Engaging the Community in the Response to Youth Crime:

A Restorative Justice Approach

DRAFT MONOGRAPH

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Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established by the President and Congress through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93415, as amended. Located within the Office of Justice Programs of the U.S. Department of Justice, OJJDP's goal is to provide national leadership in addressing the issues of juvenile delinquency and improving juvenile justice.

OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies. These initiatives are carried out by seven components within OJJDP, described below.

Research and Program Development Division develops knowledge on national trends in juvenile delinquency; supports a program for data collection and information sharing that incorporates elements of statistical and systems development; identifies how delinquency develops and the best methods for its prevention, intervention, and treatment; and analyzes practices and trends in the juvenile justice system.

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OJJDP provides leadership, direction, and resources to the juvenile justice community to help prevent and control delinquency throughout the country.

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About the Balanced and Restorative Justice Project

In 1993 the Balanced and Restorative Justice Project began as a national initiative of the Office of Juvenile Justice and Delinquency Prevention through a grant to Florida Atlantic University. A partnership arrangement with the Center for Restorative Justice and Mediation was developed in 1994 through a subcontract with the University of Minnesota. The goals of the project are to provide training and technical assistance and to develop written materials that inform policy and practice pertinent to the balanced approach mission and restorative justice.

Engaging the Community in the Response to Youth Crime: A Restorative Justice Approach is part of a series of policy and practice monographs and training materials for the field. Other publications in the series include:

- *Balanced and Restorative Justice for Juveniles: A Framework for Juvenile Justice in the 21st Century* (1997). Available through the Balanced and Restorative Justice Project.
- *Balanced and Restorative Justice Program Summary* (1995). Available through the National Criminal Justice Reference Service.
- *Balanced and Restorative Justice Project Curriculum Guide* (forthcoming, summer 2000). Published for OJJDP by the Balanced and Restorative Justice Project.
- *Conferences, Circles, Boards, and Mediations: Restorative Justice and Citizen Involvement in the Response to Youth Crime* (2000), Summer. Forthcoming and draft copy available through the Balanced and Restorative Justice Project.
- *Guide for Implementing the Balanced and Restorative Justice Model* (1998). Available through the National Criminal Justice Reference Service.
- *Restorative Juvenile Justice Policy Development and Implementation Assessment: A National Survey of States* (1999). Forthcoming and draft copy available through the Balanced and Restorative Justice Project.
- *Building Relationships, Developing Competency: Toward a Restorative Approach to Offender Reintegration in a Balanced Juvenile Justice System* (1999). Forthcoming and draft copy available through the Balanced and Restorative Justice Project.
- *Victim Involvement in the Juvenile Court: Judges' Perspectives on the Role of a Key Stakeholder in' Restorative Justice* (1999). Forthcoming and draft copy available through the Balanced and Restorative Justice Project

BALANCED AND RESTORATIVE JUSTICE OVERVIEW

Balanced and restorative justice (BARJ) is a new framework for juvenile justice reform that seeks to engage citizens and community groups both as clients of juvenile justice services and as resources in a more effective response to youth crime.[1] To do this, the balanced approach mission attempts to ensure that juvenile justice intervention is focused on basic community needs and expectations. Communities expect justice systems to improve public safety, sanction juvenile crime, and habilitate and reintegrate offenders. True balance is achieved when juvenile justice professionals consider all three of these needs and goals in each case and when a juvenile justice system allocates its resources equally to meeting each need.

Restorative justice is a new way of thinking about and responding to crime. It emphasizes one fundamental fact: crime damages people, communities, and relationships. If crime is about harm, the justice process should emphasize repairing the harm. As a vision for systemic juvenile justice reform, restorative justice suggests that the response to youth crime must also strike a balance among the needs of victims, offenders, and communities and that each should be actively involved to the greatest extent possible in the justice process. Restorative justice builds on traditional positive community values and on some of the most effective sanctioning practices, including victim-offender mediation, various community decision-making or conferencing processes (e.g., reparative boards, family group conferencing, and circle sentencing), restorative community service, restitution, victim and community impact statements, and victim awareness panels.

