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INITIATIVES ASSOCIATION

Fraser Region, British Columbia



WALKING THE TALK: Developing Ethics Frameworks for the Practice of Restorative Justice

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Fraser Region Community Justice Initiatives Association
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I. Introduction



Kay Pranis tells the story of being part of a group in which people were blindfolded and led to a place in the woods where a rope line had been strung from tree to tree, sometimes high, sometimes low, sometimes under things or at surprising angles. She says:

Our task was to follow the rope to the end with the blindfold on. It required moving carefully because we could not see obstacles and it required flexibility and responsiveness when we encountered obstacles or unexpected turns. As long as we held on to the rope, we were safe and would get to the end. We did not need to know exactly what the path was or exactly what the destination looked like. We did need to stay connected to the rope and move carefully, attentive to what might be around us.

For me, the rope became a metaphor for the values guiding us in restorative justice work. If we hold on to them and move carefully, we will be okay. When we don't know exactly what to do or when things seem confusing and don't follow the expected path, we can trust those values. To do that we must trust the values, for the rope represents not expertise but, rather, clarity about what the values are *and what they call us to do* [emphasis added].¹

Restorative justice is widely known and championed for its commitment to core values. Yet even the deepest commitment to those values is not enough—not enough to ensure the quality of an organization's work, or the long term stability of that organization, or even the survival of restorative justice as an improved way to respond to crime and other kinds of injustice. As important as certain values are to the foundation of restorative justice, they are not necessarily a one-size-fits-all. They need to be tailored to fit, in order to help the organization function well.

This document invites you to decide for yourself which values will guide your organization through the particular forest it works in, and suggests ways for you to discern what those values call you to do—in the unique circumstances created by the context of your community, the skills, resources and challenges your agency happens to have, and the aspirations and commitments of the people currently working in it.

¹ Kay Pranis, "Restorative Values," in *Handbook of Restorative Justice*, ed. Gerry Johnstone and Daniel W. Van Ness, (Willan, 2007), 72.

What To Do?

You've been facilitating a community conference, and participants are working out an agreement that you know is more demanding than the arrangement most groups decide on in similar situations. You wonder whether it would make a difference to this group—or to people outside your organization—to know that. But you don't want to sound as if you disapprove of what they have decided. What's the right thing for you to do?

While you're facilitating a community conference in a school, a teacher who was also the victim in this case speaks to the young offender in words that are essentially neutral but with an undertone of meanness. You want to respect the teacher's perspective as a victim as well as his position of authority, but you worry about how the student is taking this in. You don't know whether to intervene or let the process take its course. What's the right thing to do?

You have heard stories about another agency's restorative justice practice. You worry about how their clients are being treated, and you worry that people will think your agency operates the same way. Should you go to someone in that organization about your concerns? Should you say something to a prosecutor or principal who refers cases there? Should you just mind your own business? What's the right thing to do?

You refer cases to a local agency that facilitates restorative justice, and you are thinking of referring a case that involves domestic violence. You know that staff members in a local domestic violence shelter oppose the use of restorative justice in cases of domestic violence. But you think that restorative justice would work better than court for the people involved here, and you have confidence in the people facilitating restorative justice. What's the right thing to do?

The right thing often is not clear. You may struggle with questions like these even if you've had good training, even if you've gained a lot of experience, even if you have signed on to a code of ethics or work under a set of practice guidelines. Questions like these continue to come up because “the right thing” depends on who you are, where you are, and what options you realistically have in that moment.

“The right thing” also depends on what your priorities are—what you believe is most important to uphold out of all the possibilities present in that moment. For example:

As a facilitator in the example given above, you could orient to the importance of the stakeholders' making this decision for themselves, or you could orient to the breadth of information they use in making it.

In the situation with the teacher, you might orient to the power of the conferencing process and trust that the teacher and the student will reach a good understanding by the end. Or you might orient to the power of people's words and help the teacher find other ways to say what he needs to.

As a local agency you might decide that being respectful means offering direct and honest feedback to your colleagues in another agency, or you might decide that respect means withholding judgment about things you have not been part of.

As a prosecutor deciding what to do with a domestic violence case, you might orient to the needs of the individuals involved, and decide to refer the case. Or you might orient to the value of consistency in how you and your colleagues handle such cases, and decide not to refer it. You might decide that the priority is to develop a more coordinated response to domestic violence in your community, and start working to build stronger alliances between and across agencies.

Restorative justice champions many values. We want our work to be respectful, inclusive, empowering, democratic, fair, and so on. We want to uphold those values in all of our interactions with participants, and encourage participants to enact the same values in their interactions with each other. Yet it's not always clear how to do that, especially when values seem to be pulling against each other in a particular situation. Ideally you might want to reach all of the aims suggested in the scenarios above, yet the reality is that sometimes you have to choose.

And the challenge is that each of those choices might be right, and each of them might be wrong. None of them is necessarily something you should always do or always stay away from. So how do you decide which choice to make? And how do you make sure that choice will be the right one for the people involved—including the people with whom or for whom you do this work?

To date, the way most often proposed is to establish professional standards to guide (if not to control) the practice of anyone offering services to foster restorative justice. Many people argue that adopting standards for the restorative justice field is an important way to ensure quality work and thus protect the people who participate in processes such as victim-offender dialogue. However, other people argue that professional standards are unnecessarily rigid, sometimes screening out programs and practitioners who do excellent work, while not necessarily preventing poor practice.

The debate about whether or not to set professional standards for restorative justice is nearly as old as the current wave of restorative justice practice. No doubt the argument has remained strong because both sides are right.

As with so many things, this does not have to be an either/or choice. A standard is not only a measure by which to test others, but also a measure by which to test oneself—a way to pull oneself and others forward. While standards can be imposed by others, they also can be voluntarily chosen and embraced. They can be a way to ensure that one's performance reflects one's own values and intentions.

If the goal is to ensure that restorative justice is practiced well, then rather than asking whether or not to set standards, we could be asking where to set our standards, and how. Rather

than arguing about whose standards should prevail, we could be more thoughtful in choosing our own standards, for ourselves.

This document invites people to do that work of choosing standards for their own performance. It puts aside the question of whether there should be a common set of standards for all restorative justice programs or practitioners. It assumes that readers want to be doing the best work they can, want to be helping others do good work, and want to be assured that the agencies they work with or refer to are also committed to doing their best. It invites programs and practitioners to decide for themselves: What standards do you want your own restorative justice practice to meet? And it suggests that this question is best answered not by setting performance goals and measures, but by developing the ethics framework underlying an organization's performance.

Four major sections follow this Introduction. Section II, Ethics Frameworks, sets the context by noting the role of ethics frameworks, pointing out ways that ethics frameworks can be strengthened, and arguing that it is worth the investment to strengthen them. Section III, Cultivating your Organization's Ethics Framework, offers a series of steps by which to develop and maintain a strong ethics framework. Section IV, Your Ethics Framework in Relationship, suggests ways in which potential participants, referral agents, or others outside an organization might assess the strength of an organization's ethics framework, or help cultivate it, or both. Section V, Working With Agencies That Offer or Foster Restorative Justice, offers a series of questions to help people outside the organization decide whether to use the agency's services or to recommend that others do so, along with suggestions on how to strengthen professional relationships between agencies that might have clients in common or share a responsibility for serving them well.

But first, it will be useful to clarify who this is written for and how some key terms are being used.

Readers

This document is written for anyone concerned about the sound application of restorative justice philosophy—in whatever form of practice that takes, whatever institutions it works in, whatever harms it addresses, and whatever it is called.

The document assumes that most restorative justice practice is done in organizations. Thus, much of it is written in terms of 'your organization', 'your work' and so on, anticipating that most readers will want to work with their colleagues in implementing suggestions. Yet individual practitioners could also implement these strategies alone, by reflecting on their own practice and choosing ethical principles to work by consistently.

Section V, Working With Agencies that Offer or Foster Restorative Justice, speaks to readers outside of the agencies offering services related to restorative justice. This includes individuals

who might be considering using those services as well as professionals in a position to refer cases to the agency.

Key Terms

‘Restorative justice’ refers to a philosophical orientation, not to a program or a practice or a set of practices. The heart of restorative justice, as I use the term, is consistent with what I understand of Aboriginal or indigenous justice. I recognize that indigenous justice traditions have more depth and complexity than I can appreciate as someone from the dominant culture, but what I understand of those traditions is what I hope for restorative justice to grow into.

The term ‘ethics’ is used here in its broadest sense to refer to the motivations, concerns, or efforts that reflect a desire to contribute to a common good that lies beyond one’s personal identity or organizational mission. It concerns a desire to be and do something that matters for the sake of some larger purpose.

‘Ethics framework’ here means a set of values, priorities, and principles that provide ongoing guidance to an individual or to the people in an organization. Such a framework may be formal or informal; it may be developed consciously or unconsciously (or, very often, both); it may change over time or remain relatively fixed. Sometimes implicitly and sometimes explicitly, it is a frame of reference that gives a person or an organization ongoing guidance about what to do or how to behave.

The ‘you’ addressed in this document may be an individual wanting to ensure that, whatever your role, your application of restorative justice philosophy is consistent with what you believe about restorative justice and its appropriate expression in the world. Or ‘you’ may be a formal or informal group working together in some way on that application.

If you are working with others in the application of restorative justice, then ‘your agency’ or ‘your organization’ (or ‘your unit’) refers to you and those others—no matter whether your group is a few colleagues working together informally, or you have some kind of official identity, or whether restorative justice is your only focus or part of a larger set of activities.

‘Staff members’ means anyone doing your organization’s work, whether that work involves case work or other kinds of work, and whether it is paid work or volunteer.

II. Ethics Frameworks



While ‘standards’ is often a hot-button word in the restorative justice field, ‘ethics’ seems to be the opposite: a feel-good term, typically endorsed without a second thought. This perhaps makes sense when we think of ethics in terms of what is right over what is wrong.

But when we think of ethics in terms of choosing the best course—that is, choosing one right course over others that might also be good choices—then it is easier to see the need for giving more focused attention to the question of ethics in restorative justice.

Whether or not the word ‘ethics’ ever gets mentioned where you work, there is a framework of ethics at the heart of how your organization operates. An organization’s ethics, like a person’s ethics, are the choices its members make because of a belief in something larger that the organization’s work is part of. From the broadest philosophical level (such as choosing to focus on harms, needs, and meaningful accountability instead of on punishment) down to the most specific level (such as how one organizes a particular meeting), the choices we make reflect something about who and what we want to be in the world and about why that desire matters to us.

In organizations, as elsewhere, our ethics—our beliefs about what is right—lead to principles or guidelines for how to behave, and these principles help us quickly sort what to do or not do in the course of our work. An organization’s protocols and traditions reflect what people have seen as being the right thing to do on a regular basis.

Whether conscious of it or not, everyone in an organization is making ethical choices every day, and those choices are shaping your organization’s work. This means that ethics is much more than an abstraction. It is not just a luxury to think about some day when you are caught up on everything else. It is something as worthy of regular attention as any other aspect of the organization’s work. Given that your ethics are shaping your organization’s work, it is worth making that shape consistent with your intentions.

A Need for Stronger Ethics Frameworks

Closer attention to our organizations' ethics frameworks is especially needed now, for at least three reasons: because a new paradigm calls for a new moral compass, because external standards are too limited, and because stronger ethics frameworks can benefit the organizations that develop them as well as the field as a whole.

A new moral compass

Organizational consultant Carter McNamara points out that attention to ethics is especially important during times of fundamental change—a point with strong relevance to restorative justice in two ways.

First, we are in the midst of—and are encouraging—fundamental changes to how we correct wrongdoing. While restorative justice is still a young field and growing in many directions, it is important to be sure that its ethical foundation is solidly established. Whatever principles and values we are drawn to, we need to be sure we know what it means to carry them out in consistently ethical ways.

Second, McNamara is speaking to how we invite strong institutions to a new way of working. Insofar as we successfully challenge old paradigms, we create a situation where, as McNamara says (quoting Jon Pikel and Doug Wallace), “values that were previously taken for granted are now strongly questioned. Many of these values are no longer followed. Consequently, there is no clear moral compass to guide leaders through complex dilemmas about what is right or wrong.”¹

Especially when restorative justice is practiced in schools, in criminal justice settings, or in other strong institutions, most available compasses are still calibrated to the magnetic pull of authoritarian traditions. As we invite people to reconsider the values, priorities, and habits that have long shaped their work in certain ways, we have a responsibility to offer useful maps and compasses by which to find better ways. And when we are facilitating restorative justice within those institutions, it is doubly important that we pay attention to our ethical foundations. It is risky to offer maps and compasses without knowing for ourselves that they are reliable guides.

