



# Common Justice:

## Stories From Our Work

by Danielle Sered





Common Justice is a project of the Vera Institute of Justice  
Written by Danielle Sered. Edited by Karina Schroeder.



2 0 1 6  
[www.vera.org/common-justice](http://www.vera.org/common-justice)

## TABLE OF CONTENTS

<u>4</u>	About
<u>5</u>	Stories from Our work
<u>6</u>	Hope after harm
<u>8</u>	Halting cycles of violence
<u>10</u>	Facing the impact
<u>12</u>	From "enforcer" to neighbor
<u>14</u>	Regaining peace

## About Common Justice

Common Justice's work arises out of our communities' most strongly and urgently expressed needs to break cycles of violence and incarceration. We seek to demonstrate that even the most serious crimes can be handled more justly, more safely, and more humanely by engaging those people directly impacted in the decision-making about appropriate outcomes, and by doing so, to mobilize broad-scale change within the criminal justice system as a whole.

In Brooklyn, Common Justice operates a restorative justice-based alternative to incarceration and victim service program for serious and violent felonies. If—and only if—the harmed parties (“victims”) consent, Common Justice diverts cases such as assault and robbery into a dialogue process designed to recognize the harm done, identify the needs and interests of those harmed, and develop appropriate sanctions to hold the responsible parties (“offenders”) accountable.

Restorative justice brings together those most immediately impacted by a crime—the harmed party, the responsible party, and family and community members with a stake in the outcome—for a face-to-face dialogue called a “circle” to determine an appropriate response to the harm caused. In the dialogue process, all parties agree on sanctions other than incarceration to hold the respon-

sible party accountable in ways meaningful to the person harmed. Our staff rigorously monitors responsible parties' compliance with the resultant agreements—which may include restitution, extensive community service, and commitments to attend school and work—while supervising their completion of the 15-month intensive violence intervention program. Responsible parties who complete both their assigned sanctions and the violence intervention program successfully do not serve the jail or prison sentences they would otherwise have faced.

In the meantime, we work to support those harmed by violence. Common Justice offers harmed parties the opportunity to have their needs validated and addressed, to participate in shaping the consequences of the crime, to co-create and implement a wraparound service plan, and to develop strategies to cope with and come through the trauma they experienced.

We hope to contribute to fostering lasting, survivor-centered, racially equitable solutions to violence. For cases in which incarceration does not serve the public interest, Common Justice provides a safe and effective option that seeks to repair rather than sever communal ties in the aftermath of serious crime. The program aims to address the underlying causes of violence and help foster a long-term process of transformation for individuals and communities.

## Stories From Our Work

At the heart of Common Justice's work is people—people who have survived serious harm and people who have committed it. Day in and day out, we see people who feel pain, shame, anger, and loss, yet who act with grace, courage, mercy, and dignity. We work with people who choose to take a different path than standard criminal justice process. They choose this path out of hope, forgiveness, necessity, or hunger—hunger for a new way arising from dissatisfaction with an old way that fails to meet their needs.

We work to help survivors move through their experience into a place of hope and strength, and to help those who cause harm take responsibility in a way that reflects and enhances their own dignity. In doing so, we work with people who entrust us to be their partners in transformation and to make real the promise that accountability and healing can—as the court system would say—run concurrent.

Here, some of these people have given us permission to share their stories. The experiences they share are at times intimate, hard, and surprising, and for those of us who are fortunate enough to witness them, they do something extraordinary: they validate our belief that something better is, in fact, possible.

It is my honor to share these stories with you. We do so with great respect and gratitude for the people whose lives they depict.

With gratitude,



Danielle Sered  
Director, Common Justice

## Hope after harm



---

“Like it or not, you linked yourselves to me that day. What you do now matters to me.”

---

Marcus and Charles had never seen Jacob before the night they robbed him at gunpoint. Their case was one of the first in Common Justice, and we had not yet learned something that is now central to our understanding of our work: that when given the choice, the vast majority (more than 90 percent) of victims choose Common Justice over incarceration for the person who harmed them. Jacob became one of our early teachers about why that is when he explained:

“I knew immediately when it happened that I didn’t want those boys to go to prison, but I wanted something. I needed something. I wanted them to face me man-to-man, human-to-human, and I wanted to know they would do something with their lives so they’d never do this to anyone again, and I wanted to have some say in what that might be.”

