

Justice may have a new look in the 21st century, with a focus on victims involvement and community restoration.

■ BY KAY PRANIS

Building a school playground in Hyde Park, Vt., offenders repay their community through service instead of jail time. Photo: Vermont Department of Corrections.

further injure the community fabric because victims and offenders become more isolated.

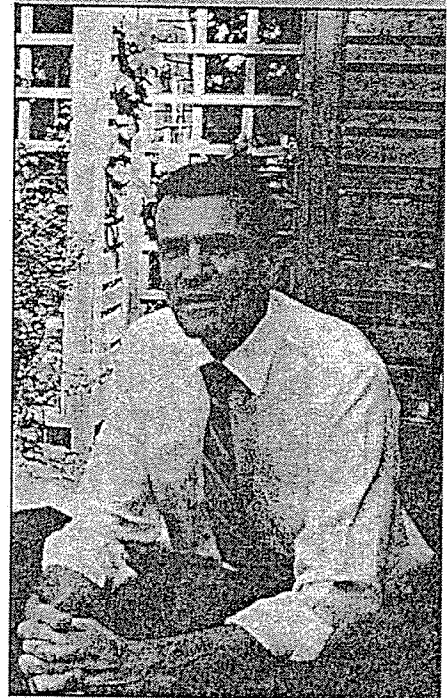
State laws treat each crime separately in the criminal justice system. Because communities are not educated on patterns of crime that reflect underlying social issues, the long-term health of the community is overlooked. The existing system in most states does not recognize stronger communities as important and no attempt is made to measure its impact on communities.

The system's response to crime often worsens the cycle of isolation and weakens community bonds. Offenders are deliberately cut off from the community, and victims are isolated by neglect, revictimization by the system and subtle messages of blame from others.

In the last few decades, there has been less community involvement and more reliance on government, represented by police, courts and corrections. That needs to be turned upside down. The community must become, the first line of defense in maintaining societal standards of behavior, with the criminal justice system a last resort measure. Communities become weaker as they rely more on the system.

This reliance on central, rather than

A victim of crime prepares to meet face to face with his offender in Dakota County, Minn. Photo: Dakota County Community Corrections Department, Minnesota Department of Corrections.



Capital cities, whether Washington, D.C., or Montpelier, Vt., are too far from the scene of the crime to know how to make the streets safe in towns across the United States.

After decades of increased spending and legislation on crime, communities are caught in a cycle of deepening despair and disintegration. Crime spawns fear, withdrawal and isolation that weakens community bonds and breeds more crime. Victims, offenders and people living in a community become caught in a downward spiral where each new crime increases fear, isolation and distrust. Because public safety depends primarily upon individuals restraining themselves, people who feel more connected with others are

less likely give in to impulses that bring them disapproval. As fear and isolation weaken these bonds, the power of public disapproval is reduced and crime increases. Society's stake in responding to crime is enormous - a community's future is affected by crime and society's response to it.

Communities in this context are groups of people with some common interest and experience who aren't acting as part of a government structure. Communities may, for example, form around a church, school, civic group or neighborhood. They can vary in size depending on the issue at hand.

Because the community isn't recognized as a crime victim, it hasn't been involved in promoting healing or peace. In fact, the law's response to crime may

local, authority is not unique to the United States. Tony Marshall, principal research officer, Home Office, London, England, describes how communities have lost control of behavior: "(W)e now, as citizens, have more precipitate recourse to the police in a far wider range of circumstances than ever before, and the law is invoked in an increasingly large number of misadventures. There is little to stop this - it is convenient for us as citizens to hand over our problems to others, and the professions to whom we hand them over are strengthened by such growth in demand. Moreover, a vicious spiral is set in train, whereby community mechanisms for controlling and handling crime and justice issues are progressively run down ... the more recourse to 'official' channels is relied upon."

David Moore, principal policy analyst, office of the Cabinet, Queensland, Australia, suggests that reliance on traditional systems not only weakens communities, but contributes to more crime: "The development of a system [criminal justice] that takes sole responsibility for authoritarian control, and of a department [police] that takes sole responsibility for removing people from civil society and feeding them into this system - such developments may be socially debilitating, even criminogenic. They perpetuate the illusion that the state, rather than civil society, is ultimately responsible for social order. The looming promise of an authoritarian state response wherever and whenever required makes it easier for people to respond permissively to breaches of social rules by children, friends, colleagues and other citizens, where an authoritative response would be more appropriate."

Public safety can't be improved without active community involvement. The community has tools, resources and power that the system does not. Community members know what affects the offender's behavior and what might motivate the offender to change. They may be able to better monitor whether the offender fulfills the requirements of community service or other activities. Criminal justice system activity needs to be built around a core of community activity - not the reverse.



Youths earn money for their victims in a Minnesota restorative program. Photo: Dakota County Community Corrections Department, Minnesota Department of Corrections.

Restoring the community

How do we break the cycle of crime and fear and bring to bear community strength and resources on crime? How do we respond to crime in a way that strengthens the bonds between those in a community while clearly denouncing criminal behavior?