When attracted to the vision of a new paradigm, it is easy to choose that new direction in the abstract. In thinking about what justice ought to mean, it is easy to choose the idea of repair over punishment, for example, or dialogue and consensus in place of instruction and control, and community engagement in place of professionalization. But as Howard Zehr has often

¹ Carter McNamara, “So What is ‘Business Ethics’?,” in “Complete Guide to Ethics Management: An Ethics Toolkit for Managers.” Accessed 2 April 2011. <http://www.managementhelp.org/ethics/ethxgde.htm>.

warned,¹ it can be difficult to stay oriented to a new direction when we are breaking trail on the ground, when immediate realities can obscure the larger vision.

In the midst of daily practice, staying on track can require a strong moral compass—and one that is kept in good repair and within reach. In his own organization, Zehr says, “As we assess the requests and opportunities for practice that come to us from around the world, our decisions are guided by a series of ten principles that we have agreed should shape our practice. When a request comes in, we literally do a written analysis using those ten principles. That is, in part, what I mean by principled practice. It requires clarity about our principles and values, and a commitment to be guided by them on a daily basis.”²

The limitation of external standards

There is a good argument to be made for having professional standards that apply to everyone doing a certain kind of work. There is also a good argument to be made for not relying on such standards to ensure that everyone does good quality work.

One limitation is that professional standards tend to be quite general. A United Nations guideline, for example, says, “The safety of the parties shall be considered in referring any case to, and in conducting, a restorative process.”³ This is a sound expectation, but it is not specific enough to clarify what it means for people’s practice. What does ‘safety’ mean in the context of restorative justice? Who should consider it? How should they consider it, and how strongly? Would this guideline mean the same thing in an organization that invites young people to meet with a community accountability board as it means in an organization that facilitates dialogue in the wake of domestic violence? In either organization, how would the guideline help someone decide what to do in a situation where they were not sure?

Another limitation is that standards and guidelines too often remain external, like prescriptions that don’t get filled. We may agree with them and intend to honour them, but we fail to internalize them. And they cannot shape our work unless we do internalize them. Whatever a principle might mean for the specific context of an organization’s work, really internalizing it means two things. First, it means making sure that every member of the organization understands the intention behind it—that is, that ‘safety’ includes both physical and emotional safety, and how both kinds of safety might be at risk in that organization’s particular kind of practice. Second, it also means understanding how one’s own particular work in the organization—as an intake worker asking for information, for example, as a facilitator deciding whether or when to bring parties together, or as an administrator setting policies—can increase or decrease those risks. The guideline is useful only insofar as it is actively carried into

1 Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 1990), 221-222; Howard Zehr and Barb Toews (eds.), *Critical Issues in Restorative Justice* (Monsey, NY: Criminal Justice Press, 2004), vii-viii.

2 Howard Zehr, “Evaluation and Restorative Justice Principles,” in *New Directions in Restorative Justice: Issues, Practice, Evaluation*, ed. Elizabeth Elliott and Robert M. Gordon (Cullompton: Willan Publishing, 2005), 301.

3 “Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters,” ECOSOC Resolution 2002/12. Accessed 2 April 2011. <http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

the work and actively expressed through concrete choices in the moment—helping people decide to ask one question but not another one, for example, or to bring together some individuals but not others.

A third problem is that, because of these limitations, standards and guidelines can become a distraction. Because they are not internalized, they can float around as abstractions to argue about. Because they are so general, they tend to be interpreted in very different ways. Relying on standards and guidelines to protect practice invites a focus on whose practice does or does not conform to them, and arguments about whose interpretations are right and whose are wrong. A better focus would be: How does my practice, and my organization's practice, conform to key principles and how does it fall away from them? How am I interpreting those principles, and what can I learn from my colleague's interpretations?

Benefits of stronger ethics frameworks

Developing a strong ethics framework can strengthen an organization in many ways. A primary benefit is that it strengthens the organization's direct service to clients. By deepening people's understandings of their work, it can sharpen their assessments and improve the quality of their professional judgments.

Second, an ethics framework can strengthen an organization's teamwork. As Carter McNamara says, "Ongoing attention and dialogue regarding values in the workplace builds openness, integrity and community—critical ingredients of strong teams in the workplace. Employees feel strong alignment between their values and those of the organization. They react with strong motivation and performance."¹

Third, attention to ethics helps to ensure diversity—which, as McNamara points out, is much more than the colour of people's skin. True diversity requires recognizing and applying diverse values and perspectives in coming to good decisions.²

Fourth, a practical benefit is that an ethics framework can reduce the potential for damage, either from conflicts of interest, or from complaints or lawsuits over violations of employees' or participants' legal rights, etc.

Fifth, an ethics framework can strengthen an organization's credibility and its stability in the community. To the degree that an organization weaves ethics into its organizational identity, its concern for ethics will be evident in its public persona—in natural ways, not as a public relations exercise—which will help to assure potential participants that they are in safe hands. Similarly, the strength of an organization's ethics framework can give people in other agencies greater confidence in referring cases, and can assure funders or donors that their money is being wisely invested.

1 McNamara, "10 Benefits of Managing Ethics in the Workplace," in "Complete Guide." <http://www.managementhelp.org/ethics/ethxgde.htm>

2 McNamara, "10 Benefits" in "Complete Guide."

Building more strongly ethical organizations can help to make restorative justice a stronger and more credible social movement. Every organization with a strong ethics framework can be a model to other organizations, strengthening their joint capacity to influence change in criminal justice, in school discipline, in workplace grievances, and in human rights. Keeping ethical questions at the forefront in our organizations will lead to clearer questions and richer research, and to deeper explorations with colleagues and critics. In short, it will lead to more thoughtful and better informed decisions—in practice, in policy, and, we hope, in the communities we work with.

Strong Ethics Frameworks

Chances are that your ethics framework is functioning reasonably well. Your organization would not be surviving if you and your colleagues were not generally making the right choices to serve your clients well and to manage well in your organization's environment. But is it functioning as well as it could be? It may be worth examining to make sure that your ethics framework is well anchored, fully integrated, specifically tailored, and regularly maintained.

Anchored

Some organizations lay out ethical guidelines for their members to draw on. These might be in the form of a formal code of ethics, or might be taught informally as in, This is how we do things here. More often, organizations rely on their members to draw on ethics learned elsewhere—in their professional training, in their prior work experience, and from the families or communities they grew up in. This makes good sense; organizations need people who come with solid ethical foundations already in place. Yet there are risks in relying on the guidelines people bring with them from other contexts.

One risk is that a guideline imported from somewhere else may not carry the same sense of ownership as one arrived at through examination and reflection. In that case, people may not be ready or able to explain or defend their choice when it is questioned or challenged. A second risk is that people may not understand a guideline well enough to know when to hold fast to it, despite challenges, and when to set it down because another ethical principle is even more relevant in that situation.

For example, your organization probably has a guideline for whether victims or offenders should be invited to speak first about their experiences of harmful events. You may believe that being victim-centred calls for giving victims the option to speak first if they choose to. Or you may believe that starting with the offender will make the dialogue more productive and thus more likely to meet everyone's needs. Your organization probably would also say this guideline is not a rigid one, and should not be imposed if the parties are not comfortable with the usual way you do things. But how will facilitators in your organization make the choice? If they simply have adopted the guideline on the basis of their training, they may not be

equipped to choose. If your organization has also helped them anchor that guideline in the values and principles behind it, they will have an easier time making choices that are consistent with your organization's priorities.

There are good reasons for an organization to choose either guideline. But whichever one is chosen, it will be stronger if it is not only learned but is also anchored in each practitioner's understanding of the philosophy behind it.

Integrated

An ethics framework cannot guide people's behaviour if it just hangs on a wall or remains closed inside a binder somewhere. A formal code of ethics can be a powerful summary of intentions and commitments but—like that prescription that needs to be filled—it cannot make a positive difference unless people carry those commitments into their daily work and routinely put them into action. An ethics framework is useful to the extent it is alive in the organization. As Barbara Krumsiek put it in an interview, "Ethics is how you think about things when it's not written down."¹

Integration means two things here. First, an ethics framework is strongest when it addresses all aspects of the organization. If it is important in your organization to 'be respectful', this value should be guiding people's behaviour not only when talking with clients or facilitating dialogue, but also when people are in the coffee room and in the board room. An ethics framework that guides people during staff meetings, performance evaluations, fundraising efforts, and so on is stronger than one that pertains only to interactions with clients.

Second, it should involve and engage all members of the organization. How aware are people in the organization that ethical principles have been developed to guide their work? How consistently or how differently do people in the organization understand those principles? How visible is the ethics framework in the organization, or how easily can people remember it when they run into questions about what to do? How comfortable do people feel to raise the question of your organization's ethics in the midst of a staff meeting or performance evaluation?

Integrating an ethics framework in this way cannot be done without the active involvement of everyone concerned. That is the only way to see where there are questions and concerns such that ethical principles need to be clarified or developed; and it is the only way to get the benefit of all perspectives in clarifying or developing those ethical principles, and to make sure that everyone understands or interprets shared principles in similar ways.

¹ The New York Times, May 23, 2010.

Tailored

Another problem with imported guidelines is that they may not fit well enough to serve a particular organization's practice. For example, one tenet of restorative justice is that participation must be voluntary for all participants, which can be difficult to ensure when participants have unequal power. An organization might want to think about the power imbalances that occur most commonly in their cases. For example, do participants often include people of different ages or educational levels, or include participants in official roles that other participants might yield to? If such is often the case, the organization may want to identify very specific principles for how to minimize the effect of those imbalances.

Section III will invite you to consider this issue of tailoring in much more detail. For now, the point is that strong ethics frameworks need to be well enough tailored to be useful in the particular circumstances that practitioners are regularly facing.

Expressed

One way to strengthen an ethics framework is to express it—clearly, broadly, and regularly. One aspect of that expression is to give it tangible form. Perhaps the most common form would be a written code of ethics, but symbols, summaries, visual art, or songs could work just as well to capture, clarify, and provide a reminder of the ethical principles you want to be evident in your work.

Another form of expression is to make the ethics framework a regular point of reference for everyone in the organization. It could be routine, for example, to use your organization's ethical guidelines to frame anything from case discussions to funding decisions—as in, Before we debate the merits of these proposals, let's review which of our values are most relevant here.

A third aspect of expressing your ethics framework is to make it visible beyond your organization. This could mean letting people know you have such a framework, by referring to it in public documents or presentations. This could also mean letting people know what is in it, by making it a point of reference, as appropriate, in discussions with outsiders. For example, a willingness to wait for another group's readiness could be explained with, Our ethics framework commits us to working collaboratively, even when it slows us down, so we'd rather take things at your pace than lose the opportunity to work with you.

Maintained

Like anything else, even a strong ethics framework is subject to decay. As important as it is to develop a strong and clear framework for guiding ethical choices in your organization, it is equally important to maintain that framework to ensure that it remains current as your organization's work evolves, and that it remains relevant as your organization's environment and clientele evolve. "How are we doing ethically?" should be as routine a concern as "How are we doing financially?"

Maintaining an ethics framework also means making sure that people continue using it, especially as they become familiar enough with it to forget that it is there, or as new people come into the organization and need to learn it. In part this means creating a process (such as recommended in Section III) to use for reviewing and refining your ethics framework over time. But this also means deciding how to give it form in the organization, making it present and visible for those who need to use it. How will you convey it to new people? How will you keep it fresh for people who are familiar with it? How explicit or implicit do you want it to be? How casual do you want people to be in talking about your ethics framework, or how respectful in treating it as something special?

Would it be useful, for example, to carry your ethics framework as an oral tradition? If so, how much of it should be held and taught by your organization's elders, and how much of it should be open to examination and revision? How will its strengths be preserved over time?

Would it be useful to express your ethics framework in art forms that capture its spirit and help people stay oriented to its guidance? If so, how prominently should these art forms be displayed, or how often should they be expressed?