With Jacob’s blessing, Marcus and Charles began the preparatory portion of the program, which Marcus described in part, saying:

“They ask you questions and make you think about things you should have thought about all along. Like the empathy thing when you think about how everyone you see is feeling—like the bus driver and the man at the corner store or whoever. And when you do that, you start to think about how everyone feels, and you walk down the block and see all these people with their own histories and lives and feelings and it’s like they’re all lit up. And you realize you have to be a different kind of person in a world like that, with people lit up and alive like that. You have to be better.” He added about his obligation to Jacob in particular: “The way I think about it, I owe Jacob twice: once for what I did, and once for him giving me this chance. And both those debts will take my lifetime to repay.”



After three months of work with Marcus and Charles, we prepared to convene the circle with Jacob. Our circles start by telling the story of the incident, then discussing how the crime impacted everyone present, including those close to the harmed and responsible parties. The participants speak one at a time. Marcus talked about the time in his life leading up to the incident, saying:

“Every day for months, I was looking for a job...dropping off resumes...making follow up calls. ‘Thank you for your application, we don’t have any openings at this time.’ ‘Sorry, no.’ ‘No positions available.’ Day after day...my pockets empty for so long. I hate that feeling of having nothing for so long. I fought it so long, and it put me in a different state, a worse state. And finally I got to feeling: I’m never going to get a job. Maybe they’re right. Maybe I’ve been kidding myself thinking I could be something different. Maybe the one job I’m qualified for is the one they’ve been telling me all along is the only thing I can do—the one that starts after 10p.m. on a dark block somewhere.”

After talking about the incident and its impact on Jacob, the group spent three hours brainstorming possible agreements. The wide range of sanctions Marcus and Charles had to complete include: commitments to attend college, making a short movie about their experience in Common Justice, community service, writing apologies, creating a memorial at the site where the incident took place, and more.

In the final go-round, as the participants were talking about how they felt, Charles’s turn came. Charles has been through an enormous amount of hardship in his life. He waited nearly a minute before he spoke, and then his smile lit up the room as he said, “I feel... brand new.”

Jacob looked Marcus and Charles in the eyes and said he felt “joyful and full of gratitude” and, more than anything, like he “was part of something that should be available to everyone.”

When Common Justice staff asked Marcus and Charles the next day about how they felt, Charles said he will never forget that “he [Jacob] reached out his hand...not to punch me, not to shoot me, not to give me the finger...he reached out to shake my hand like a man. I’ve never seen anything like that in my life.”

For over a year following the circle, Marcus and Charles worked with Common Justice staff to complete every one of the agreements. Both young men overcame many obstacles (big and small), worked to earn back their freedom, and graduated the program. Years later, neither Marcus nor Charles have been convicted of any new crimes; Jacob has moved through the trauma of what was done to him; and all three still reflect on their experience in Common Justice with gratitude, clarity, and one of the harder things to regain after serious harm: hope.



## Halting cycles of violence





---

“I feel good for you and me that this is over and we can be in peace.”

---

When Alberto and a group of his friends threatened Pablo on the A train with an illegal weapon in East New York, Brooklyn, neither could imagine how the situation would end. When the case first came to Common Justice, both Pablo and Alberto were worried that the original incident, rooted in a long-standing conflict in the neighborhood, would lead to further incidents and losses—possibly even death—for people on both sides. In the meantime, Pablo had stopped consistently attending school and work to stay home with his family, whom he believed were at risk.

When he was deciding whether to choose Common Justice, Pablo explained why he didn't believe Alberto's incarceration would keep him safe. In cases like these, he said, “Two things are always true: one is they [the people who committed the crime] come back eventually; two is their friends don't go with them.” His assessment points to some of the most essential limitations in incarceration in securing public safety, and some of the greatest promises of an intervention like Common Justice. Pablo elaborated: “I'm not afraid of Alberto. He's not the problem. The problem is the short loud one and the one with the braids.” Those two hadn't been arrested, and Pablo believed Alberto's incarceration would only exacerbate the tensions he'd had with them. Pablo chose Common Justice because he thought it could help finally put the conflict to rest.

