making restitution and victims are to be active participants of the process.
- * **Community protection** - The public has a right to a safe and secure environment and should be protected from an offender supervision of the criminal justice system, whether adult or juvenile. Risk assessment is critical to determining intervention alternatives for offender.
- * **Competency development** - Offenders who enter the criminal justice system should leave the system capable of becoming productive and responsible citizens. To that end, services should be geared toward ensuring that offenders make measurable improvements in their ability to function as productive and responsible citizens.
- * **Balance** - Community, victim, and offender should receive balanced attention with tangible results evident from their interaction with the criminal justice system.

These principles can be achieved through three major approaches within the community:

Accountability: Restitution, community service, and victim-offender mediation create an awareness in offenders of the harmful consequences of their actions for

victims, require offenders to take action to make amends to victims and the community, and, whenever possible, involve victims directly in the justice system.

Community Protection: Intermediate, community-based surveillance and sanctioning systems channel the offender's time and energy into productive activities during nonworking hours. A continuum of surveillance and sanctions provide progressive consequences for noncompliance with supervision requirements and incentives which reinforce progress in meeting competency development and accountability objectives.

Competency Development: Work experience, active learning, and service provide opportunities for offenders to develop skills, interact positively with conventional adults, earn money, and demonstrate publicly that they are capable of productive, competent behavior.

VI. Accountability

Accountability begins with the recognition that an offender incurs an obligation to his or her victim and to the community. Accountability occurs when those obligations are met through various requirements imposed upon the offender.

Virginia has a continuum of services and sanctions in place which are designed to ensure the accountability of the state- and local-responsible nonviolent offenders who are supervised in the community. These can, among other options, include local probation supervision in the community. Depending upon the level of risk of the offender, supervision can be designated as either regular or intensive supervision.

Community service is often ordered by the sentencing court as a means of symbolic

or community restitution. Actual victim restitution in terms of financial reimbursement for the crime committed is usually imposed, if appropriate to the offense. Fines and court costs are required to be reimbursed by the offender as well. Restitution is seen as a means of having the offender take responsibility for his or her crime and seek to make amends for his or her actions. One major problem with the concept of restitution is the difficulty of collection. Methods of collection vary from jurisdiction to jurisdiction. In some localities collection of restitution and fines is assigned to the clerk of the court. Other jurisdictions contract for the collection service. Probation and parole officers collect the monies in still other jurisdictions. Consideration should be given to developing a single mechanism for collection of these fees throughout the State. Consideration should also be given to making restitution a mandatory part of sentencing to a community corrections program.

Offenders are often placed into work release programs as a part of their sentence. This enables the offender to earn money to pay his or her restitution and fines as well as keeps the offender productively occupied within the community. It also allows for reintegration back into the community.

The Department of Criminal Justice Services, in conjunction with the local community criminal justice boards, has been directed to develop a statewide system of supervision and intervention fees to be paid by the offenders participating in programs established under the Comprehensive Community Corrections for Local-Responsible Offenders Act (§53.1-185.2(D)). Payment for services and supervision makes the offender accountable for the associated costs of his or her crime.

Offenders with a substance abuse problem are required to have periodic drug testing during their probationary status. This makes the offender accountable for maintaining a drug-free lifestyle.

VII. Community Protection

Public safety and community protection have always been the ultimate goal of the criminal justice system. To that end, participants in community-based corrections programs are subject to close monitoring through program personnel and probation staff. This collateral contact ensures that offenders have frequent supervision in the community.

If an offender is considered at risk of reoffending, he or she is often placed on a home electronic monitoring device. This is an electric bracelet-type device worn by the offender and his or her movements are monitored electronically. Home incarceration is done through phone calls to the offender's home to ensure his or her whereabouts at a given time. These strategies protect the public by allowing law enforcement to keep a close eye on the offender's movements.

Drug treatment is ordered for offenders with a serious substance abuse problem. Participation in treatment assists the offender in keeping clean and sober and protects the public from the potential for reoffense to support a substance abuse habit.