Would it be useful to develop a written code of ethics? If so, how will it be kept supple and responsive?

However you preserve and express your ethics framework, its primary product will be the quality of experience people have in their interactions with your organization.

Making the Investment

Developing or maintaining an ethics framework does not necessarily require a lot of time or energy. This document suggests many things that organizations can do to improve their ethics frameworks, and suggests making it a regular habit to pay attention to the ethics of their work. However, it is written with awareness that you probably have more work to do than you have time available, and that your organization's resources are probably stretched tight.

It may seem that tending to your ethics framework calls for time and energy you do not have. That is almost certainly not the case. The considerable detail in this document is not meant to suggest that you should implement a formal process that would create additional pressure on your organization. All the steps recommended here could be done informally as well as formally: you could develop this into a comprehensive, formal system, but you also could do it in simple ways, to a more limited extent.

The simplest implementation would be to think about these issues as you read through this document, perhaps stopping occasionally to briefly consider a question posed. The most extensive implementation might be to develop written questions like the ones proposed here, for each person in your organization to respond to individually, and then to hold a series

of peacemaking circles based on those responses, building them into a shared perspective that consistently guides the work of everyone in the organization. Probably you will do something between those two extremes.

This document does assume that there is some relationship between how much attention you give your ethics framework and how effectively it improves your practice. But how much attention you decide to give it will depend on many things—including how much benefit you think you need. In this sense, maintaining an ethics framework has a lot in common with housework—a never-ending process that is easiest to manage when it’s integrated into daily life. There are ways to do quick ethics checks in the midst of other tasks (much like wiping up the counters as you go while cooking) or as a regular task that doesn’t take long because a system is set up for it (like vacuuming or mowing the lawn). (For examples of the kinds of questions you might ask, see *Translate*, in Section III.) Yet it is also useful to set regular times to step back and take a more thorough look at your organization’s ethics framework, just as spring and fall maintenance chores can prevent more expensive repairs later on.

The many suggestions in this document are not meant to create a lot of new work for you. Rather, the intention is to give you ideas and to encourage you to pay attention in new ways to your ethical choices. They are offered from the assumption that you will do with them as much or as little as makes sense for you and your organization, and that you will implement them as simply or as extensively as you need to.

Whatever system you devise, however extensive or simple it might be, make it one that is alive throughout the organization, and use it regularly. Doing those two things will almost certainly give you an ethics framework—and thus an organization—that grows continually stronger, better anchored, and more effective for achieving your purpose in the world.

III. Cultivating Your Organization's Ethics Framework



Once you've decided to give more attention to your organization's ethics framework, what comes next? You will want to examine and test the ethics guidelines already shaping your work, find out where there might be gaps, and develop a coherent set of principles for people in your organization to work by. How then do you proceed?

You could devise a formal process for doing this. Or you could do it quite informally. You may decide to do it quite comprehensively. Or you may want to start out more simply, exploring the possibilities in less depth. But whatever you decide, you may find it useful to organize the effort around a cycle of four key steps:

- Review the context of your work
- Align your choices with your organization's overarching purpose, its strongest vision, and its primary goals
- Translate your priorities into principles and your values into actions, and
- Evaluate the fit, the effectiveness, and the consequences of your ethical choices

That is to say: Make it a regular habit to RATE the ethics of your organization's work.

These four steps are interrelated and overlapping; doing any one of these things will have an effect on what you'll do in the others. They do not need to be done in this sequence. You could start anywhere; at any point you could loop back to a step that came earlier in this list; at any point you could leap forward to think about issues related to a step that comes later in the list. However, there is method in this sequence: each of these steps is more specific than those before it; thus, the work you've done at any one stage will become more useful—will carry you forward more effectively—when you take it to the next step.

Review

Ethics pulls our attention toward the good we want to be doing—toward the ideals we want to be guiding our work. This is indeed important, and we'll look at that next. But first it's important to remember that those ideals don't operate in isolation; what makes one choice better than another depends on where things stand in relation to each other. Like any map, an ethics framework can best offer guidance in reference to where its users are. So it is useful to maintain your ethics framework in light of its context.

Many different questions could help you start this review. Three simple ones invite you to consider what might be motivating you, what might be missing, and what might have changed.

What is your work responding to?

This question can help you highlight what motivates your work, or what need(s) you are addressing. For example, two agencies might both work with young people who have been charged with crimes, but answer this question in quite different ways. An agency that operates out of a concern for the amount of youth crime might work quite differently from one that is concerned about the effect of youth crime on the community. While both concerns are important, it will not always be possible to give them equal weight. And when choices must be made, the agency responding to youth crime and the agency responding to its effect on the community are likely to make different choices. What is the right thing to choose? That choice will depend on each agency's ethical perspectives, and they can only make a right choice if they are clear about their purpose in responding at all.

Asking what your work is responding to can also help you recognize influences you have not thought about (and which might exist inside or outside your organization). For example, what strengthens your resolve to work harder? What makes you decide it is not yet the right time for something? What frustrates you, embarrasses you, or makes you think about shutting down? What do you see as being inevitable, just something you have to live with? What do you see as inexcusable, something needing to be fought and changed? What do you see as missing, something that leaves you unable to work as effectively as you would like? What expectations do others have about how you should do your work?

All of these might be things you are responding to in one way or another. They may be shaping your choices and thus the ways you work.

The point here is not just to inventory the context of your work; there may be much that surrounds your work without influencing it in any particular way. The question here is not, What else is around you? but, What are you responding to?

This is not only about what you are consciously responding to, but also about what you may have been reacting to without thinking about it. Asking the question will bring to mind the

kinds of things influencing your choices. Becoming more aware of the hopes or fears (yours or others') driving your work can make it easier to recognize the options you have (or see yourself as having) and perhaps see patterns in the ones you tend to choose.

What is your work *not* responding to?

This second question is another way to review where you are by reminding yourself of what you may have been overlooking or taking for granted. For example, what populations is your organization not serving, or not serving as well as you think you should? What challenges are you not addressing? What needs are you not meeting? Who is not participating in your programs? What kinds of injustice are you not working with?

What has changed since you began responding this way?

This question asks about changes you may not have noticed or taken time to think about. For example, if you began doing youth justice work because that was where support was easiest to gain, has support for restorative justice now grown strong enough for you to take on cases involving adult offenders? If your work has not grown as you expected it to, might it be that support for it has eroded? Is your network of allies growing, shrinking, or showing turnover? As your community gains more experience with restorative justice—in the broad range of things that might mean—do you find that people's expectations of you are different from what they used to be? Have you seen changes in the kinds of questions or challenges you get from community members or potential partners?

Let this be an open, reflective review. The point is simply to be aware of what has led to your organization's unique history and current place, so there is no need to judge or defend the choices it has made. Just pay attention to where you are vis à vis the people you serve, the needs they bring, and the environment that you and others work in.

Let this also be a revolving review. Cultivate the habit of considering these kinds of questions on some regular basis. It can be especially useful to keep up the habit of reconsidering these questions as your organization gains experience, as personnel change, and as your organization responds to changing conditions in the community.

Align

Having oriented yourself in relation to your context, the next step is to make sure you stay headed toward your destination, by choosing what to align with at critical choice points.

This step may be the one that comes most naturally, as it is closest to the way most of us think about ethics: What is the highest and best to be striving for? This is about staying mindful of

what you want to choose or preserve when you have to make tough choices. Alignment here means staying aware of things that will keep you and your organization on course: the vision that is drawing you forward, the values that ground your work, and the beliefs that shape how you understand your options and obligations.

Vision and purpose

No doubt you want your work to accomplish many good things. You may, for example, be involved in restorative justice because it can reduce suffering, strengthen relationships, develop socio-emotional capacities, and build communities. You may have argued that your program deserves support because it reduces costs, reduces recidivism, and changes the culture in a school or neighbourhood. And there may be many other things drawing you to the work. So this step invites you to consider both purpose and vision.

Of all the good things your work might be part of, which are the most important? What is your overarching purpose? Do you want it to be strengthening families? Do you want it to be teaching empathy? Do you want it to be changing the criminal justice system? Chances are you'd prefer it to be doing all of those things. But if you had to choose, which one thing would you want your work to be helping to accomplish? Knowing this—and being sure that all the members of your organization know this—can help you stay mindful of what should take priority at difficult choice points.

Similarly, your vision no doubt holds many fine images of the world you are trying to help create. As you imagine that world, pay attention to what stands out. Is there more life in some parts of your vision than in others? Whose voices sound strongest or most insistent to you? Which aspect (or aspects) of that vision is most important to bring to life first, or most important to be working toward? The parts of your vision that are most vivid are probably the ones to align yourselves with. If those images feel encouraging and life-giving, then follow them. If they feel distressing, then explore them to see what need or longing lies behind them, and picture those needs being well addressed.

The point of aligning with your vision is that it can provide ethical guidance. Whichever choices would be appropriate in your vision are choices to start making now. If those choices are not yet appropriate because the context to support them does not yet exist, then come as close as you can.

Values

Dozens of values have been linked to restorative justice, and the importance of core values has long been claimed as a hallmark of the field. Yet claiming core values is not enough to set this field apart from others. As Catherine Borgen pointed out in a 2010 speech to the restorative justice community in British Columbia, values that are central to restorative justice are

also claimed by corporate and military entities.¹ Certainly respect and accountability, for example, are valued in the conventional justice paradigm as well as in restorative justice. What sets apart a field, or an organization, is what its values pertain to and how they are expressed.

What this means for your ethics framework is that it is not enough to identify the values you want to align with. It is also important to clarify where and how they matter. Respect for whom or for what? Integrity in terms of what? Inclusion in which processes or decisions? And so on. The more clearly you can identify what it is that you value and why, the more clearly those values can shape your organization's behaviour and thus shape what people experience in relation to your work.

One way to come at this is to consider all of the people who are in your organization or who come into contact with it (clients, facilitators, other staff members, community members, people referring cases, and so on), think about the kinds of interactions you have with each of those groups, and ask what you want those people to experience during those interactions. How do you want them to feel? How do you hope they will respond to you? How do you want those interactions to affect their relationship with you?

The values that guide your interactions will affect how people experience those interactions. So asking these kinds of questions can help you check to see which values are most likely to bring you those outcomes. Then clarify those values—being as specific as possible, but also paying attention to the role and weight of each value. Which ones are most closely related to your overarching purpose? Which ones are most important to the widest range of your organization's work? Which ones help to define your organization as distinctive? Which ones go deepest, and are absolutely not to be compromised? Which ones are most important not only in your work, but also in the world beyond your organization?

As you respond to these kinds of questions, naming the specific values that you want to define the various aspects of your work, notice where you get clusters of the same values appearing. Those are likely to be the ones most important for your organization. Finding ways to hold your alignment with those values will be an important part of strengthening your ethics framework.

Beliefs

Your priorities and your sense of what makes something right or wrong to do in a particular situation are influenced by how you see the world, how you understand justice and its aims, and what you believe about people's capacities. So it is worth staying aware of the beliefs that might be shaping your choices, and being careful to align your choices with the beliefs you want to stand by. For example, you might want to examine things such as:

¹ Catherine Borgen, "Value-based Practice and Strategies in Restorative Justice" (presented at the BC Provincial Restorative Justice Conference, Abbotsford BC, April 30, 2010).