Before the circle, when Pablo was asked how he was feeling about it, he said “We'll see. I need to see [Alberto's] face to see what he's really thinking and if I believe him, and then I'll know what I think.” After an intensive preparatory period, Alberto and Pablo, together with their support people and family members, gathered for the circle. Alberto, his parents, and his brother all thanked Pablo for giving their loved one the chance to earn back his freedom.

Alberto himself spoke to his own responsibility:

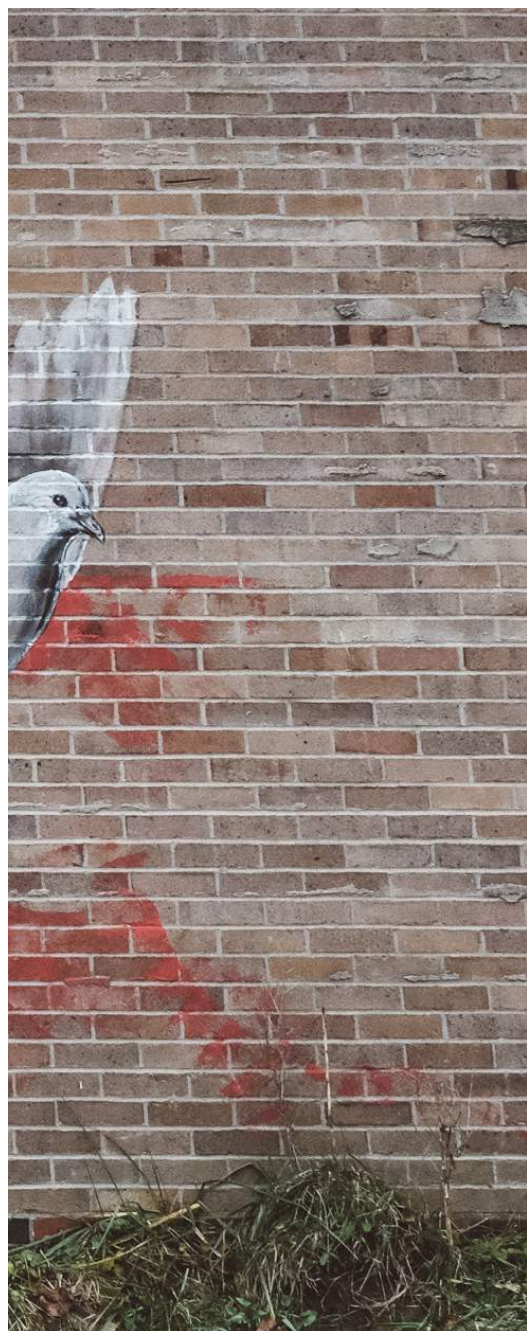
“I just want to say to you [Pablo], I'm sorry I hurt you. I know what you must have felt, and that was wrong of me to do to you. You didn't deserve that. I have so much respect for you, and I'll show you that respect in what I do. I want you to know I'm here to make things right.”

Pablo warmed up over the course of the circle because, as he said, he saw that Alberto was “serious and honest.” He said to Alberto as we were nearing the end: “I feel good for you and me that this is over and we can be in peace.”

Alberto is generally a soft-spoken young man of few words. He agreed fully and immediately to every agreement proposed for him, including a nearly 12-hour daily school and internship schedule. But perhaps most importantly to Pablo, one agreement required Alberto to communicate to those close to the conflict (“the short loud one and the one with the braids”) that Pablo and his family should be protected from any violence, threat, or harm. It was not an agreement the court could require—but Common Justice, as an independent program, can reach farther into the community to get at the underlying causes of conflict.