What is most new, and most important, about restorative justice is a set of principles that redefines the way justice systems address public safety, sanctioning, and rehabilitative objectives. Specifically, when crime is understood as harm and justice as repair or healing, and when the

importance of active participation of victims and community members in the response to crime is emphasized, these basic community needs are understood and addressed as follows:

Accountability. Traditionally, accountability has been viewed as compliance with program rules, or as "taking one's punishment." However, crime is sanctioned most effectively when offenders take responsibility for their crimes and the harm caused to victims, when offenders make amends by restoring losses, and when communities and victims play active roles in the sanctioning process.

Competency. Most rehabilitative efforts in juvenile justice today are still centered on fairly isolated treatment programs that are not well accepted by the public. A balanced and restorative justice approach to offender reintegration suggests that rehabilitation is best accomplished when offenders build competencies and strengthen relationships with law-abiding adults, which increase their ability to become contributing members of their communities.

Public Safety. Although locked facilities must be part of any public safety strategy, safe communities require more than incapacitation. Because public safety is best ensured when communities become more capable of preventing crime and monitoring offenders and at-risk youth, a balanced strategy cultivates new relationships between juvenile justice professionals and schools, employers, and other community groups. A problem-oriented focus ensures that the time offenders spend under supervision in the community is structured around work, education, and service. It also establishes a new role for juvenile justice professionals as resources in prevention and positive youth development.

Today, when a crime is committed, most juvenile justice professionals are primarily concerned with three questions: who did it, what laws were broken, and what should be done to punish or treat the offender? Although questions of guilt, lawbreaking, and appropriate

intervention are certainly vital to prosecutors, these questions alone may lead to a limited range of interventions based solely on treatment and punishment:

> Treatment and punishment standing alone are not capable of meeting the intertwined needs of the community, victim, offender, and family. For the vast majority of the citizenry, juvenile justice is an esoteric system wrapped in a riddle. Support comes from understanding, understanding from involvement and participation. Community involvement and active participation in the working of a juvenile court is a reasoned response. . . (currently) community members are not solicited for input or asked for their resourcefulness in assisting the system to meet public safety, treatment, and sanctioning aspirations. (Diaz, 1996)

Viewed through the restorative lens, crime is understood in a broader context than what is suggested by the questions of guilt and what should be done to punish or treat the offender. Howard Zehr (1990) argues that, in restorative justice, three very different questions receive primary emphasis. First, what is the nature of the harm resulting from the crime? Second, what needs to be done to "make it right" or repair the harm? Third, who is responsible for the repair?

Defining the harm and determining what should be done to repair it is best accomplished with input from crime victims, citizens, and offenders in a decision-making process that maximizes their participation. The decision about who is responsible for the repair focuses attention on the future rather than on the past and also sets up a different configuration of obligations in the response to crime. No longer simply the object of punishment, the offender is now primarily responsible for repairing the harm caused by his or her crime. A restorative juvenile court and justice system would, in turn, be responsible for ensuring that the offender is held accountable for the damage and suffering caused to victims and victimized communities by supporting, facilitating, and enforcing reparative agreements. But most importantly, crime victims and the community play critical roles in setting the terms of accountability and in monitoring and supporting the completion of obligations.

If crime victims and the community are to become fully engaged as active participants in the response to youth crime, juvenile justice professionals must begin to think about these stakeholders in different ways. In addition, the role of the professional and the mandate of the

juvenile justice system are likely to change. To move forward with this new agenda, it is important to understand the community's needs and the potential role and responsibility of community groups and citizens in the response to youth crime.

This monograph provides a rationale for engaging community members in the juvenile justice process, discusses the role of the community in various aspects of the response to youth crime (ensuring accountability and reintegrating offenders), describes the new relationship between communities and juvenile justice systems that appears to be emerging in conjunction with restorative justice initiatives, and discusses specific strategies for involving the community that have proven effective in various settings.

ENGAGING THE COMMUNITY IN THE RESPONSE TO YOUTH CRIME: A RESTORATIVE JUSTICE APPROACH

"Courage, or faith, or imagination–the daring to dream, in the full awareness of our shortcomings -- is crucial to the emergence of community" Cloudhand, p. 112

WHY COMMUNITY?