- *What is the basic nature of justice?* Is justice the procedural response of an official institution? Is it a utopian ideal, something to strive for but not possible to achieve? Does it live in human relationship, something to accomplish and sustain?
- *What does reconciliation mean?* What role, if any, does it have in whether or how justice is served, or in the success of restorative justice? This may depend on how you define reconciliation. Some people see reconciliation as being central to justice because they use the term very broadly. It may include, for example, victims whose healing means reconciling with themselves or with the reality of what has happened to them. Or it may include offenders being reconciled with their communities when reentry is successful and productive. Some might see reconciliation between victims and offenders as a primary purpose of restorative justice, while others might say that reconciliation is optional rather than central, a byproduct that sometimes occurs when justice is well served but not something to seek for its own sake.
- *What does forgiveness mean?* What role, if any, does it have in whether or how justice is served, or in the success of restorative justice? Some people see forgiveness as a personal matter that lies outside the question of justice and outside the proper realm of restorative justice. Others see forgiveness as something that matters to the extent it is valued by individual clients or participants. Still others see forgiveness as a primary purpose of restorative justice. Some might respond to this question one way with respect to forgiveness of self, and differently with respect to forgiveness of another person. How you understand forgiveness in relation to justice is likely to shape how you work with clients—as something to be avoided, something to allow for if participants raise it, or something to encourage. How readily does remorse come? How readily do most people understand, or how much do most people care, how their behaviour affects other people? Does this recognition come easily for most people, or do people need to be confronted or convinced?
- *What guidance do groups need?* How do people reach new understandings together? Do you believe that people in a difficult dialogue usually gain more from struggling together in whatever ways come naturally to them—however messy or uncomfortable that may be? Or do you believe they gain more from learning new ways of interacting, or from being encouraged to tap their best selves?
- *What is shame?* And what place does shame have in a restorative justice process? Some say that shame is tied to remorse, and therefore is something to encourage offenders to feel. Others say that shame is a basic human affect, and cannot really be sought or manipulated. Some see shame as a noun—something to be understood. Others see it as a verb—something to be done when it is called for. Some see ‘shaming’ as a good thing when done for the sake of reconciliation; some see ‘shaming’ efforts as a misunderstanding of restorative justice theory and as having no place in restorative justice.

Translate

This section invites you to put the rubber to the road. Now that you have situated yourselves in terms of your organization's context, and thought about what you want your choices to align with, the next step is to decide what this means in terms of action. How do you want your vision, values, and beliefs to shape your ethical choices? This is an opportunity to think about the kinds of situations you face in your work—in practice with clients, in policy decisions, or in other aspects of your work—to note the kinds of choices that come up in those situations, and to decide which kinds of choices you want people in your organization to be making on a consistent basis. Thinking about the kinds of choices you might face, and being specific about what the right choices might be in those kinds of situations, will make it easier to respond effectively in the heat of the moment—easier to remember the alignments you have identified as important, easier to recognize which options they point to in particular circumstances, and easier to make the choices that best express what your organization seeks to be and that best help it achieve its mission.

This step involves translating into concrete terms the vision, the values, and the beliefs you carry into your work. A way to do this is to ask yourself questions that help you become more specific. You might start with getting more specific about the things identified in the last section—your vision, your values, and your beliefs—and you might also translate into action any principles you find meaningful in the restorative justice literature or in guidelines or codes of ethics you have found useful.

Translating your vision and purpose

An earlier section invited you to consider your primary purpose—whether you most want your work to be strengthening families, or teaching empathy, or changing the criminal justice system, or something else. Whatever purpose(s) you have identified, translate that priority into actions you could take. For example, if you most wanted your work to have the effect of strengthening families, you might put more energy into inviting family supporters to participate along with primary victims and offenders; you might go out to meet people in their homes, so that more family members could hear about the work; you might provide child care so that both parents could participate in a meeting, or raise money to cover wages that people might lose by participating.

If your primary purpose instead were to help improve the criminal justice system, you might invite more people from that system to observe the restorative justice dialogues you facilitate, helping them see firsthand what kinds of difference such a dialogue can make. You might host roundtable discussions, inviting people in the criminal justice system to help you explore some of the tensions that exist between the values prized in our legal system and the values prized in restorative justice. You might put energy into finding champions in the criminal justice system who could develop ways of expressing the restorative justice philosophy through their own legal procedures rather than by referring cases to outside restorative justice procedures.

The earlier section also suggested that you consider the ethical choices that might be related to the vision you hold. For example, what kinds of choices might need to be made in order for that vision to become a reality? Almost certainly you would need to choose particular priorities—anything from case selection to public education to relationship building to fund raising or room design—and take regular steps toward milestones along the way toward realizing that vision.

But also think about the kinds of choices people in your position, or in your organization, would be making once that vision is a reality—and start making those same kinds of choices now to whatever extent you can. For example, if your vision includes a justice centre that is also a community hub where lots of people come and go for many activities, then think about ways you could bring more people to your agency for events that connect your work with a broader context. Or ways that you can take your work to others' events where more community members are involved. Or, if your vision includes an ample budget for professional development, choose now to take advantage of professional development opportunities—however restricted that might need to be under your current budget. This might be doing something as simple as paying attention to local workshop announcements and making sure that volunteers know about them; or asking for targeted donations to help with professional development.

Translating your values

While people in the restorative justice field often take pride in the strength of its commitment to certain values, those values often float like pretty clouds, nice to look at occasionally but making little difference to what happens on the ground. What matters about values is their capacity to shape action. But they can do so only when people take the step of translating the qualities they value—respect, inclusion, consensus, and so on—into actions that make those things real in a particular set of circumstances.

A way to approach this translation is to think about a range of situations that are common in your organization. Then, for any given value you want to align with, think of times when you have seen that value in action. For example, if respect is a value you have identified as important, you might make a list of examples to finish the sentence, *It was a good example of respect when....* You also could think about times when respect fell short in your organization, and identify choices you wish people had made, by finishing a sentence like, *It might have been more respectful to....*

This kind of translation can help you become more specific about where and how particular values matter for your work. For example:

- *Respect* for whom or for what? And expressed in what ways? Does respect need to be earned, and if so how? Or is everyone to be respected no matter how they behave with your staff, or with other participants? If so, how should staff members respond when people behave badly (however you define behaving badly)?

- *Integrity* in terms of what? Do you mean integrity in terms of wholeness? In terms of honesty? In terms of something else? What behaviours would tell you that someone is or is not behaving with integrity?
- *Inclusion* in which processes or decisions? When might it be most or least important to include certain people? When might something else be more important than including someone? When or why might it be difficult to include certain people, and what kinds of efforts would be important to make before giving up and not including them?

You might ask the same kinds of questions for all of the values you have identified as important for your organization. As you do so, think about real situations and push yourself to be as specific as possible. Also push yourself to think about possibilities beyond the most obvious ones, translating your values not only for how to behave when 'doing restorative justice' with victims, offenders, and their supporters, but also for how to behave with policy makers and gatekeepers, with colleagues or competitors, and with everyone else your agency deals with.

Translating your beliefs

Here too, translation means getting more specific about what it means to align with the beliefs that shape how you see your options and priorities. Consider for instance a belief about the nature of justice—a belief so broad that people may not even be aware of having it, and so abstract that it seems unrelated to action. Yet it could be shaping some of your assumptions about where or how to advance your work. For example, people who see justice as the procedural response of an official institution might want to work most closely with the schools or courts, while people who see justice as living in human relationship might want to work more directly with people in their communities.

It may be easier to see how your beliefs about reconciliation, forgiveness, or shame translate into restorative justice practice. But here too it may be useful to push yourselves to be specific. For example, if reconciliation is important to how you define restorative justice or measure its success, then how, or how far, do you encourage participants to move in that direction? How do you want staff members to respond when potential participants say they plan to ask their victims for forgiveness, or plan to offer it to their offenders? When you hear people talk about restorative justice as a vehicle for forgiveness, do you want to affirm that, correct it, or let it pass?

How, if at all, do you want people in your organization to work with the notion of shame? Some see indicators of shame (tears, for example) as being markers of success. If you share this view, what, if anything, might you do or say to encourage a feeling of shame, and when might you do so? Others see shame as a powerful but private experience, neither to be encouraged or discouraged. If you share this view, what, if anything, might you do to help people understand its place in a restorative justice process? Some see 'shaming' as a distortion of healthy accountability, and believe it is unnecessary if not counterproductive. If you share

this view, how, if at all, might you respond when people you work with engage in shaming behaviour?

If you believe that most people come quite readily to an understanding of how their behaviour has affected others, what might that mean for how you work? Is it enough to create space for someone to reflect on the consequences of their behaviour, or is it important that they hear their victim's story, or hear it from that victim? On the other hand, if you believe that people tend to rationalize their behaviour and minimize its probable effects on others, how do you want people in your organization to listen for such minimizing or to challenge it when it occurs? How much minimizing is natural and acceptable within a requirement that 'offenders must accept responsibility' before a restorative justice process will move forward? When, how, and how hard would you want facilitators in your organization to push when offenders have not demonstrated a clear understanding of how their behaviour affected someone else?

You may believe that people best reach new understandings together when they interact as whoever they are and however they are comfortable communicating. Or you may believe it is best to encourage people to try new ways of interacting that call forth each other's best selves. Your beliefs about what is best may have implications for how you manage your dialogue processes, including whether or not you use ground rules or guidelines, and whether or how you want facilitators to intervene if conflict develops between participants.

There may be many other beliefs or assumptions helping to shape how you and your colleagues work. Cultivate a habit of paying attention as you become aware of those beliefs and, for each one, think about how you want to be expressing it in action. What commitments do you need to make, or what adjustments do you need to make, in order for your practice to be a consistent expression of your beliefs?

This process can also help you examine your beliefs. The exercise of deciding how your beliefs carry forth into action may help you test your assumptions or see how firmly your beliefs stand.

This translation step need not be restricted to identifying and translating the beliefs or assumptions you carry. You might also look at others' claims that you agree with—such as principles you find set out in restorative justice literature, or codes of ethics or other guidelines related to restorative justice—and decide specifically what they should mean for your organization.

Translating guidelines or principles

Principles to guide the behaviour of the members of some group might be set out in a code of ethics or a code of conduct. Such codes have long bound the members of professional groups, whose practice could put people at risk (doctors, lawyers, engineers, etc.), and they are increasingly common in the corporate world as expressions of companies' commitments to treating people and the environment responsibly.

There are some codes specific to restorative justice. For example, in 2002 the UNECOSOC endorsed Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters.¹ Developed by an international group of restorative justice scholars and advocates, those principles and guidelines are broad enough to guide basic restorative justice practice in any country.

Quite a different code was developed in 2003 in a charter developed by restorative justice practitioners in British Columbia.² This code goes further than the UN principles and guidelines in articulating not only basic practices but also a philosophical stance in which to anchor those practices.

The BC Charter may or may not be the right fit for your organization, but it almost certainly contains at least some things your organization would want to commit to. If nothing else, it provides a broad array of things for your organization to consider. Whether or not you decide to sign on to the Charter, or to adapt any of its provisions for a code specific to your organization, you could gain much useful clarity by asking what might be involved in enacting some of these pledges. For example, the Charter's first statement notes that restorative justice is a philosophy based on living in right relationship, and then says, "We pledge to walk with and work with one another upholding restorative principles and values." In exploring what this might mean for your organization, you might consider things such as:

- What might 'walk with' mean in this context? What might 'work with' mean in this context? For example, would your organization want this to be a proactive collaboration, or a more reactive availability in case of questions or concerns?
- When or how might it be difficult to uphold restorative justice principles and values? What kinds of pressures to compromise them might your organization feel? What kinds of choices might be important in upholding them, who would need to make those choices, and what would make it easier for people to choose well in those circumstances?
- Which (kinds of) organizations or practitioners would your organization most want to work with in this way? What kinds of alliance or interaction with other organizations might make it easier or more difficult for your organization's people to uphold restorative justice principles and values?
- If your organization made this pledge, what would you hope you could count on from others in return?

The Charter's fourth statement says, "We will strive always to engage in processes that are principled in restorative ways, while endeavouring to live our lives as examples of these values and principles." Here you might ask things such as:

1 "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters," ECOSOC Resolution 2002/12. Accessed 2 April 2011. <http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

2 A Charter for Practitioners of Restorative Justice, 2003. <http://www.sfu.ca/cfrj/fulltext/charter.pdf>

- What would it mean to live this way? Would this mean living this way as an organization? As individuals who work in the organization? As both?
- What would others see and hear as examples of these values and principles? You might want to generate examples related to your work with clients, your work with other agencies, the various working relationships inside your organization, and so on, and perhaps even in your personal lives.

The eighth statement embraces the classic injunction to do no further harm. As straightforward as it may seem, even this principle should be clarified with specific reference to your organization.

- What could 'harm' mean in the context of your work? For example, there is broad agreement that voluntary participation and careful preparation are important for ensuring that victim-offender dialogue does not cause new trauma for any of the participants. There is also broad agreement that victim-offender dialogue is likely to be uncomfortable for various participants at least part of the time. On a continuum from discomfort to trauma, where would your organization mark the degree of 'painful' experience you would ask participants to tolerate? Where would you say that such experience should be defined as harmful? How would you determine whether that point had been reached?
- Whose assessment of harm or potential harm should take precedence, and at what points? If a young person wanted to participate in a victim-offender dialogue (and had his or her parents' support for doing so) but a school official thought it would be too painful an experience for that young person, should your organization's facilitators put more stock in the student's judgment or the school official's? If a woman wanted a victim-offender dialogue with her former spouse, despite your concerns about his readiness to take responsibility, should your organization's facilitators put more stock in the victim's judgment or in their own?