Offenders who violate the terms of their program receive immediate sanctions. Consequences for noncompliance are imposed by both probation officers and the court. Incentives are provided for positive behavior. This system of reward and punishment serves to ensure that public safety is maintained and that offenders continue their progress towards becoming responsible citizens.

VIII. Competency Development

Offenders who are participating in a community-based corrections program are

given a program which is designed to address their individual needs. A broad array of services are available to address the multiplicity of needs of these offenders. Lack of education, poor work habits, poor job skills, drug abuse problems, poor anger control are just some of the problems that the community-based corrections program attempts to address. Participants are enrolled in GED classes, if needed; drug education and treatment; job development classes; job training; work release programs; Life Skills classes; to name a few. The continuum of services in community corrections programs is designed to address the individual deficits of each offender and restore him or her to a full, productive law-abiding citizen.

Community corrections' goal is to intensify treatment, not supervision. The sanctions imposed are less restrictive but more cost effective than incarceration. Offenders sentenced to a community corrections program have been selected because they are seen as amenable to interventions which will make them accountable for their crime and restore them to a point where they can make positive contributions to their community. They are able to acknowledge their culpability and take full responsibility for their crimes, making amends to the community and to the victims through a variety of sanctions and incentives.

IX. Role of the Victim and the Community in the Restorative Justice Process

The role of the victim is central to the concept of restorative justice. Victims are more actively involved in the whole justice process. Emphasis is given to providing:

- * Services and support for victims; and
- * Victim opportunity for involvement in decision making.

most of the principles of this conceptual model are currently in place in the Commonwealth. The recent passage of the Comprehensive Community Corrections Act, the PreTrial Services Act, and authorization for Victim-Offender Reconciliation Programs insure that the elements of restorative justice: accountability, community protection, and competency development, are intrinsic to the provisions of community based corrections in Virginia. The role of the victim in the criminal justice system has been elevated through victim rights legislation and a pending constitutional amendment. Victim assistance has been enhanced through expansion of victim witness programs throughout most parts of the Commonwealth.

* Accountability of the offender to the victim and to the community is a major theme in restorative justice. The restorative process places major emphasis on the use of restitution as a means to achieve accountability.

Recommendation I:

The Crime Commission recommends that the Supreme Court include training on the use of restitution or day fines as defined in §19.2-305.3 in judicial training to assure that this sanction is used consistently in cases where it is warranted.

* Collection of restitution is often difficult and disparate between localities.

Recommendation II:

The Crime Commission recommends that the Department of Criminal Justice Services conduct a study on the collection of restitution and develop recommendations for a uniform mechanism to be used statewide. This should be done in conjunction with the offender fee study currently underway in the Department.

* Community representation in the criminal justice process has been initiated through the establishment of community criminal justice boards. The boards have

certain mandated representation but there are undesignated board members which the locality can include.

Recommendation III:

The Crime Commission recommends that localities consider broadening the board representation through inclusion of representatives from public health, higher education, business, crime victims, ex-offenders, and other interests which will enhance the community perspective.

* Virginia passed legislation in 1995 which authorized local Crime Victim and Witness Programs to establish a victim-offender reconciliation program to allow a victim, upon request, to participate in a mediation process. The proposal provides the victim with the opportunity to meet with the offender, give to the offender a summary of the adverse effects of the offense on the victim and the victim's family, and discuss a proposed restitution agreement. The negotiated agreement could be submitted to the sentencing court for consideration. The use of victim-offender reconciliation or mediation should be conducted at the discretion of the victim with subsequent agreement of the offender. It is critical that victims voluntarily participate in such a process and are not further victimized through coercive persuasion to participate.

Recommendation IV:

The Crime Commission recommends that the Department of Criminal Justice Services develop a victim-offender mediation protocol in accordance with the provisions of §19.2-11.4. The protocol will serve as a guideline to local Crime Victim and Witness Assistance Programs.