Minnesota Lt. Governor Joanne Benson and her family were walking through a glass enclosure in Minneapolis leaving a basketball game to return to a parking ramp. They passed a group of young adolescents engaged in horseplay. Because of the large amount of glass and the need for other people to pass through, Benson stopped and asked the youth to stop their activity, then continued on her way. Her son, however, noted that the boys continued fooling around. He turned and said, "Boys, didn't you hear what she said?" The lt. governor looked at her watch and added, "Now we don't want you to get hurt, and by the way, isn't it time for you to go home?" As the Benson family turned to leave, one of the boys tugged the sleeve of the lt. governor and asked, "Do you work here?"

The lt. governor's story reflects one citizen's attempt to achieve social control based on an accepted community norm: safety. The story also reflects two points about our society: 1) the adolescents' behavior toward the adults is a norm, and 2) the adult's behavior toward the adolescents is *not* a norm.

There is evidence to support the two points. The evidence is often reported in seminars and workshops. Participants are asked, "How many of you experienced having adults other than your parents tell you what to do or how to behave in your neighborhoods when you were children?" Big grins spread across faces and everyone nods, remembering the times they were held accountable, disciplined, or brought into line by someone other than family. "My parents didn't have to do anything–by the time I got home I had been thoroughly chastised," or "By the time I got home my parents already knew all about the incident." For people over 25 years of

age, the response is consistent–they remember nonfamily members holding them accountable to community norms, and those memories typically prompt smiles.

"How many of you do that in your neighborhoods today?" The smiles fade and a few heads nod, but most of the audience soberly acknowledge that they and their neighbors do not function that way today. There is widespread agreement that adults in the community are not participating in the rearing of other people's children in the ways they have in the past. Moreover, based on their life experiences, today's youth expect that the only people who will speak to them about their behavior in public are immediate family (maybe) and people who are paid!

The past 30 to 40 years may well be the first time since humans formed communities that parents alone are expected to socialize their children to community norms 24 hours a day, without the reinforcement of other adults in the community, wherever the children may be. Indeed, the overwhelming nature of such an assignment contributes to the enormous stress experienced by families.

Yet, the most important implication of this state of affairs is for children and youth. If the only adults who intervene in the lives of young people, besides family, are those who are paid–such as police officers, teachers, youth workers, or probation officers–then children may interpret this to mean that others do not care about them, that they do not belong to the community, that they are unimportant to the community. The implicit message to youth today–that the only people who will bother with their lives are immediate family and professionals–is an extremely corrosive one that reinforces a world view quite distinct from the one many of us were socialized to accept. This is a world that does not encourage empathy or a sense of a common good larger than the individual interest.

As director of a runaway and homeless youth program in Sheboygan County, Wisconsin, for 9 years, Mary Klamme clearly learned how important nonpaid adult relationships are for youth. The program uses volunteer foster parents who are willing to give up to 2 weeks of their time to provide foster care for a youth experiencing problems at home. The program then works intensively with the family during the crisis.

A 14-year-old girl, who was experiencing some abuse with her parents in her home, had run away and called Mary's program. Mary picked the girl up from a friend's home and gave her a ride to the foster care parents' home. The girl was acting and talking like a typical teenager in a crisis and had become somewhat critical, due to some distrust of her foster parents. Then Mary talked to her about being considerate of the foster parents, "You need to treat their home with respect because they are volunteers and don't get paid." The car became quiet, and Mary glanced over to see the girl. Tears were streaming down her face. When Mary asked the girl what was wrong, she said, "I thought they were getting paid to take me in. Why would they want to help *me,* for nothing?" Mary proceeded to discuss this question with the girl, but notes that it taught her an essential lesson: how important it is to some teens that people want to help for free.

Setting limits on behavior generally sends a message of caring as well as accountability. When adults remember their experiences of being disciplined by others, they usually also remember some sense of support and belonging, of being important enough that others paid attention. They may not have liked the consequences, but they recognized that it represented some kind of commitment to their well-being.