The seventeenth statement cites the need for a caring, supportive community, and offers a pledge of support. Here you might ask:

- What kind(s) of support could your organization offer? What might that support cost your organization, in terms of time, energy, or not fulfilling other priorities?
- What kind(s) of support would you hope to receive? What difference might it make to receive or not receive such support?
- What might be difficult about being part of this kind of professional community? What might be satisfying about it?
- How important might this be in relation to other things your organization values?

When considering any set of principles, a good way to test their fit for your organization would be to probe each of the statements this way, pushing for specific meanings and for concrete examples; they could also provide a rich avenue of discussion toward devising your own code. For an example of the kinds of detail that can be helpful, see Chapter 8 of *Standards for Victim Assistance Programs and Providers*.¹

This chapter, “Ethical Standards for Victim Assistance Providers,” sets out ethical standards in four areas: scope of services, coordinating within the community, direct services, and administration and evaluation. Each standard is followed by commentary that identifies limits, gives examples, or otherwise clarifies the intent behind the standard.

For example, standard 2.3 says, “The victim assistance provider serves the public interest by contributing to the improvement of systems that impact victims of crime.”² The commentary for the standard, clarifying that this means more than strengthening one’s own organization through excellent service, states:

The victim assistance provider is expected to participate in professional activities and to assume community responsibilities when these are essential to the attainment of program goals. The victim assistance provider is to be sensitive to service needs of the public and to promote the development and implementation of programs that address such needs. As allowed by agency policy and/or funding source, the victim assistance provider is encouraged to participate in community efforts to prevent victimization, improve the justice/services systems, or improve access to these systems. The victim assistance provider is further encouraged to work toward change in policies, laws, and systems that are unjust, discriminatory, or ineffective.³

Translating your positions on controversial issues

There are many areas of controversy within the restorative justice field, ranging from what restorative justice is to how it should be practiced and what policies should contain or encourage it. Whether or not you have ever talked about these issues, you are making choices in relation to them. By default if not by informed choice, your work supports one or the other of the stances associated with these arguments, and your work carries the risks and courts the consequences often noted by people taking different positions. The more clearly you understand these issues, and the more thoughtfully you choose your stance regarding them, the stronger your ethics framework will be in guiding the choices you make in relation to these thorny issues.

1 Dana DeHart, *National Victim Assistance Standards Consortium: Standards for Victim Assistance Programs and Providers*. Columbia, SC: Center for Child and Family Studies, University of South Carolina, 2003. Accessed 2 April 2011. <http://ccfs.sc.edu/images/pdfs/victimstandards.pdf>. Organizations wanting to adapt these standards are asked to seek permission by contacting Pamela Bond at the Center for Child and Family Studies at the University of South Carolina.

2 DeHart, *Standards*, p. 61.

3 DeHart, *Standards*, p. 61-62.

Your organization cannot resolve those controversies. Different organizations likely will be deciding them differently for a long time to come. But your ethics framework will be stronger if you grapple with them anyway. And your grappling will be far more productive if you explore and test your stances by translating them into examples of concrete actions that would follow from the positions you take.

This is not an exhaustive list, but here are some of the issues it can be important to think through:

Consistency of process

How important is consistency of process from case to case? Should your facilitators use a script or a template of questions, or should they invite dialogue in whatever sequence is appropriate to a given case? Some say that using a script listing the basic questions to ask in a restorative justice dialogue, or at least an outline of the sequence to follow, ensures that any such dialogue will invite the stories that need to be heard and the discussions that people need to have. Others say that a restorative justice dialogue needs to be designed for the needs of the people participating, and that scripts are not flexible enough. How do you weigh those risks and merits? If you believe it is better to use a script, how do your organization's facilitators accommodate the need for flexibility? If you believe it is better not to use a script, how do you ensure that each restorative justice dialogue includes the components it needs to?

The question of punishment

How important is it, if at all, that participants' agreements include something that is difficult or painful for the offender to do? Some say that if the point of restorative justice is repair, or accountability that is meaningful to the victim, then it is irrelevant whether that accountability also causes difficulty or pain for the offender. In this view, what matters is the replacement of the stolen object, or the victim's feeling satisfied by the work an offender does in order to pay off a moral debt. If you believe that punishment is not necessarily needed in the agreements people come to, then what other criteria, if any, might be important for participants' agreements to meet? What else should any agreement be sure to accomplish?

Others say that punishment does have a place in restorative justice—that the moral debt created by harming someone requires that the offender must suffer at least some of the discomfort, inconvenience, or loss that the victim has experienced because of the crime. This view says that reparation requires that the offender must do something that is difficult or painful to do—out of fairness to the victim if not for the sake of the offender's development and growth. If you agree, then how do you want to make sure this happens? (Who should say what about this, and when?) What do you want people to think about when considering how much is enough and how much is too much? When weighing this for a particular agreement, whose judgment should count most—the victim's? the offender's? the supporters'? the facilitator's?

Comparability with conventional sanctions

How should restorative justice agreements compare to conventional sanctions? Some say that the agreement coming out of a restorative justice process should be whatever the participants believe is appropriate for their unique set of circumstances. Some say the agreement coming out of a restorative justice process should be comparable to whatever sanctions would have been imposed through a conventional process (that is, by a judge, school administrator, or grievance panel). If you agree, how do you make this comparison? How do you monitor your organization's agreements and how do you monitor the courts' or schools' sanctions? Then, what criteria do you use for weighing the terms of a restorative justice agreement with the terms of a conventional sanction?

Some say that a restorative justice agreement should be whatever the participants in a given dialogue see as being appropriate, as long as it is not blatantly unfair—that it is not more onerous than what would have been imposed in a conventional process, or more onerous than what is usually agreed to for comparable kinds of harms in other restorative justice agreements. Again, how would you monitor and what criteria would you apply?

Still others say it is not even appropriate to compare restorative justice agreements with conventional outcomes, because restorative justice reflects a different paradigm and therefore calls for fundamentally different responses—different sanctions, chosen for different reasons. If you agree, what criteria might you use for ensuring that the outcomes participants choose are consistent with the restorative justice paradigm?

A common measure of appropriateness—both for conventional sanctions and for restorative justice outcomes—is fairness. Note, however, that when people on any side of this issue raise concerns about unfairness they are usually concerned about asking too much of offenders, not about offering too little to victims. As you explore this issue you may also want to consider whether fairness to victims is of equal cause for concern and, if so, how you might address it in your organization.

Consistency of outcomes

How important is consistency of outcome from case to case? An important principle in criminal justice is proportionality—that is, the notion that a criminal sentence should fairly reflect the seriousness of the crime, and should be consistent with how others are sentenced for similar crimes. Some say this principle is as important for restorative justice as it is for conventional criminal justice, while others say that adopting a new paradigm may call for making different principles primary.

From one perspective, it is common sense that, especially to be credible, restorative justice should have outcomes that are fair and at least reasonably consistent. If you

agree, how do you track the agreements coming out of cases your agency handles, and how do you find out about agreements coming out of other agencies' work, so as to compare them? If you are aware of significant differences across cases, how do you want to address that issue? (Some say the restorative justice field should establish upper and lower limits for how offenders may be asked to make amends. Others say this problem can be solved through the review done by prosecutors and judges when case reports are made to the courts.) If you wanted to work with other agencies to increase the consistency of your participants' agreements, how would you want to decide what is appropriate? Then, in your practice, how would you address this with participants who might want something that falls outside the parameters you had established?

From another perspective, this concern for proportionality may reflect the old-paradigm habit of defining criminal justice in terms of how offenders are to be treated rather than in terms of what victims need. If this view seems more right to you, then where, if at all, would you set boundaries on what accountability could demand of offenders? Who should make that choice, and on what basis? How would you review the agreements your participants come to, and how would you want to address any cases where the agreements seemed blatantly too lenient or far too harsh? And how might you respond to participants who complain when they hear about other cases where offenders are asked to do far more or far less than what they themselves had settled on?

Communication guidelines

How important is it that participants communicate respectfully with each other? Some say that everyone participating in a restorative justice process should have their dignity respected and should be treated with respect—not only by restorative justice facilitators but also by everyone else who might be participating—so that people feel safe enough to say what they need to and calm enough to hear what others need them to hear. To that end, some facilitators explain this intention and invite participants to agree to ground rules, or to craft their own guidelines, for communicating while they are together. If you agree, do you want your facilitators to start by suggesting guidelines or by inviting participants to propose them? How important is it, if at all, to get unanimous agreement to those guidelines before moving on with the process? If participants disagree with each other about specific guidelines, how do you want your facilitators to help them resolve the conflict? Once they have agreed to a set of guidelines, when, if at all, should facilitators remind people of those guidelines, and how?

On the other hand, some say that asking participants to be deliberately polite during a restorative justice process may not serve people well in the long run, especially if they have an ongoing relationship; the argument here is that since they will communicate in their own way after the process has ended, they may as well be communicating that way as they sort things out together. If you agree, how do you want

facilitators to gauge when tension or discomfort might be normal and even productive and when it might become counterproductive? If it becomes counterproductive, how, if at all, do you want your facilitators to intervene?

Voluntary choice

What does 'voluntary' really mean in the context of restorative justice? Some say this means that each person, including the offender, must actively want to engage in the restorative justice process. In this view, any incentive to participate (such as getting a charge withdrawn if they participate and complete any terms agreed to) constitutes some degree of coercion, which undermines the integrity of the dialogue between the parties. If this is your view, does this require that you work independently of the schools or the courts, so that official processes cannot create or remove incentives for your potential participants? Or are there ways your facilitators can assess the degree of people's voluntary commitment? If so, what are those ways?

Others say that voluntariness lies on a continuum, and that some incentive to participate does not compromise a process or its consistency with the restorative justice philosophy. This view holds that, as long as each party has, and understands that they have, the option to withdraw from the process at any time, then their continued participation is voluntary. If this is your view, then how, if at all, do you ensure that people understand they have the option to withdraw? When, if ever, might you want your facilitators to test the degree of people's voluntary commitment—if, for instance, someone continued participating but did so with sullen or hostile body language? When, if ever, might you want your facilitators to encourage people not to withdraw if, for instance, continuing were important to others involved in the process?

Offender responsibility

How much responsibility does an offender need to take before being invited to participate in a restorative justice dialogue? Some say that, before a case should move forward, the offender needs to take full responsibility for the harms caused. Otherwise, in this view, there is too great a risk that the offender would be taking advantage of the victim again, or taking advantage of the court's or institution's willingness to divert the case. Others say it is enough for offenders to acknowledge their actions—but not necessarily responsibility for all resulting harm—because it is through the process of dialogue with their victims that they will come to understand the real consequences of their behaviour. In this view, demanding a full acceptance of responsibility before that dialogue takes place could cause many people to lose out on what restorative justice has to offer.

Developing participants' agreements

How should participants' agreements be developed? Some say that this stage of a restorative justice process should start by inviting the victim to say what they need—that is, what they think is called for in order to make things right. Others say this step should start with asking the offender what she or he wants to offer the victim in order to help make things right. For you, which of those approaches better reflects the core principles of restorative justice? Whichever way you usually start, how do you then make sure that the other party feels free to negotiate something quite different?

Facilitator role in shaping agreements

What role, if any, should the facilitator have in helping participants shape their agreement? Some say the facilitator should support whatever terms the participants decide on. Others say the facilitator should make sure that participants are aware, before making a final decision, if the agreement they are considering is quite different from the agreements coming out of comparable restorative justice processes, or from the sanctions likely to be imposed by a court or school administration.

If you believe the facilitator should provide information about comparable sanctions, when and how should that happen? Some say the facilitator should volunteer the information (in a caucus if not in the open session) before the agreement process gets too far. Some say the facilitator should provide this kind of information only if asked. Some say that if the participants want that information, the facilitator should encourage them to ask a relevant expert (a lawyer, probation officer, or school counsellor) for advice. Whichever stance you take, be specific about what, and how much, a facilitator should say under various circumstances. Imagine the questions that victims, offenders, or their supporters might ask, or some of the assumptions you could hear reflected in comments they might make. And decide very specifically how you want your facilitators to respond.