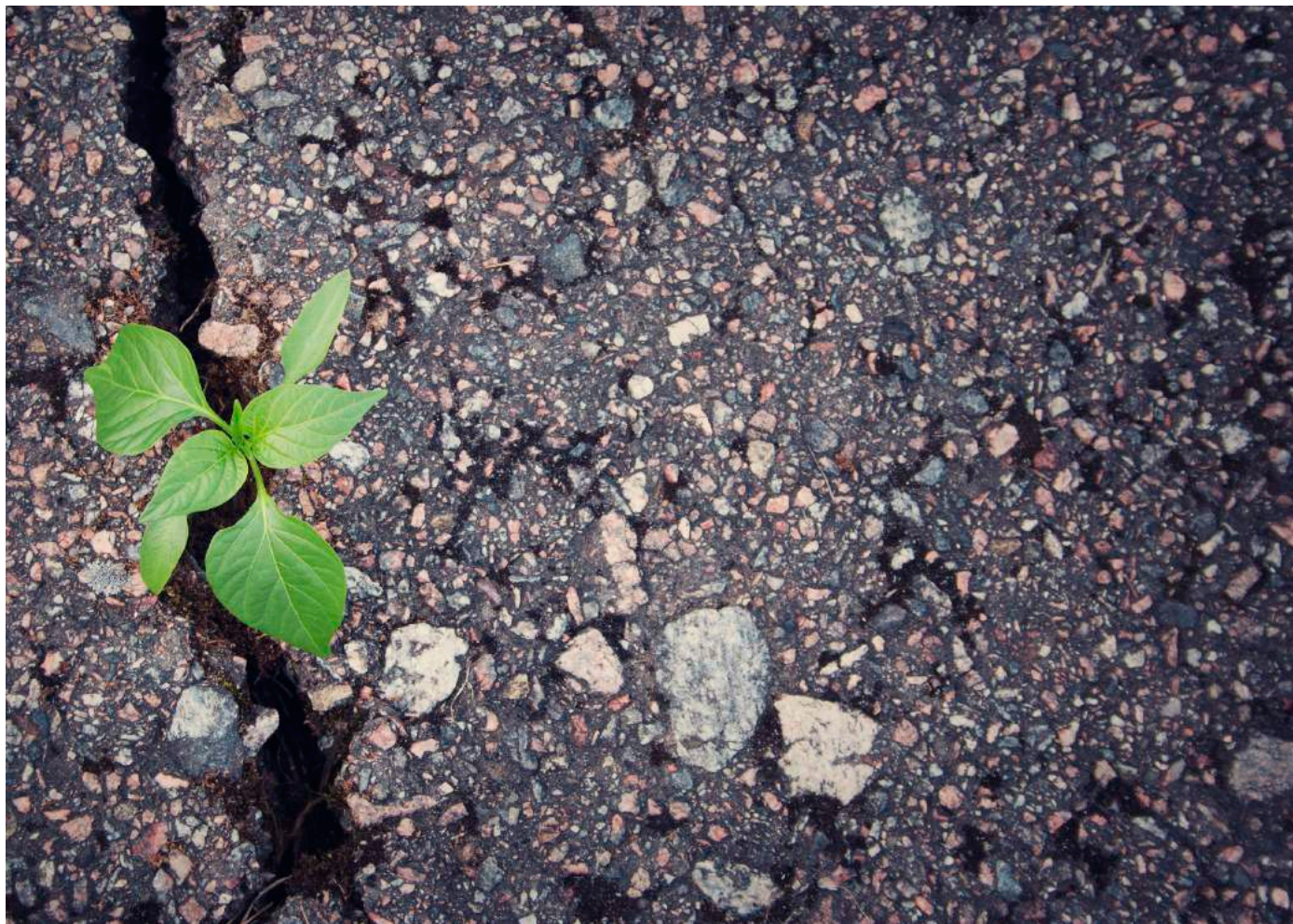
Several weeks later, Alberto brought those young men to Common Justice, and communicated to them in front of us: “I respect Pablo. And I respect his family. And I expect you to do the same.” He leveraged the reputation he had built with these peers to protect Pablo and his family. And it worked.

Now, more than five years later, Pablo and his family have not been hurt or threatened. What's more, Pablo has gotten his life back—he has moved out of his family's home, advanced in his career, grown personally, and stopped living in the constant legitimate fear that he or his loved ones would be harmed. And Alberto has honored his commitments—keeping a job, building his own future, and being a different kind of role model for the young men and others like them who followed his lead that day on the train.





## Facing the impact



It was Hanukkah, and Emily was on the subway with a group of friends, wishing fellow passengers a joyful holiday and handing out candy. Suddenly, a group of young people began insulting them, claiming that the Jews had killed Jesus, and spitting in one of Emily's friend's faces. The verbal attack turned physical, and Emily and her friends were badly beaten.