Juvenile Justice and the Community

As the role of communities, community groups, and neighborhood adults in sanctioning and supporting young people has declined, the responsibilities of the juvenile justice system have expanded dramatically. Juvenile courts and justice professionals are under enormous pressure to

respond to a wide variety of problems once addressed by neighbors, teachers, extended families, coaches, clergy, and other community members. Although juvenile justice must take seriously community demands that public safety, sanctioning, and offender rehabilitation be addressed, it cannot do so effectively in isolation from citizens and community groups. Communities have tools and resources the system does not have. The community also has moral authority, which must work hand-in-hand with the legal authority of the juvenile court. The court and juvenile justice system cannot deliver on public expectations without the active involvement of the community.

Government, acting in the form of the juvenile justice system, has a vital coordination and leadership role to play in an effective response to youth crime. Communities cannot act alone. Yet, Australian criminologist David Moore warns that the role of citizens in this response must be revitalized:

> Where subtle methods of social regulation and control have been transformed or forgotten, the state is required to intervene with unsubtle methods of arrest and incarceration. Criminal justice systems may continue to promote collective norms, but the modern rational state ultimately lacks the emotional resources to maintain–let alone strengthen–the moral order.

Mutual responsibility is the loom on which the fabric of community is woven. Crime weakens this fabric due to a breakdown of responsibility–clearly on the offender side, but sometimes on the community side as well. Our response to crime must emphasize and reestablish mutual responsibility. The juvenile justice system must facilitate and support effective responses to crime, but these responses are primarily a community function.

The juvenile justice system can exercise a great deal of power over the bodies of offenders. Yet, the court and its intervention programs are relatively powerless in affecting hearts and minds. Communities can have such an impact and are thereby ultimately more capable of influencing the behavior of their members, including offenders. Similarly, the harm caused to victims by crime is not easily repaired by the justice system acting alone. Crime

victims also need the support of their fellow citizens and community groups in their efforts toward healing. Ultimately, all citizens depend on each other and rely on neighborhood institutions (e.g., schools, churches), as much as on juvenile justice agencies to prevent and control youth crime and to develop a lasting sense of peace and safety.

Relationships are the threads from which the fabric of community is woven. Restorative justice is about relationships–the way these connections are damaged by crime and the power of relationships to heal and transform victims, offenders, and community. A justice process that seeks to repair the harm done to those affected by crime will be one that heals damaged relationships. Such a process must, by definition, be pursued in the context of community.

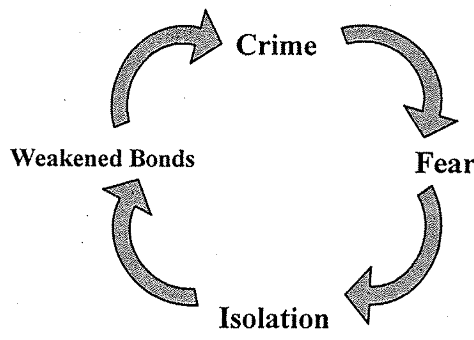
COMMUNITIES, CRIME, AND RELATIONSHIPS

For the third time in less than a week, someone had tried to steal my car. I knew this because, once again the lock was bent, the seat was pushed back, and the steering column was removed. I suspected the same juvenile had made all three attempts because on each occasion I found a calling card on the windshield: a partially smeared lipstick "tag," claiming this as the handiwork of one MADDOG. As I was running late, I quickly cleaned off the lipstick and drove to the youth shelter where I worked as a counselor. On this day, I was accompanying a 15-year old male to juvenile court for his fifth charge of Unauthorized Use of a Motor Vehicle. As Wayne and I drive to court, he noticed some of the lipstick and asked about it. I responded that someone, MADDOG, had obviously taken a liking to my car and explained what had happened. It occurred to me that Wayne was an expert of sorts on car theft, so I asked him for his advice on how to deal with the problem. Wayne first suggested that I wait in my house with a shotgun and then "blow away the punk." After explaining that this approach seemed somewhat extreme, I asked what, if anything, would stop him from stealing cars. His response surprised me; he became upset and stated that he would never steal my car. When I gently reminded him where he and I were going and why, he responded that this was different. This was different because he knew me. He did not know the people whose cars he had stolen. I pointed out that even though I did not know MADDOG, I still did not want my car stolen. Wayne remained quiet for a while, and then he really surprised me; he told me to write a note. "Write a note? What do you mean," I responded. "Well, the way I look at it, this punk just wants to joy ride for awhile. I mean, who would want this car?" He laughed at his own joke. "No, really," he continued, "tell them you're a counselor for messed up kids and then ask them to leave you alone. I mean, without your car, you wouldn't be able to drive me to court. Don't swear or nuthin', just be real nice. Put the note in the window. "You really think that will work?" I asked. I don't know, he responded. "But it's worth a try."