Facilitator expertise

What kinds of knowledge do restorative justice facilitators need to have? Certainly they need to know how to facilitate their restorative justice process(es) effectively, but do they also need to have other kinds of expertise? Some say that restorative justice facilitators need to know sections of the law that are relevant to the kinds of cases they work with, that they need to know what kinds of sanctions would likely be imposed through regular processes, or that they need to know both. Some say that restorative justice is distinct from the courts (or other conventional processes), and is not directly comparable; therefore it is irrelevant what might happen in another context, and facilitators do not need to have that expertise.

Some say that restorative justice facilitators working with youth should have training and experience in education, or developmental psychology, or both. Others say that, while certainly relevant, such expertise is held by others who participate in the restorative justice process (whether preparation, dialogue, or both), so it is not something the facilitator needs to have too. This view holds that it can be counterproductive for the facilitator to have too much context expertise, as this person's role is only to facilitate, not to assess or treat as someone with such expertise might do.

If you believe that facilitators should have certain kinds of knowledge or expertise beyond how to guide and manage a dialogue or other process, list as specifically as possible what you want them to know, and how they should demonstrate that they know it. For example, are these recommended or required areas of knowledge? Is it best to assess facilitators' mastery through an exam, through some kind of role play, or by observing their work with real participants? How often does that knowledge need to be refreshed or retested? What should happen if a facilitator cannot demonstrate that expertise, or does not show it consistently in their case work?

Who—in the restorative justice field or beyond it—might help you decide these things?

Facilitator training

How much training do restorative justice facilitators need? Some say that, at least for most kinds of cases, two days is enough time for people to learn the philosophy of restorative justice and gain a basic understanding of how to facilitate effective dialogues. In this view, experience and mentoring are the best way to anchor that initial learning and deepen people's understandings. If you agree, how much experience and what kinds of mentoring are needed? What do you expect people to have mastered by the end of their training, and what do you expect them to continue learning as they gain experience?

Others say that more time is needed for properly integrating even basic learning. In this view, shifting to a new paradigm demands more time for experiential learning, for allowing questions to form and surface, for trying out new ways of facilitating and getting appropriate feedback on those new skills. If you agree, how much more time is required, and what does that time need to contain? What do you expect people to have mastered by the end of this training, and what do you expect them to continue learning as they gain experience?

Restorative justice and sexualized assault or domestic violence

When, if ever, should restorative justice be an option in cases of sexualized assault or domestic violence? Some say that restorative justice is never appropriate for such cases—that it is so important to have these kinds of assault taken seriously as crimes that it is totally inappropriate to move them out of the courtroom and have them

misunderstood as private conflicts. Others say restorative justice can be appropriate for such cases, if done carefully and under the right conditions. Some say that restorative justice might be appropriate for cases of adult offenders assaulting adult victims (especially for sexualized assault involving strangers), but that restorative justice is never appropriate for cases involving adult offenders who have assaulted children—both because of the power imbalance inherent in such cases, and because a young victim might be even more vulnerable than most, raising too high the risk of revictimization.

Similarly, some say restorative justice is never appropriate for domestic violence cases because violence against a partner is so often a chronic behaviour, creating an ongoing power imbalance, making it impossible to have confidence that a victim and offender are both participating voluntarily, or that they can negotiate any agreement not contaminated by duress. Others say that domestic violence cases vary so widely that it is impossible to have a blanket rule appropriate for all cases. From this point of view it is possible—taking into consideration the nature of the harm done, the timing of the process in relation to that harm, and the needs and capacities of the people involved—to create the safeguards necessary to ensure all parties' safety, voluntary participation, and full choice.

Even for those who, on principle, support the use of restorative justice in response to sexualized assault or domestic violence, there is a further question of who should be facilitating it. Some say that such cases should be handled only by people who have related professional training and who can be held accountable at a higher standard than most community volunteers can be. Others say that a restorative justice process, when appropriately facilitated, is robust enough to work around the many kinds of power imbalances that are common in restorative justice cases. This view holds that power imbalance is an issue primarily in victim-offender dialogue, and can be mitigated by including members of the victim's and offender's communities. It is countered by an argument that including supporters can further skew a power imbalance and put certain parties at greater risk.

If you see sexualized assault cases, domestic violence cases, or both, as cases your organization should not be working with, do you object to the idea on principle (that is, for all agencies and practitioners) or on the basis of current circumstances? If on principle, be specific about how you would decline referrals or direct approaches from victims or offenders—for example, how or why such cases fall outside the restorative justice paradigm. If you would decline on the basis of current circumstances, be specific about how you want to work in relation to those circumstances. For instance, are these temporary circumstances that you anticipate changing over time? If so, when and how? If these are permanent circumstances for your agency (for example, if your mission demands a different focus), then what, if anything, might you do to help other agencies develop the expertise needed so that victims and offenders involved in these kinds of crimes can also benefit from restorative justice?

If you do see a role for restorative justice, and for your organization, in cases of sexualized assault or domestic violence, what is that role and how do you see yourselves filling it ethically? Be specific about things such as:

- What criteria might you use in deciding which cases to work with, and when and how might you apply those criteria?
- Who might be assigned to work with such cases, and what criteria might you use for deciding whom to assign?
- Who would be involved in which aspects of a case's progress (screening, case building, facilitation, or follow up)?
- How, if at all, might you handle these cases differently from other cases you work with?
- What safeguards might be needed for taking on such cases?
- How might you meet the concerns expressed by critics of this kind of work?
- What mechanisms might you put in place for holding your agency accountable—to participants who may be putting themselves at risk, to other agencies that also serve your participants, or to champions of restorative justice who are concerned about the risk of damage and backlash?
- Who, in the restorative justice field and beyond it, might help you learn about the complexities of this issues and help you sort through what stance(s) to take?

This is not a comprehensive list of things to translate into action. As you cultivate your ethics framework, paying attention to what you want your work to be consistent with and what you want it to be expressing, you almost certainly will find other intangibles pushing your work in one direction or another. Whatever those things are, be in the habit of tracing the path from generalities (values, beliefs, principles) to specifics (actions, statements or questions, choices). Be in the habit of asking yourself: If we believe this or care about that, what kind(s) of choices does that call for in our work? What kinds of action follow from this?

At the same time, the intention here is not to suggest that you need to work through every one of these questions for the sake of a quality ethics framework. These questions are intended to indicate the kinds of detail that can help you strengthen your ethics framework, and to jog your thinking as you do so. The more actively people in your organization engage around these kinds of questions, the more alive your ethics framework will be. And the more specific you can be in answering these kinds of questions for yourself, the more effectively you'll be shaping your organization's work.

Restorative justice and power based crime

For the sake of participants' safety, for the sake of your agency's credibility, and for the sake of continually improving your work, two things are especially important for agencies using restorative justice in relation to power-based crimes.

The first is to learn about the issues involved, and to understand and take seriously the strong critique being made—in the field and about the field—about whether to do such work, and, if so, how to do it.¹

The second is to develop or refine your work in collaboration with people in related agencies, such as domestic violence shelters or sexual assault centres. People working in such agencies have important expertise that bears on the question of using restorative justice in power-based crime. Tapping that expertise could dramatically improve the safety and the effectiveness of the work you do. Be aware that your colleagues in those agencies may not be interested in working with you—especially if you have already done such work without consulting them. But if you have a commitment to doing good work, and if you want to build credibility by demonstrating that commitment, then it is important to learn what you can from your allies—even the challenging ones—who are also working with the clientele you might serve in such cases.

The people you consult may recommend that you not do the work at all. In that case, it may still be worth requesting a dialogue just to explore the issue together. This might help all of you become clearer about assumptions that might be shaping various positions, and where there might be a potential for restorative justice to help achieve goals that others are working toward with regard to power-based violence. If you genuinely request, and respectfully participate in, a dialogue about whether and how to do such work, people in related agencies may be willing to review your protocols and protections and offer feedback and guidance. If not, you can at least signal that you respect their expertise, and, over time, work toward building a collegial relationship.

¹ There is a growing literature about this. You will find it online (search the terms) and in the many books now available on the topic of restorative justice and domestic or sexual violence.

Evaluate

The fourth step in developing and maintaining your ethics framework is to evaluate it. Having reviewed your environment and situated your organization in relation to it, aligned yourselves with the direction you want to take, and translated your intentions into actions that will move you in that direction, it is also important to stop periodically to check the usefulness of your map.

Note that this is different from the kind of evaluation usually recommended for service organizations. This is not about evaluating your organization's results or your people's performance. Rather this is about checking to see how well your ethics framework provides useful guidance when people are unsure of the right thing to do.

This evaluation should explore at least four questions:

First, what ethical questions have people in your organization been running into? (This could be in the course of working with each other, with clients, or on behalf of the organization.) Of the questions they have faced, which ones are addressed in some way by the ethics framework your organization already has in place? Which ones have not yet been addressed, so that people had to decide on their own what would be the right thing to do?

Second, when facing those ethical questions, what choices did people make?

- For questions that were addressed by the ethics framework already in place: How consistent were people's choices with the principles, values, or priorities that make up your organization's ethics framework?
- For questions not yet addressed by your organization's ethics framework: How did people come to the choices they settled on? What training, experience, ideas, etc., did they turn to for guidance? What principles or criteria did they use for weighing the options they saw and for making the choice they did?
- Whether questions were already addressed or not yet addressed: How well did people's choices serve the organization's clients or its ongoing work? Did people's choices in the moment turn out to be the right ones for fostering meaningful accountability, exemplifying your organization's values, or meeting other key goals?

Third, how good is the fit between the choices people are confronting and the ethics framework they are using? Are people finding gaps—places where they wish they'd had more explicit guidance? If so, are they finding many gaps or few? Are there more gaps, or bigger gaps, in some aspects of their work than others? If people are not finding gaps—if the ethics framework covers all the territory it needs to—then how well does the ethics framework fit the circumstances people find themselves in? Are the values championed in the ethics framework clear enough to shed light where they are needed, or too vague to help people find their way? Are the organization's policies or protocols so stiff that people chafe under them, or so loose that people can't take sure steps?

Fourth, how well does the ethics framework function for helping your organization work effectively and with integrity? Do people know the ethics framework well enough to remember what it might have to say about a situation they find themselves in? Do they understand it well enough to be able to apply it appropriately? Can someone with an ethical question easily find someone else in the organization to help with that question? How warmly might the ethical question be received by that other person, and what priority might it be given alongside other work demands?

In short, how useful is your organization's ethics framework?

How might you evaluate your ethics framework to determine how useful it is? Just as developing and maintaining your ethics framework is something that can be done as simply or as extensively as makes sense for your organization, here too there is both a simple approach and a more thorough one to evaluation. The simplest approach might be just to reflect on the set of questions posed above. For a more thorough evaluation of your ethics framework, you might schedule time to do the following things on a regular basis:

- Identify a set of specific questions by which to explore the four basic questions posed above. These questions might be selected by the Board, the Executive Director, a committee, or some combination. It's probably best if more than one person works on developing them, and best if that team or group includes those who have greatest responsibility for the organization's ethical functioning.
- Ensure that everyone using the ethics framework responds to those questions.
- Ensure that people's responses to all of the questions are recorded (perhaps by having written responses submitted, perhaps by having interviews recorded and transcribed).
- Review those responses in light of predetermined criteria (also developed by people with responsibility for the organization's ethics function).
- Determine what strengths and weaknesses the ethics framework has at that point, and decide where and how to strengthen it.

Most likely your evaluation process will lie somewhere between simple and extensive. What matters is that you do find some way to incorporate this evaluation, and that you do get answers to these four questions. As important as it is to develop a strong ethics framework, maintaining that strength requires testing periodically for shifts and decay. As your environment changes (which it does) and as your organization changes (which it does), your ethics framework needs to be updated too. The only way to be sure that your ethics framework still fits and still functions well is to find out what ethical questions people are facing and how well your ethics framework is helping them make their best choices.