The young man who initiated the attack had another open hate crime case—for assaulting two African American men—and was sentenced to prison. The friends who had had a more minor role in the attack were given probation and community service. Veronica, the woman who attacked Emily, was somewhere in between. She didn't have a prior history committing crimes, but she had hurt Emily seriously—punching her, kicking her, and pulling out her hair. Emily suffered serious trauma symptoms following the attack, and she never rode the trains any more. The change rippled through every part of her life.

Common Justice reached out to Emily to discuss the option of both her and Veronica participating in the program. After careful consideration, Emily chose to give Veronica the opportunity to participate, in part because of the role it would give her in shaping the response to what she survived. She wanted Veronica to both answer for and understand the impact of what she had done, so she would never hurt anyone else again.

Veronica was accepted into Common Justice and spent three months going through our preparatory process. We then convened the circle with Emily, Veronica, and their support people. We made quick and solid progress through a wide range of agreements—including work, education, apologies, reading assignments, community service, and more. Then we reached an impasse.

Emily's hair had fallen out after the incident, both because Veronica tore much of it out and because hair loss is a common response to extreme stress and trauma, so much so that she finally had to shave it off. Now Emily wanted Veronica to shave her head.

In Common Justice, we don't allow agreements that are harmful or degrading to the responsible party. In this case, there was disagreement about whether this crossed the line. We took a break to see if we could find common ground.

We talked to Emily about what this agreement meant to her. At first she said: "I want her to suffer the way I suffered." And while we empathize deeply with that, we at Common Justice cannot be in the business of replicating the suffering caused by violent crime. Emily added: "but it isn't just that. It's..." She paused. She took a breath. And she said:

"Everywhere I go, I think about this girl. When I wake up, I think about her. When I look at myself in the mirror, I think about her. And when I go to touch my head and my long hair is not there, I think about her. And when people tell me my short haircut is cute, I think about her. And when I get on the bus instead of the train, I think about her. And when I wait for the bus and I'm cold, I think about her. And when I go to sleep and can't fall asleep I think about her. And I dream about her, and I wake up, and start it all over again. She's everywhere for me. I want to be everywhere for her. I want to be on top of her head."

That, we said, we can try to do. We talked for hours, and the agreement that emerged from our conversation was that Veronica was not allowed to ride the trains for the next year. Veronica lived on the outskirts of Brooklyn, far from her school, from the programs she was required to attend, from the job she had to maintain, and far from Common Justice. The agreement we reached required her not only to stay off the trains, but also to keep a daily journal in which she reflected about how Emily must have felt each day following the attack. At first her entries were short and even a little trite: "I think she felt angry." "I think she felt mad." But after having to write these reflections day after day, finally something clicked: "I bet she felt so tired of waking up angry. I bet she

was so frustrated that everything changed because of me, because of something she didn't even do, something she didn't even choose, something that wasn't meant for her. I bet she felt so sad because she didn't know if that feeling would ever go away. I bet she hated me for causing her that pain. I bet she hated hating me too."

Veronica stayed off the trains. She had to spend two or three times as long getting to places. When her friends all hopped on the train, she had to decide between making up a fake excuse or telling them the real reason she couldn't ride with them. She had to consider getting on the train, then imagine the possible consequence of doing so, then feel an overwhelming sense of panic and wait for the bus to come. And of course, these are all things Emily had been doing for a year as a result of the trauma Veronica caused her.

The last question we ask in the circle is the same as the first: "How are you?" When Emily's turn came, she paused, smiled, and said, "I feel relieved. I feel excited and grateful about what happened here. This is an amazing experience. I don't know what to say... I feel joyful. Just joyful." When the participants finished going around the circle, Veronica and Emily hugged. They'd only touched once before in their lives—during the violent incident that initiated this process.

Before starting Common Justice, Emily experienced symptoms that rose to the level of post-traumatic stress disorder (PTSD), including flashbacks, anxiety, depression, and hyper-vigilance. She could not feel relaxed or safe anywhere. Within weeks following the circle, things changed dramatically for Emily—her symptoms subsided, and she regained her ability to move through her life and to feel joy. Years later, Emily tells us, the benefit of this process has held for her. And Veronica has kept her word, paying forward

the generosity Emily showed her and living a healthy, productive, law-abiding life.

---

**"I bet she hated me  
for causing her that  
pain. I bet she hated  
hating me too."**

---



## From “enforcer” to neighbor



---

“I feel some of my anger  
changing, I feel like I’m starting  
to heal some too.”