I will never know if it was the note, my informal introduction to MADDOG, which served as a deterrent. Perhaps MADDOG found a car that was easier to steal; perhaps MADDOG was arrested; perhaps MADDOG occupied himself with another activity. The possibilities are endless. In any event, MADOG stopped trying to steal my car. And I believe that MADDOG stopped because, in a way, he knew me

Cime–fear–withdrawal–isolation–weakened community bonds–more crime. All of us–victims, offenders, and community members–are caught in a downward spiral where more crime leads to greater fear and increased isolation and distrust among community members, leading to even more crime. Community safety depends primarily upon voluntary individual restraint of harmful behavior. The more connected community members are, the more likely they are to restrain impulses that would be disapproved by the community. As community bonds are weakened by fear and isolation, the power of community disapproval is reduced and crime increases. In the wake of crime, victims often experience frustration and powerlessness, which add to the pain of the victimization.

Figure 1



As figure 1 suggests, the relationship of the community to crime is complex and somewhat circular. First, the community is an entity *harmed* by crime and therefore needs to express the impact crime has had on its quality of life, and occasionally vent outrage or disapproval. Second, the community is a collective *responsible* for the welfare of its members–victims and offenders–and is therefore required to seek and facilitate a remedy for the incident. Finally, the community is a stakeholder in broader policy issues that affect long-term community health. Its members thus need to *participate* in decision making and in

implementation of an effective criminal justice process.

Crime is both a result and a cause of weak relationships. Three relationships are harmed by crime. The relationship between the victim and the community is harmed because the victim is no longer sure who can be trusted. Victims often experience isolation because other community members don't want to hear about the victimization and may even blame the victim for the crime. Victims may also feel let down that the community did not provide protection. The relationship between the offender and the community is damaged because the offense both harms the community and weakens the mutual trust of most citizens. The relationship between the victim and the offender is damaged because the offense both harms and takes power away from the victim.[2] To rebuild or strengthen the community fabric, our response to crime needs to attend to all of these relationships.

What Do We Mean by Community?

Lack of clarity about the meaning of "community" is often cited as a problem that must be solved before we can proceed to work with communities. Practical experience in developing restorative community responses, however, tends to demonstrate otherwise. Communities themselves do not worry much about academic definitions. They soon define themselves based on the issue at hand. In this sense, a community is a group of people with a shared interest and sense of connection because of that shared interest. Austin, Texas, District Attorney Ronnie Earle has defined community as "a network of relationships between individuals and groups that share joy and pain" and has observed with regard to the function of justice systems that:

> There is no public safety without peace, there is no peace without justice, and there is no justice without community.

We all function in many different overlapping communities, around different aspects of our lives–work, church, schools, neighborhood, family, hobbies, interests. Because we are a mobile society, many deemphasize the "community of place," which was the most common form

of community in earlier generations. Geographic community (e.g., neighborhoods or villages) is not the only form of community, but it is important in the context of crime, because those physically close to a criminal event are generally affected by that event even if they have no relationship with any of the people involved. For most people the sense of safety is related to place, and one of the most important characteristics of safe places is community cohesion and a shared sense of efficacy (Sampson, Rodenbush, and Earls, 1997). Generally, geographic communities have a direct interest in the response to youth crime, but others who may not be geographically close also may have a stake in resolution of the incident. For instance, those who care about the victim or the offender may not live in the area where the crime occurred, but they are an essential component of the "community of interest" around the event.

