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Dear Reader,

Recently I came across this article, that profoundly impacted me, and I felt the strong need to share it with others. When I read something that is powerful, I want all to know of it. Then I examined my idea. Is this a topic relevant to our LIM News readers? Is this topic in line with our scope, to feature articles related to leadership, teams, human behaviors? Well, it may not be part of a corporate agenda, but it's like climate change or social movements: we just live in it, it's part of our world, and we are part of it. So I decided that although the connection was not obvious, the message portrayed in this real story was way too important to be silenced. Or simply put, I couldn't not share it with you. We live in a polarized world, and need to get over the polarizations. I hope you find it thought-provoking .

Isabel Rimanoczy  
Editor

#### Quote of the Month

*"Humanize your enemy and let your 'enemy' humanize you."*

Author unknown

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## Restorative Justice

by Tag Evers<sup>[1]</sup>

Burying her son and walking away from his grave were the hardest things Thomas Ann Hines had ever done. Meeting her son's killer 13 years later was the second hardest.

In 1985, Paul Hines, Thomas Ann's only child, was a student at University of Texas in Austin when he was murdered three months before his graduation. He was 21 years old. A 17-year-old stranger had approached Paul in a video arcade and asked him for a ride.

Once inside Paul's Camaro, the young man demanded the keys to the car. When Paul refused, the would-be thief shot him once in the chest and fled. Paul was found dead later that evening, slumped over in his Camaro, the car still running.

Thomas Ann was devastated. She wanted the death penalty, but due to the offender's age, he was given a 40-year sentence instead.

"I was filled with rage, anger, fear, and pain", says Thomas Ann, who lives just north of Dallas, Texas. "Every six months, without fail, I went to the parole board and asked, 'Is he dead yet? Does he have AIDS? Has someone killed him?' I was so angry at the system. My son was executed without warning. Yet this person could sit in prison and watch television or play basketball, things my son enjoyed."

She vented her grief through letter-writing. Mother's Day, her son's birthday, her own birthday, and the anniversary of Paul's death all became opportunities to express her anger and loss. The letters fattened the offender's file, adding testimony upon testimony against the occasion of his possible parole.

"Everyone says 'seek closure', as if you're supposed to fix it," says Hines. "But it never goes away. You close the coffin, and it never goes away."

Yet 13 years later, in June of 1998, at the Alfred D. Hughes Correctional Institute in Gatesville, Texas, Thomas Ann sat across from "Charles," her son's murderer, now a 30-year-old man. "I wanted him to look in the eyes of the mother of the boy he had killed," says Hines. "I wanted him to know there is love in the world."

Hines met with Charles under the auspices of the Victim Offender Mediation/Dialogue program operated by the Texas Department of Victim's Services. She had decided to participate in the program in 1995, and it took Hines three years of mental and emotional preparation, both on her own and in consultation with people from the Mediation/Dialogue program, before she felt ready to meet Charles. The result, for both parties, was profound.

"The intensity and depth of emotion ran the whole gamut — from hopelessness and sheer despair to hope and a sense of faith," says Dave Doerfler, who mediated the session. "Charles was locked in his pain, saying there was nothing he could do to bring back Paul's life. But Thomas Ann was relentless- she broke through- and insisted that while Charles couldn't do anything about her son's life, he could do something about his own."

At the close of their emotional six-hour session, Thomas Ann and Charles reached an agreement whereby Charles would indeed do something about his life. He agreed to work on his GED and pursue vocational training. Additionally, with Thomas Ann's support, Charles listed personal and spiritual goals that might strengthen him as he prepared for his eventual release from prison.

Up to that point, Charles had amassed 148 disciplinary violations, losing up to 10 years of possible "good time". But he now had something he did not have before: hope and the knowledge that someone loved him.

"You can't take away the sense of hope," says Doerfler, who manages the Mediation/Dialogue program, which currently has a waiting list of 250 victims and survivors who wish to meet their offenders. "It's not just one thing, but a combination that makes the difference in these dialogues. They provide a real release for the victim from the bondage and obsession of the past. And the offender gains a sense of emotional and personal accountability, a sense of empathy that is often lacking in the repeat offender.

"Additionally, a ripple effect is created that starts with the personal and extends to an examination of the social, political, and economic realities that undergird our violent society," continues Doerfler. "In other words, these dialogues are about peacebuilding in the most fundamental of ways."

### **From punishment to healing**

The Victim Offender Mediation/Dialogue program in Texas is one of 300 such projects in the United States, according to the Center for Restorative Justice and Mediation at the University of Minnesota. Additionally, there are over 700 victim-offender mediation programs operating in Europe, Australia and New Zealand.

Victim-offender mediation was pioneered in Ontario Canada, in the mid-1970s by Mennonites influenced by biblical concepts of justice. The model is part of the growing "restorative justice" movement which defines criminal offenses in terms of the harm done to victims and victimized communities, and not merely as crimes against the state.

Interest in restorative justice in the United States has grown considerably since the early 1990s. The American Bar Association endorsed the practice of victim-offender mediation in 1994, and in 1996, the US Department of Justice convened its first national conference on restorative justice.

Historically, rehabilitating prisoners was central to the philosophy of the "corrections" system. Such ideals have suffered mightily as politicians and judges have ratcheted up the level of get-tough-on-crime rhetoric with every election cycle.