---

In a park in East New York, Shawn shot at Daquan. They had been friends until a recent disagreement had torn them apart. Shawn's shot missed, and the bullet hit a bystander in the foot. Months later, the case came to us.

At Common Justice, we know that violence does not only affect victims, but family and loved ones as well. In this case, because he felt unsafe, Daquan moved to live with his sister in Philadelphia, changing his sister's life as well as his own. His move also left his mother without the child care she had relied on him to provide for her youngest daughter. The family was upended by the incident. Because we included them all in the response, this one was one of our largest circles ever: Daquan brought his sister, mother, godfather, and stepfather. Shawn brought his father and two mentors, Mr. and Mrs. Miller, whose son Kenny was a dear friend of Shawn's and had been killed in an unrelated incident the year before. Shawn had become very close with the Millers in the aftermath of Kenny's death.

In the circle, Daquan described seeing the gun pointed at him, hearing the shot, and running for his life. Shawn described going to the park with the intention of just scaring Daquan, but as he arrived he "went in and out" of consciousness and the next thing he knew he had shot the gun and was running out of the park too. Daquan's eight year-old sister witnessed the incident, and since Daquan had run, was taken home by someone else, who told the family the news. As Daquan's mother described it:

"My baby girl was shaking like a leaf. 'They shot Daquan,' she said." She paused to gather herself and continued: "I ran to the park and my son wasn't there and no one could tell me where he was...., 'I have never felt more afraid in my life. I almost lost my child.' Every day I say to myself, 'He's still here, he's still here.'"

The Millers could not help but be reminded of their experience losing their son, Kenny, the year before. Mrs. Miller said to Daquan's mother:

"That feeling you felt before you found your son, I feel that every day. It never stops. I'm here today because I believe this is a way to help Shawn, because I hope it will help you, Daquan, and you, his mother, but also because it's part of my healing, and all of our healing, to stop these young boys killing each other, and I think what we're doing here can help do that."

Though he didn't make the connection when he first came to Common Justice, Shawn now drew a link between his own trauma and his decision to shoot Daquan:

"Last year, I was next to [my friend] Kenny when he was killed, not even two inches away. After that, I would see it replay in my head every day, over and over, like it just kept happening. I would cry at

home, by myself, but could never cry when I was with other people. Nothing made it stop. Sometimes at school it got too quiet and it'd just start playing in my mind again—it got to the point I couldn't stand being in class because it was too quiet. And after being through that—after losing Kenny and everything I felt after—if I almost did the same thing to you, Daquan, and your family, I must be the biggest fool in the world."

Mr. Miller responded:

"You're not a fool, but you've got to look at what you felt and what you did and change it so you don't hurt anyone again."

Daquan and his mother both forgave Shawn in the circle. Daquan's stepfather couldn't do the same, saying, "No, I'm sorry, I can't forgive you yet, son. That's between you and Daquan and God." He paused and added, "But also, I will say, sitting here, saying all this and listening to everyone, I feel some of my anger changing, I feel like I'm starting to heal some too."

The agreements that emerged from the remainder of the circle reflected the group's shared vision of the kind of man Shawn could become. He had to complete a significant number of hours of community service, divided among the Millers' church, Daquan's family's church, and a variety of projects happening in honor of Kenny. These projects were all designed to help place him in a leadership role where he could help other young people go down a better path than the one he'd been on. The remaining agreements involved college, work, restitution, trauma-focused therapy, apologies, peace offerings, public speaking, and more.

Over the nearly two years following, Shawn completed the program diligently, responsibly, and with consistent and unfaltering respect and focus. When Common Justice's director asked Shawn after his graduation if he thought he would be able to stay on track without having to report to the judge and without having the threat of jail hanging over his head, he said "Yes" and, pointing to his heart, said, "The judge is in here now." He is now employed as a welder and is obtaining further training to advance his career and secure membership in a union. He has not been convicted of any new crimes. Daquan has completed college and his symptoms of trauma have subsided.

Before coming to Common Justice, Shawn's nickname in his neighborhood was "the enforcer." Now, he has become a role model to his peers and to younger people around him, and has taken on a leadership role in the Millers' non-profit community and anti-violence efforts. As Mrs. Miller put it, "Now, he is enforcing something else."