Virginia's system of community criminal justice is responsive to the needs of both victims and the community. It incorporates the principles of accountability, community protection, and competency development and should stand as a model of restorative justice.

victims of crimes through financial reimbursement or community service;

- * To permit cities, counties, or combinations thereof to operate and utilize programs and services specifically designed to meet the rehabilitative needs of selected offenders; and
- * To provide appropriate post-sentencing alternatives in localities for certain offenders with the goal of reducing the incidence of repeat offenders.

The Statewide Community-Based Corrections System for State-Responsible Offenders (§53.1-67.2) sets forth as its purposes:

- * To provide efficient and economical correctional services by establishing and maintaining appropriate sanction alternatives and by assisting state-responsible offenders who are incarcerated in returning to society as productive citizens, with the goal of reducing the incidence of repeat offenders.

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The goals of these legislative initiatives are consistent with the components outlined in the restorative justice model below. Staff focused on determining if additional strategies which are not included in Virginia's current statutes for community-based justice are needed to achieve the model of restorative justice.

Virginia's system of community-based corrections reflects the priorities and purposes found in the restorative justice model. Mandated services for the community corrections program for local-responsible offenders include:

- * community service
- * public inebriate diversion
- * home incarceration
- * electronic monitoring
- * probation supervision
- * probation supervision
- * substance abuse assessment, testing and treatment

The community corrections program for state-responsible offenders has established the following minimum programs for participating offenders:

- * regular and intensive supervision
- * home/electronic incarceration
- * diversion center incarceration
- * work release
- * pre-release centers
- * probation-violator and parole-violator centers
- * halfway houses
- * drug testing and treatment

Finally, the Virginia General Assembly passed a statute in 1995 authorizing the establishment of victim-offender programs through the local Crime and Victim Witness Program: §19.2-11.4. This statute provides for an opportunity for the victim to:

- * Meet with the offender in a safe and controlled environment;

- * Give the offender a summary of the financial, emotional, and physical effects of the offense on the victim or the victim's family;
- * Discuss a proposed restitution agreement which may be submitted for consideration by the sentencing court for damages incurred by the victim as a result of the offense.

The legislation does not require the victim to participate in victim-offender reconciliation program.

This array of programming in Virginia's community corrections program seeks to rehabilitate offenders while providing meaningful accountability to victims and to the community at large in the process. The effect of providing increased opportunities for alternatives to incarceration has a cost benefit to society as well. Virginia is in the forefront in its development of alternative approaches to dealing with low level nonviolent offenders. These offenders are viewed as having the potential to change and the Commonwealth's system of community corrections provides the opportunity to catalyze that change. Accountability, community protection, and competency development are integral components of Virginia's community based corrections system.

The increased attention to victims' rights and the enabling legislation for victim-offender reconciliation programs provides a central role for the victim in the criminal justice process.

While Virginia has in place a system which parallels that called for by advocates for restorative justice, several areas should be examined to determine the feasibility of modifying the system slightly to make it more responsive to both crime victims and the community.

Proposed Recommendations

1. Use of Restitution

The concept of restitution is important to ensuring that offenders assume responsibility and losses are restored to both the victim and the community. Restitution is widely used by Virginia's judiciary; particularly in property crimes. Symbolic restitution through community services is also widely used by the judiciary. These are outlined in §19.2-305 and §19.2-305.1 of the Code of Virginia. The Code also allows the imposition of day fines defined in §19.2-305.3.

The Commission recommends that the Division for Judicial Education in the Supreme Court be requested to conduct training for judges on the use of restitution in sentencing decisions to assure consistency in the imposition of restitution for appropriate criminal offenses.

2. Collection of Restitution

Collection of restitution is widely disparate from jurisdiction to jurisdiction. The process can be personnel intensive and place an undue burden on the staffing resources of particular localities.