As you do all this, be thoughtful about who makes which decisions—both about your ethics framework and about its evaluation. For instance, who decides how formally or informally the ethics framework is structured? Who decides what format it will take? Who decides which questions to use for discovering how the ethics framework has been applied (or ignored) or what effect that has had? Who determines how those responses are coded? Who decides what to do with this evaluation? Who is involved in, and who is responsible for, revisions to the ethics framework, or to how it is implemented?

Whether you do this step simply or extensively, finish it by asking what it tells you about your ethics framework—which aspects of it are working and need to be sustained, which aspects of it need to be strengthened so that it can serve you even better, and which aspects of it need to be revised or changed.

What to strengthen or change should be clear from what your evaluation has revealed about where the gaps are and what the needs are. Improving your ethics framework might mean tightening a policy. It might mean loosening a policy. It might mean being more precise with certain language that is used in the organization—such as in training materials, in protocols for working with clients, or in promotional materials. It might mean not changing anything—and simply calling people's attention more often to an ethical tension that is present in your organization's work.

What it does mean is making whatever refinements you need to, so as to answer yes to each of these questions about your ethics framework:

- Is it broad enough to guide people's choices in all facets of your organization?
- Is it specific enough to be of concrete help in the course of someone's daily work?
- Is it flexible enough to respond to nuanced differences, and to incorporate people's good judgment?
- Is it clear enough that people can understand and remember it in the midst of complicated situations?
- Is it strong enough to give your organization added consistency and stability?
- Is it accessible enough that people can apply it even when difficult decisions must be made quickly?

How do you bring your ethics framework to that point? That depends, of course, on where you are, where you are headed, and the kinds of steps you are taking to get there. You create and sustain this kind of ethics framework through a regular cycle of review, alignment, translation, and evaluation.

That is, you RATE your ethics framework for yourselves, and you continually refine it.

This approach—review, align, translate into action, and evaluate—can be useful for any aspect of your ethics framework. We've been talking about your restorative justice work, but you also could use this approach to strengthen your ethics in regard to human resources practices, or fundraising practices, or your ecological footprint. The following brief exploration illustrates, for instance, how you might use the approach in your relationships with people and agencies beyond your own organization.

IV. Your Ethics Framework in Relationship



Strengthening your agency's relationships

Strengthening your ethics framework is important not only for helping you do the right work in the right ways—whatever those things are for your organization—but also for helping you build the relationships that will help your organization be its best and do its best over the long term. In this context, strengthening your ethics framework is about charting your path in relation to what others need from you, and in ways that build credibility and trust—for your own agency and also for the restorative justice field.

Here too, a regular process of review, alignment, translation and evaluation can be a useful way to proceed. You might want to start by reviewing the relationships you have, and how those relationships might be shaping your work.

Review: Where are you in relation to others?

- Who is using your services? Are they the people you most want to be serving?
- Who is applying to work in your organization (whether as paid staff or as volunteers)? Are they the people you most want to attract? Is the turnover at the right rate for your organization?
- Who are your organization's partners or supporters? Are they the people you most want to be working with?
- What do your key relationships depend on—for the other people involved? What are others (clients, victim services, referral agents, funders, colleagues, other supporters) looking for in a relationship with your agency? What do they need to know or see demonstrated in order to trust you?

- What do your key relationships depend on—for you? What are you looking for in your relationships with various stakeholders (clients, victim services, referral agents, funders, colleagues, other supporters)? What do you need from them in order to do your work with integrity?
- How isolated or interconnected is your organization? How unique is your service, or how much does it overlap with others' work? How focused is your organization on its own priorities, and how much does your work feel tied to others' priorities?
- Whose work reflects on yours? Who might say that your work reflects on theirs?
- How broad and how strong is your network of referral sources and other supporters? If your organization had a public relations challenge or a funding crisis, how many people would come to its defence? What kinds of support could they give, and what kind(s) of difference might that make?
- How deeply is that support integrated in your organization? To what extent is that support linked to key individuals in your organization, and to what extent is it a support of the whole agency? Would that support continue as strongly if key individuals left your organization?
- What relationships, if any, are missing or are not as strong as you'd like them to be?

Align: What is important about your relationships?

In the context of strengthening your organization's relationships, alignment might refer to the particular relationships you want to focus on or tend most carefully. Which, or which kinds of, relationship are most important to your organization's success? This question often brings to mind two primary relationships: referral sources and funders. Both of these can indeed be crucial. Most agencies that foster restorative justice would have no work if cases were not referred by the police, courts, or schools. And many such agencies have had to close when they ran out of money. But there may also be other relationships important to your organization's success. You might think, for example, about:

- other agencies that serve victims
- institutional policy makers or legislative representatives
- organizations offering treatment, community service placements, and so on
- agencies doing work that is comparable or related to yours
- your community at large

The key here is to consider all of the relationships that might be important to your agency's identity and stability, identifying any that are important to consider when you're making ethical choices.

Note that identifying certain relationships as having a place in your ethical decisions does not mean that those relationships will dictate your choices. The point here is not to make certain choices because a relationship matters, but rather to be in the habit of considering how the options you consider might affect those who work with you or depend on you. You may at times make certain choices out of consideration for key relationships; at other times you may choose things even though they will strain key relationships, because of something else your organization is even more strongly committed to.

Alignment in this context could also refer to identifying the key values that you want to express in your relationships with your clients, your colleagues, or your community. To help tease out which values those are, you might consider things such as:

- How independent or interdependent do you want your organization to be? Are you committed to collaborating on important matters, even when that might be difficult or draining? Or are you committed to following your own priorities, even when that means going it alone?
- What do you most want to accomplish or maintain in each of the relationships that are most important to your agency? For example:
 - In your interactions with a given referral source, it might be more important to build awareness, or more important to build trust.
 - For relationships with agencies doing comparable work, it might be more important to maintain respectful boundaries, or more important to build a closer working relationship.
 - For the people who work together in your organization, it might be more important to build camaraderie, or more important to cultivate a sense of mutual responsibility.
- What do you want your agency to be known for—not only in terms of service, but also in terms of integrity? What do you want people in other agencies to know they can expect from you, or count on you for? What do you want the people inside your agency to know they can count on from the organization they are part of?
- What do you need to be able to count on from the other people involved in your organization's key relationships? What kinds of commitment are important to you—both to make, and to receive—in the relationships you invest in?
- What is important to you for building trust in an important relationship? What do you need to be able to offer, and what do you need to count on getting, in terms of things such as information, honesty, or reliability in the relationships that matter most to your organization?

- What do you want to be held accountable for, and what do you want to hold others accountable for, in order to make sure that your key relationships work well?

You might decide, for example, that your first priority is to meet each client's needs to the best of your ability, even if this means not having time to work on developing opportunities for future growth. You might decide that it is a priority to be building alliances or influencing policy makers. You might decide to focus on building credibility with agencies that have been skeptical of your work or of restorative justice generally.

Translate: What does this look and sound like?

Whatever relationships are most important for you to cultivate, and whatever qualities you want to characterize those relationships, your next step is to translate those priorities into actions. What will you do in order to build the relationships you have identified as important, and to sustain them with the qualities you want to uphold?

In terms of the particular relationships you have highlighted as important to develop or to sustain, this might involve asking—for each of those key relationships—things such as:

- Who in your organization is responsible for ensuring that this relationship is looked after? Whom will they reach out to, how often, and how?
- What proportion of your organization's staff time (whether paid or volunteer) do you want invested in these relationships?
- As your organization's external relationships grow or change, how will you convey that inside your organization? As your internal relationships grow or change, how will you change your external relationships to reflect that development?
- Which information, and how much of it, is important to exchange and how often, in order for both of you to feel confident that, across time, you both remain current about each other's work and priorities?
- What issues or concerns might it be important to raise or to check in about?
- When is it important to communicate about special developments or challenges? Who should get a heads-up before something develops in or about your organization? When is it important to ask for help or support? When is it important to comment on challenges the other agency might be facing?
- How will you indicate what is important to you in a key relationship? What might you ask for specifically (such as in terms of honesty, reliability, or other qualities), or what might you say from time to time to signal that you appreciate certain kinds of treatment?

- How do you want to handle conflict with the other person or agency? If you disapprove of something that person or agency is doing, what criteria might you use for deciding whether, when, or how to address it? If you have been accused of or have been confronted about something, what criteria might you use for deciding whether, when, or how to respond?

Evaluate: How productive are these choices?

Finally, you'll want to periodically evaluate how well these choices are serving your relationships. Given what you've chosen to focus on, and the ways you've decided to carry out your priorities, are these choices making your relationships more productive and more satisfying?

If not, what needs to change? For example, might it be that you need to:

- Reconsider where your agency stands in your community?
- Make different relationships your priority, or become more thoughtful about cultivating certain qualities in the relationships that matter most?
- Be more specific about who interacts with whom, or make more concrete efforts to reach key people?
- Check more often to see how people understand what they hear from you?
- Sit down with key people to ask how the relationship is working for them?

Whatever choices you make in regard to your agency's relationships, be aware that your ethical choices do affect those relationships. Taking time to think about this connection—between how key relationships affect your organization and how your organization's choices affect those relationships—can make a significant difference to the quality of your agency's work, to your agency's long term stability, and to the development of the restorative justice field.

Communicating your ethics framework

As important as it is to enhance your organization's ethics framework for the sake of doing your best work, it is also important to communicate your ethics framework to others outside your organization. Doing so can enhance your credibility with outsiders and build the trust that others need to have if they are going to send you cases, give you money, or work with you to resolve questions or conflicts.

Perhaps most important to consider would be:

- What do you want people outside your agency to know or understand about your ethics framework? You may want to be more specific than some version of: We take our ethics seriously. You might want people to know it, for example, if you review all major policies in light of the ethics framework you have developed, if you screen all applicants on the basis of criteria articulated in your ethics framework, or other ways your ethics framework makes a difference to your regular operation. Perhaps you want referral sources or related agencies to know where you stand on issues that are controversial in the restorative justice field.
- How will you let people know these things? For example, what, if anything, might you say in an annual report about how you have used your ethics framework in the previous year? What, if anything, might you say informally, during meetings with people outside the organization, about the role your ethics framework has in your agency's operation?

Finally, communicating your ethics framework also means being available to communicate about your ethics framework, responding to the questions that others might have of you. The strength of your ethics framework will be most evident in whether or how consistently everyone in your organization 'walks the talk' and demonstrates in action the lofty ideals typically found in restorative justice rhetoric and in many program brochures. Yet you can further reveal or clarify your ethics framework by inviting, or effectively responding to, questions about the kinds of ethical choices you make. The next section suggests questions that may be asked by people outside your agency, who are considering whether or how to work with you. You may find it useful to read that section too, and think about how you might respond when such questions come to you.

V. Working with Agencies that Offer or Foster Restorative Justice



The majority of this document has been aimed at agencies offering services that apply the restorative justice philosophy, helping them develop or sustain an ethics framework that helps them carry out their mission with integrity. This section is for a broader group of readers, including people outside the agency—people who are, or are thinking of, working with or supporting the agency in some way. You might be:

- a victim or an offender deciding whether to use the services an agency offers
- a friend or community member, wondering whether to suggest that someone you know might try the agency's services
- a professional working in the police, courts, or schools, wondering whether to refer cases to the agency for service
- a funder wondering whether to grant project money to the agency
- a volunteer or a donor, wondering whether to give time, money, or other resources to help the agency do its work
- a potential staff member, wondering whether to apply for or accept a job with the agency

Whatever your relationship to the agency, knowing something about its ethical framework may help you decide whether to recommend it or to invest in it yourself.

Questions to consider

At this point there are no generally accepted standards to be met by every good agency offering restorative justice service. So this document cannot provide a list of criteria for you to look for. But there are some things worth exploring in relation to any agency you consider working with or recommending.

This section suggests things you might want to look for, ask about, or consider as you think about whether to work with a particular agency or how to work with one more effectively.

What should I look for in how the agency operates?