Restorative justice provides a framework for responding to crime that strengthens the community while

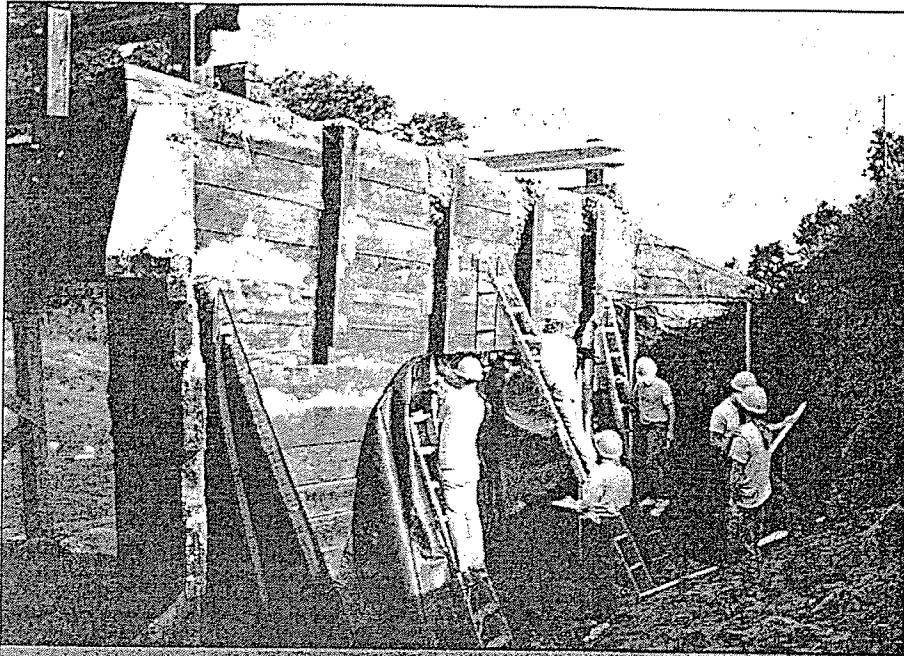
holding offenders accountable. Based on a rethinking of crime as injury to the victim and the community rather than as an affront to the power of the state, the restorative model seeks to repair the harm resulting from the crime. To define harm and how to repair it, victims must be involved. Surrogates or advocates may present the victim perspective when a victim does not wish to participate. Offenders are held accountable by taking responsibility for their behavior and acting to repair the harm they've caused.

The restorative-justice model requires the offender to earn his or her way back into the community by making amends to the victim and the community with the assistance of the community, and calls upon the community to reach out and support the victim.

Restorative thinking can be applied to any crime. Victims should always be allowed to define the harm of the crime and what might help them heal. Offenders should always be encouraged to take responsibility for their behavior and make any amends possible. However, no single, restorative program is appropriate for all crime. While opportunities to repair harm are generally greater when the offender is kept in the community, violent offenders should be kept in secure facilities. Since part of the harm of crime is damage to the social fabric caused by fear of violent predators, they must be separated from the community. While in custody offenders can participate in community service and victim empathy groups, and victim panels can help violent offenders understand the impact of their behavior.

Victims, offenders, their families and others take part in conferences to resolve crimes in Washington County, Vt. Photo: Washington County Department of Court Services.





Repairing a washed-out bridge in Sibley County, Minn., a team of offenders perform service that has value to the community. Photo: Minnesota Department of Corrections

Communities can play many roles in partnership with government in a restorative response to crime. One role is to help determine the terms of accountability, such as setting sentences for offenders. The community exercises moral authority in denouncing the crime and deciding how offenders will make amends. The state role is to back the community with legal authority, formalizing those requirements. The state also has oversight of the community process to ensure fairness. Restorative practices uphold existing constitutional protections and encourage all participants to [be] aware of not only their legal rights, but their moral responsibilities as well.

Projects for justice

There are many practices being piloted in sites in Canada in the United States that fit a restorative approach to justice. Circle sentencing has been used extensively in the Canadian territories of Yukon, Saskatchewan, British Columbia and Manitoba for the past five years. Sitting in a circle, a judge, prosecutor, defense attorney, victim, offender, supporters for both and interested community members discuss the issues of the crime and its impact on the community. Before the circle meets, community members typically provide support for the victim and develop a plan for the offender to make amends.

Several states, including Minnesota, Montana, Pennsylvania and Vermont, are using family group conferences, which bring together the victim, offender, the family and friends of both and in some cases a mediator. The group discusses the impact of the crime and makes a plan for the offender to resolve it. This process can be used instead of court or as a diversion from court.

Another practice Vermont is using is reparative probation boards. Community volunteers sit on the boards and determine probation; the courts enforce the terms set.

Providing opportunities for making amends to the victim and society is a second community role. In this partnership the state provides management and supervision. Examples include:

1) Local businesses employ offenders who earn restitution to pay victims (Quincy, Mass., and Bend, Ore.)

2) Churches and nonprofit organizations put offenders in service jobs of value to the community, supervised by government. (Hennipen County, Minn., Allegheny County, Pa., and Palm Beach County, Fla.)

A third community role is having volunteers provide *core services* and resources for working with victims and offenders. The government assists the volunteers with staffing and resources. Some examples of this are:

1) Volunteers who offer mediation

between victims and offenders or promote dialog between the two. Government staff do the organizational work and provide training. (Indiana, New York, Tennessee and California)

2) Volunteers who serve as mentors. (Genesee County, N.Y., and Ramsey County, Minn.)

3) Most states have volunteers working in victim services.

Other practices include victim empathy programs for offenders in prison and support programs for families of homicide victims.

Communities also can reintegrate offenders by creating a place for them. In this partnership, the government provides security measures to protect the community, which helps monitor the offender and reports violations of probation or parole to the state.

The state must keep restorative justice's theory and conceptual framework in view, and the community has to turn theory into practice. Such practices will look different from place to place because every community is different, but all will adhere to the same guiding principles.

Crime is a community problem, not just a professional or system problem. For that reason, communities must make sure that restorative measures are free from racism, sexism and other biases that force some community members to send their problems to professionals.

Handing over the problem of crime to professionals doesn't work. Communities must be intimately involved in solving their own problems, with the help of professionals, but with a greater hand in shaping and implementing solutions. In rebuilding society's ability to restrain individual behavior, there's a need to be inclusive and respectful of individual human dignity.

To break the cycle of crime, fear and isolation, crime must be addressed as a community problem.