A study should be conducted by the Department of Criminal Justice Services, in conjunction with their development of the offender fee structure, to determine if a statewide mechanism for collection of restitution is feasible. The Supreme Court and the Commonwealth's Attorney Training Council should collaborate with the Department on this study.

3. Expanded Community Representation on the Community Criminal Justice Boards

Local community criminal justice services boards are defined in §53.1-183 (creates

and defines the composition of the community criminal justice boards). The board can have up to fifteen members for a single jurisdiction board or twenty for a multi-jurisdictional board. Certain individuals are mandated to serve, while the remainder is at local option.

Communities should be encouraged to consider including representation from public health, higher education, crime victims, ex-offenders, employment specialists, to name a few, on the board to provide a broader perspective to the issues under consideration by the local boards.

4. Victim-Offender Mediation

The Crime Victim Services Section of the Department of Criminal Justice Services should work with the local victim-witness programs and the community criminal justice boards to identify opportunities for victim-offender mediation, where appropriate. The Code authorizes the use of victim-offender reconciliation programs in localities (§19.2-11.4).

The Department should develop a mediation or reconciliation protocol for use by the local victim-witness programs. Victim-offender mediation should be a local option in which the decision to participate in mediation rests with the victim. This approach minimizes the opportunity for re-victimization.

XI. Conclusions

In conclusion, Virginia has a comprehensive system of community-based corrections programs which provides for opportunities to make offenders accountable for their crimes through community and victim restitution for the losses incurred through their criminal behavior. The system is designed to ensure community protection while allowing a cost effective alternative to incarceration

through close monitoring and supervision of the offenders. The continuum of services afforded to offenders is individualized to their particular needs in order to build their competency to return to society as productive, law abiding citizens.

Restitution should be consistently applied and enforced throughout the Commonwealth. The use of restitution in cases where losses have occurred either to an individual or to the community ensures that the offender is held responsible for the loss and that the offender is accountable for restoring the loss. The application of restitution can be standardized through legislation or sentencing guidelines to strengthen its role in the community corrections system. A statewide mechanism for collection of restitution will ensure that this strategy is effectively enforced.

Enhancement of victim and community participation in the community justice process can be achieved through enhanced representation on the community criminal justice boards.

Victim-offender mediation techniques should be developed and utilized, when appropriate, to strengthen the psychological restoration process of both victim and offender in the criminal justice system.

Virginia has a model of community justice which mirrors, in many ways, the restorative justice model. Minor additions will strengthen Virginia's system and enrich the balance of participation by victims, offenders and the community.

XII. Acknowledgements

Department of Criminal Justice Services

Mr. Tony Casale
Mr. Dan Catley
Mr. Lloyd Young

Department of Corrections

Mr. James Camanche
Mr. Andrew Malloy

Justice Fellowship

Mr. Richard Wertz

Restorative Justice Institute

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Mr. William T. Preston

Virginia Task Force on Justice Fellowship

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XIII. Appendix

A. SJR 99 Study Resolution

1996 SESSION

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SENATE JOINT RESOLUTION NO. 99

Directing the Virginia State Crime Commission to study restorative justice for nonviolent offenders.

Agreed to by the Senate, February 9, 1996
Agreed to by the House of Delegates, February 23, 1996

WHEREAS, society's response to crime must include the victim, society, and the community in order to create meaningful public accountability on the part of offenders; and

WHEREAS, "restorative justice" is a concept for nonviolent offenders in which physical constraint of the offender is set at an appropriate level to ensure public safety, the offender is held accountable, and victims and the community become the center of the criminal justice process in terms of restitution; and

WHEREAS, a system of restorative justice would involve putting nonviolent offenders to work in the community with suitable supervision, allowing them to pay back both the victims and the general public; and

WHEREAS, in light of the ever-escalating costs of new prison construction, a number of states, including Minnesota, Arizona, and Pennsylvania, are exploring the limits of a system of restorative justice for both juvenile and adult offenders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study restorative justice in Virginia for nonviolent offenders.

All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