The result is massive overcrowding of prison facilities and the punitive warehousing of America's inmate population. Nationwide, an estimated 1.73 million people are now behind bars. Typically, expenditures on corrections are the fastest growing components of state budgets, and in several states, including California, total expenditures on corrections eclipses those spent on higher education.

In the prevailing "retributive" model of criminal justice, the role of the state is to prosecute offenders on behalf of injured parties. The injured parties, the actual victims, and their communities are typically relegated to a passive role. Lost in the adversarial process is the notion that crime constitutes a violation of one person by another, resulting in harm that cannot be healed by the mere imposition of punishment.

Restorative justice recognizes the need for a three-dimensional response that includes victims, offenders, and communities. The victim in the restorative justice framework becomes an active participant in defining the harm caused by the crime. This often involves a face-to-face encounter-a mediated dialogue between the victim and the offender.

It's not an easy process for offenders to go through. When Charles walked into the room with Hines, she saw "the pain in his eyes." After explaining how difficult it was to finally meet the man who killed her son, she said, "But I will not be unkind to you in any way."

Charles began crying, a flow of tears that continued for nearly the entire session. Victims often have questions for which they need answers. "Why did you pick me?" is a common line of inquiry. Hines, as a victim survivor, wanted to know how her son died. "Charles," she said, "you were the last person to see my son alive. Tell me what happened that night." At that point, Hines relates, "it was not about me anymore, it was about Charles."

Charles recounted the details of the fateful evening as they both cried and took turns wiping away each others' tears. "I thought you'd holler and scream at me," said Charles. "I thought you'd want me dead."

"Yes, I did. I once wanted you dead," said Hines. "But you never had a chance, Charles." In her preparation for the dialogue, Hines learned how Charles had been put out on the streets at the age of 13, how he had taken up a life of crime and drug-dealing to survive. "My little boy went to bed every night," said Hines, "tucked in by a mother who adored him. You never had that, Charles."

### **Broken pieces of humanity**

There were two major turning points in Hines' long, painful journey leading up to her meeting with Charles. The first, she relates, occurred four years after Paul's murder, when she began to reach out to other parents of murdered children.

"When you're talking about restorative justice," she says, "it began for me when I started reaching out to others and helping them through their pain, because I didn't have anyone to help me when I was there."

The second turning point took place in 1994, when Raven Kazen, director of the Texas Department of Victims Services, asked Hines to participate in a victims' panel at a maximum security prison in Huntsville.

"Oh my gosh, I went with the intention of giving them a piece of my mind," says Hines. Instead, when she took her place on the panel, before an audience of 200 prisoners, all she could see "was a sea of broken pieces of humanity." It overwhelmed her, she claims: "I looked at them, and all of a sudden, I became a mother again."

After her presentation, one inmate stood up and asked her why she bothered to come to the prison. "The question hit me right smack between the eyes," recalls Hines. "I looked at him and said: "If my son was sitting in this room, I'd want someone to reach out a hand and lift him up."

Hines says the experience helped her take her anger and transform it into something positive, both within her and in the lives of prisoners. She has become somewhat of a prisoner's advocate and speaks several times a week at prisons all over the state of Texas. Each time she goes with a mother's love.

"The criminal justice system operates on the principles that if someone is down, you kick 'em, says Hines. "Until we start looking at the roots of crime instead of the results, it's not going to change."

### **Prisons or peace?**

Restorative justice offers a powerful critique of our flawed criminal justice system. More severe penalties and longer sentences associated with high-cost prison-building sprees are diverting much-needed funds from programs that could prevent crime from occurring in the first place.

By addressing the harm done to victims and developing accountability and competency in the offender, restorative justice efforts such as Texas' Mediation/Dialogue program are on the cutting edge of the growing peacebuilding ethos taking root in contemporary society.

Already, new restorative-justice models that incorporate greater community involvement, such as the sentencing circles used by the First Nations in Canada, are being explored. In New Zealand, for example, a family-group conferencing model based on native Maori traditions has helped produce an 80 percent reduction in that country's juvenile caseload. These approaches welcome input from family members of both victim and offender, as well as community residents, as their respective needs are addressed in a holistic context with the aim of reintegrating the offender into the community.

"Hope is the foundation," reiterates Doerfler, "But it's just the foundation. We can't expect too much of the process, nor can we be overly simplistic, but if we build on hope, emphasizing education, self esteem, and a social and spiritual support system for both the offender and the victim, good things can happen."

Just ask Thomas Ann Hines. "At the close of our session, I said to Charles: 'I had a choice — I could spend the rest of my life hating you. But I don't hate you. I just want you to move forward with your life.'

"As we parted, Charles reached out and wrapped his arms around me. I've had lots of hugs in my life, but besides Paul, I can't think of a person in the world I'd rather have hug me."

It is time to examine our choices. According to the Minnesota Office of Drug Policy, failure in school is statistically more closely linked with criminal activity than smoking is with cancer. We can live in a society that spends more on managing its criminal population than it does on educating its citizens — a society that has little to invest in low-income youth but plenty to spend on punishing them

Or we can choose the opposite, funding prevention programs such as family education and support initiatives that deal with child abuse and neglect. Prison building or peace building: the choice is simple.



<sup>[1]</sup> Tag Evers is a freelance writer from Madison, Wisconsin. This article appeared in Yes! Magazine, in the Fall 1998 issue. [www.yesmagazine.org](http://www.yesmagazine.org)

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