## Regaining peace



One night, a young man named Carl robbed a Spanish immigrant named Federico as he came home from a 15-hour shift at the restaurant where he worked. Federico suffered from PTSD (post-traumatic stress disorder) following the incident. He had trouble sleeping, felt afraid on his street, and would often spend most of his night's wages to pay for a taxi home. Months following the incident that caused Federico such harm, both Carl and Federico became Common Justice participants. After an extensive preparatory period, Common Justice convened the circle in their case.

Like many Common Justice participants, Carl witnessed a great deal of violence in his life. He had dropped out of school and was

unemployed when he enrolled in Common Justice. He stood out from many participants in part because of his complete and unfaltering recognition of his responsibility for his actions. "Looking back, deep inside myself I knew I was wrong. I was conscious of what I was doing—I wasn't high or drunk or out of my mind. I knew it was wrong and I did it, and that's why I was ready to accept whatever consequence, whatever punishment."

In the circle, Federico described how the robbery impacted him:

"It was bad. At first I took cabs home every night. Even now, whenever someone walks past me on the street, I feel scared. It doesn't matter if it is an old lady passing me—my heart races, my



body freezes up, and I feel terrified. And I see Carl's face everywhere. On the street, on the subway, everywhere I go, I'd think 'Is that him?' and then I feel afraid and nervous.

Part of me wanted you to be incarcerated, because I thought it would make me feel safer. But part of me wanted you to have your liberty—you are so young, and you have such a long life ahead of you, and you're going to jail for so long seemed like a total waste of life, and it made me feel wrong. When I heard about this program, I was so happy. It was exactly right. I felt very good about myself, that I had the opportunity to help someone. And I felt very good about all the ways they could help me. I am trying to get my GED too, and it has been hard, and now with Common Justice's support, I am finally doing it."

In the circle, Carl told Federico and his girlfriend Neela about his early experience in Common Justice:

"I told a lot of people in my neighborhood about Common Justice, and they said it was a set up, or a waste of time, they said I would never get anything out of it and would just end up doing more time. But I couldn't listen to them. If I came to this project with that mind frame, I wouldn't be able to see your pain today and understand what you've been through. When I started this program, I prayed to God that I'd get something out of it, and I did. I want to apologize to both of you for the harm and damage I did to you emotionally, physically, and spiritually. It was really, really wrong of me. And I want to thank you. After I did that to you, part of me didn't care what happened to me, part of me gave up on everything. You gave me a second chance. For me not to give up like that, for me to do things in the right manner, for me to live a good and righteous life. Now, after Common Justice, I know what to do to find help and support myself. Now I don't need to hurt or rob people, I know what to do instead."

Federico listened intently to Carl's answers to his questions about what happened and why. He said:

"I feel better now that I see Carl here. I feel very different. It is so good to get to speak to you, Carl, to hear what you have to say. You are an impressive man. It has been very good for me to meet you."

Federico, Neela, and Carl came to a set of agreements that Carl would complete in Common Justice. The most unusual of them was

that Carl would teach Federico basic self defense techniques, which he learned from his older brother and now agreed to pass on to the man he robbed. As Carl said in the circle:

"Every man older than me in my family has been in prison. My older brother served a long time. He is the one who taught me how to fight. I showed you the wrong end of that on the street that day. But he is also the one who taught me how to defend myself—and if you want, I will show you that, too."

Federico said: "I would love that."

A few months after the circle, Common Justice arranged for the self-defense lessons that Carl promised to give Federico. Supervised by a seasoned martial artist in a local dojo, Carl first stood in the position of the person being held against his will and Federico held him there. Carl demonstrated multiple ways to escape the hold. Then, they switched positions. Federico was in the same position he was in the night he was mugged—and being held by the same man. Only this time, as he practiced with increasing skill the techniques Carl taught him, he was repeatedly able to free himself from Carl's grasp.

The next day Federico called Common Justice's director and said, "I'm calling to tell you nothing happened." "What?" the director asked. Federico explained: "Nothing happened. A six foot tall man passed me on the street and nothing happened." Of course, what he meant was that after his experience the day before, his heart no longer raced, his body didn't freeze up, and he didn't feel terrified as he had. He was elated. "I feel like I have my life back. I am so happy. I am going to walk everywhere," he said.

---

Federico was in the same position he was in the night he was mugged—and being held by the same man.

---