Agencies that work to foster restorative justice generally are committed to certain values and principles, including:

- Involving those who have been part of or affected by a harmful incident, or who have a stake in the decisions that will be made about it
- Creating chances for affected parties to be heard
- Putting as many decisions as possible into the hands of the people most directly involved—sometimes alongside the officials who might also have a stake, and sometimes instead of those officials
- Helping the people involved work together so that they can understand the full picture and, through their decisions and their follow-through, can meet as many needs as possible
- Inviting everyone to choose for themselves, at every point, whether or how to participate

This means that the agency should be treating its clients and its colleagues in ways that help those things happen. For example, you might pay attention to how people at the agency treat you or others in terms of:

Accessibility and flexibility

- How easy is it to reach someone at the agency who might be able to help you?
- When you do reach someone at the agency, how well are they listening and trying to understand your concerns?
- How easy is it to understand what service(s) the agency is offering—that is, exactly what you would be invited to do?
- Do you feel that you're being invited to help decide what will happen—which decisions you would be part of, and how much influence you would have in those decisions?

Transparency

- How clearly does the agency explain which choices belong to restorative justice participants and which choices belong to others, and why?
- How clearly do they explain the choices they will be making, as case managers or facilitators (such as whether or how to move a case forward), and what those decisions will be based on?
- How clearly do they explain their services in relation to other processes—such as how a restorative justice process may be diverted out of a more formal process (such as court proceedings, or a school's disciplinary process), or may take place alongside the formal process?
- How clearly do they explain any risks they see in terms of the choices that participants or policy makers might be considering—such as whether to meet someone face to face, whether to refer certain kinds of cases, or whether to invest in a pilot project?

Fairness and support

- Does it seem to you that everyone involved is being given the same considerations and opportunities? For example, are victims given as much time and opportunity as offenders are?
- Are people at the agency good about helping people find ways to say what they need others to hear—whether in preparing for a restorative justice dialogue, during that dialogue, or even in a meeting among colleagues?
- As you learn more about the agency's work or get better acquainted with its people, do you gain confidence about the quality of work they are likely doing?

What should the agency be able to tell me?

Restorative justice is still relatively new to Western notions of justice, and still very much under development. People in the restorative justice field agree very broadly about basic values and principles, but there is great variation in how they express those values and principles. There are many kinds of restorative justice practice, and two agencies that sound very similar might be going about the work in very different ways. There also are disagreements about many aspects of how best to foster restorative justice. An agency committed to doing good work should be conscious of where it stands in relation to the rest of the field, and should continually be thinking about how to grow along with that field.

The following questions do not have right and wrong answers. Two different agencies might answer them differently, but both should be able to answer them. Any agency you consider working with should be able to tell you:

- How their work fits into or complements the larger picture of the work done by others also serving its clientele, including police, courts, schools and victim serving agencies
- Why they believe the practice or model they generally use is the best one for the work they do, or when a particular practice or model is most appropriate to the cases they handle
- How they get feedback from clients, and how they handle dissatisfaction or complaints
- How much and what kind of training their facilitators have, and why that training is the right kind, in the right amount, for the cases they handle
- Why they handle the kinds of cases they do, and why they don't handle others (for example, if they handle a narrow range, is it because they chose that focus, or because they can't get other referrals?)

- What risks they see for the people involved in their practice of restorative justice (for referral agents or policy makers as well as individual participants)
- How they are meeting the needs of those who have been harmed as well as the needs of those responsible for harm—including, if necessary, how they have revised their practice in order to meet more victims' needs or meet those needs more directly
- What resources or other supports they have in place (either built in or available) for their facilitators, such as mentoring or professional oversight
- How they work with or link to related organizations whose work might supplement or complement theirs

The more serious the cases an agency handles, the more important it is that they have thorough and thoughtful responses to these kinds of questions. For example, before they even consider handling cases that involve domestic violence, sexualized assault, or other kinds of intimate or power-based crime, they should:

- Be aware of what critics are saying about restorative justice with respect to these kinds of crimes
- Have consulted with (or made regular efforts to consult with) local agencies or professionals who might have concerns about the use of restorative justice in such cases
- Have developed protocols specific to the risks associated with offering restorative justice in such cases

In short, they should be able to tell you why and how critics' concerns are legitimate, how the agency is addressing those concerns, and what steps the agency takes (such as through oversight or evaluation) to ensure that they are managing the risks appropriately.

What should I be listening for?

As you explore these kinds of questions with an agency, a whole range of answers is possible. Two different agencies, each of them doing very good restorative justice work, might give you quite different responses. But any restorative justice agency should have thought about these questions from various points of view, should have made decisions about them based on their ethical and value priorities, and should be able to explain their reasons.

If you know something about restorative justice, you can listen for knowledge you believe is important for them to have, and for positions that are consistent with yours. Whether or not you know anything about the restorative justice field, you might listen for indications that the agency:

- is aware of competing arguments,
- has grappled with the tensions involved in some of these questions, and
- has made choices consistent with their claims about their mission and vision.

However the agency responds, you should hear something that reassures you about:

- how the agency makes decisions,
- the priorities shaping the agency's work,
- how the agency manages risk to participants,
- the process the agency has established for getting feedback from all participants and for responding to complaints, and
- how quality is maintained across the agency, ensuring that its work would remain strong even if key personnel left.

Listen for responses that are consistent with what matters to you, giving you confidence that this agency is working toward the same things you are.

How can I know whether to trust the agency's work?

As in trusting anyone, whether or how much you trust an agency in this context is likely to depend partly on how well you know the agency's work or its people (or both) and partly on some sense of how comfortable you are with them. As you form that sense, you might find it useful to pay attention to whether or how well they 'walk the talk'. That is, in general how inclusive are they? How respectful are they—when talking to someone or about someone? How ready are they to share decision making, or to look out for someone else's interests ahead of their own? How humble are they, in the sense of being open to others' ideas and wisdom? How willing are they to engage with those who disagree with them?

Most important, of course, is whether or how consistently they prove to be trustworthy in your dealings with them. This, of course, is most relevant for ongoing relationships, such as if you are a referral source or a government official with responsibilities related to the agency's work.

How can I help build a relationship of trust?

Trustworthiness is reciprocal. Especially if you have (or could have) an ongoing relationship with an agency that fosters restorative justice, then building a relationship of trust can help strengthen the agency and the services it offers—as well as the work of your own organization. You can do several things to help build such a relationship.

First, engage with the agency. Make a commitment to understanding the agency's perspectives, especially in relation to things you are concerned about, or that appear to be in conflict with your objectives. Make the effort to understand and explore differences, and to collaborate in the larger effort of serving clients well.

Second, do not assume that the agency knows or understands your perspectives in relation to the cases you both are concerned with. Offer and clarify the particular information or perspectives that you see as most relevant, such as:

- Particular needs or challenges pertaining to the cases you refer or are responsible for
- Boundaries you want or expect the agency to observe, or boundaries that you hope the agency will help stretch
- Questions or issues you want to be consulted about before the agency makes decisions about cases you have referred, or decisions you want the agency to share with you
- More broadly, you also can help by clarifying what you need in order to trust the agency's work or to feel confident about your relationship. For example:
 - What actions or reactions might lead you to trust or not trust an agency that offers services related to restorative justice?
 - What could the agency do to help deepen your trust in its work? (More information? Different results? Invitations to visit and observe?) If they don't already know this, how could you clarify it?
 - What kind(s) of response do you expect to get when you express a concern? What is most important about that response (how soon it comes, who offers it, what its content is)?

If there is an agency in your community whose work you do not yet fully trust, it would be a courtesy, if not a professional obligation (depending on your role), to let the agency know this and invite it to work with you in changing the situation. Especially if you are a referral source or you can influence policy decisions, it would be a service to clients and to the restorative justice field, as well as to the agency, to improve that relationship. You can help by collaborating in an effort to sort out whether the agency needs to do something different in order to strengthen the service it offers, or whether the two of you need to communicate differently in order to feel allied in serving the clients you both care about.

What are my responsibilities to the agency?

As important as it is for an agency to take responsibility for doing good work, good relationships with others in the community can help it meet that responsibility. So a question to consider here is: given the nature of my relationship to this agency and its work, how can I interact with integrity and in ways that help to strengthen the quality of service it offers?

Especially if you have an ongoing relationship with the agency, you have an opportunity to make that a relationship that both encourages excellence and helps the agency reach for it. Rather than just making judgments about what's right or wrong with a program's work, make your assessments an opportunity for dialogue that helps to cultivate your community's capacity for justice.

If you're in an agency doing comparable work, make this an opportunity for mutual influence. In the spirit of restorative justice, engage with the agency in a mutual effort to make justice restorative; be honest about your concerns, and invite feedback about your work.

This spirit of collaboration may be especially important if you hold responsibility for the quality of justice in your community—for example, as someone responsible for cases you might or might not refer to the agency, or as a government official with responsibility for funding or oversight. You might convey that spirit of collaboration, for example, in various ways:

- As you pose the kinds of questions suggested in this document, offer them in a spirit of inquiry rather than as a test, and use them as a springboard for discussion and exploration.
- Explore with the agency the fit of its work into your organization's mandate. How does their work add value to yours, and vice versa?
- Share your perspective on the consequences of their decisions—including what you appreciate, what concerns you have, and how you see their work affecting your vision for justice in your community. Let people know what you hope for and what you are working toward; let them know what you want or need from their work in order to accomplish yours.

Accountability is important—and you can make it an ally by folding it into your relationship. Engage with the agency, and with others who have a stake in the agency's work, together building as full a picture as possible of what accountability should look like, for all of you who are involved. That is:

- Decide together what the agency is to be accountable for, and what benchmarks it is to reach on the path toward improvement.
- Invite the agency and others to hold you accountable too. Decide together what you should be doing, and with what benchmarks, to help restorative justice agencies strengthen their work.
- Decide together on mechanisms for holding each other to these expectations.

If you are in a position to refer or withhold cases or to grant or withhold funding, or if you are in a position of authority over an agency's work, remember that your power over the agency's operation could alter the dynamics of your relationship. Remember that you may need to make extra efforts to find out what the agency needs from you, and you too may need to earn the trust you want the agency to have in you.

What if I'm concerned about an agency's work?

First, ask about it. If you are put off by a particular interaction or decision, talk with the person(s) involved and find out more about what was intended or what the decision was based on. If you remain concerned about the handling of a case, or about the agency's handling of cases more generally, let the agency know that you are concerned. At times it may be appropriate to complain to a case manager or the agency director, requesting a particular change. But this discussion need not always be a complaint; you also might offer to share your understandings of the agency's work or your concerns about possible consequences of that work, and invite a dialogue about the ethics of sound restorative justice practice.

Particularly if you have an ongoing relationship with the agency, consider that the agency may not have information or perspectives that seem obvious to you, and think about what you might offer in order to help close that gap.

If these steps are not helpful enough, then look for someone else who might be able to assist. In British Columbia, contact the Restorative Justice Coordinator, Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General.¹

If you live outside B.C., check with your province's or state's government department of justice to see whether they have a comparable position or could refer you to a restorative justice association where someone might be able to help.

In any case, be ready to offer constructive suggestions or make specific requests. Every agency, no matter how good, takes its turn stumbling, and all of us can learn from open dialogue about how to make our work better.

¹ Toll free 1-800-663-7867 or in the Lower Mainland 604-660-5199, crimeprevention@gov.bc.ca, www.pssg.gov.bc.ca/crimeprevention

VI. Conclusion



Recall the story told at the start of this document, when Kay Pranis described being blindfolded but being able to move through the woods by following the feel of a rope. By going through the steps suggested here, you are doing the equivalent of stringing a rope through the kinds of woods your agency needs to navigate in doing its work. The more you think about these questions together, the more places you are hooking your rope to. The more carefully you think about these questions, and the more specifically you identify the actions you want to be taking, the more securely you will be hooking your rope. By giving yourself more points of connection and making those connections more secure, you are giving yourself a reliable way to get through the woods even when you cannot see all the hazards around you.

Stringing this kind of rope through the woods can take time and effort. At times the job may be messy or frustrating, depending on your particular woods and the people involved. But doing the work almost certainly will help your agency's people stay on track toward the destinations you want to reach. And the rope work will get easier as you do it, especially if you regularly check to see where your connections have become unhooked or where the terrain has changed and now calls for a different route.

Taking time to make these kinds of connection and to keep them in good repair can make your organization's work safer, easier, and more productive. It can help your agency thrive and grow, and give it long term stability. Equally important, it can help you move forward the work of restorative justice, ensuring that this kind of work is better understood, more widely respected for its credibility, and more broadly incorporated into our communities.

Clarifying what our values mean and what they call us to do is an essential step toward deepening our capacity for justice.



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Fraser Region, British Columbia