Restorative approaches seek involvement, commitment, direction, and resources both from communities of place and the personal communities of those most directly affected by a crime. The question "Who has a stake in the outcome?" helps to identify who the community is for purposes of the response to a specific crime or effort to prevent future crime. Community of interest is a fluid concept, changing as more information becomes available about who was affected, or as others who were not originally identified as having a stake show interest. For the most part, the best way to determine who the community is, is to ask key informants how they identify their community and to leave the process open for people to identify themselves as members of that community.

The Limits of Juvenile Justice Intervention

How does current juvenile court intervention address the community's stake in the response to youth crime? For the most part, the community is not recognized as a victim. Hence, the injury to the community fabric remains unrepaired, and citizens must live with the consequences of the way the crime is handled, with little engagement in the process. The

community is not generally involved in crafting an appropriate response to crime by young people and thus has little sense of responsibility for successful outcomes. The current system treats each incident individually and provides no systematic way to learn broader lessons from patterns of delinquency that reflect underlying social issues or to reinforce the message of community responsibility. Thus, the long-term health of the community is unattended to by the current process.

In addition, several characteristics of the current justice process actually weaken connections between individuals and damage the community fabric. Offenders are deliberately cut off from the community, and victims are inadvertently cut off through neglect, revictimization by the system, and subtle messages of blame from community members. If the process creates a more isolated victim and a more isolated offender, it will fail to promote healing or community peace and the community will suffer. The adversarial focus of the current justice process exaggerates differences between individuals and encourages separation and demonization of "the other," which contributes to violence. Human beings can more readily commit violent acts directed at those they see as "other" or "they." In addition, the emphasis on retribution and punishment models the very behavior we condemn and consequently sends mixed messages. Ironically, many offenders see themselves as doling out "just desserts" to the victim for some perceived wrong they have experienced. Attempts to punish offenders that fail to confront them with victim and community disapproval of their behavior may reinforce the sense that it is they who are indeed the victims. More benign efforts to rehabilitate offenders in juvenile justice treatment programs where intervention is often disconnected from the harm done to victims and the community may also send a counterproductive message focused solely on the offender's need for help, rather than the victim's needs and the expectation that the offender make it right with the victim.

Even in their attempts to help communities respond effectively to youth crime, juvenile justice systems may diminish the sense of community responsibility in this effort and even weaken the capacity of citizens to socialize and exercise social control over neighborhood young people. In the past 20 to 30 years, the direction of change in the relationship between the community and the juvenile justice system has been toward less and less community involvement and more and more reliance upon the state, as represented by formal justice processes–police, courts, and corrections. Because it is in communities, not courts and programs, where standards of behavior are affirmed and individuals are held accountable for their actions, it is not surprising that this formal response has had minimal impact. Indeed, David Moore writes that while formal procedures of the justice system provide important safeguards for rights, these same procedures may also:

> . . . deprive people of opportunities to practice skills of apology and forgiveness, of reconciliation, restitution, and reparation. In assuming responsibility for social regulation when a citizen breaches a law and thereby challenges the moral order, the modern state appears to have deprived civil society of opportunities to learn important political and social skills.

The turn to professionalization, and the reliance on formal programs and processes to "fix" the problems of young people, happened in part because the informal community processes of earlier decades were sometimes discriminatory, and inappropriately exercised power over issues that were not central to community functioning. Length of hair, nose rings, or baggy clothing, for instance, are not appropriate targets for community control of individual behavior. Because all citizens can be affected by the behavior of every individual, communities have a stake in the behavior of their members. But community control over individual behavior must be restricted to those behaviors that truly impact others. Since the 1970's, it has become clear that we cannot live together safely without some degree of informal social control at the community level. In rebuilding the role of community in constraining the behavior of its members, we must ensure that it is done in inclusive ways that are respectful of individual human dignity. If we

base informal social controls on a restorative philosophy, then the potential negative effects of social control are dramatically reduced.

It is especially important that community standards of behavior be communicated to children and young people with consistent messages from all community members. John Braithwaite's (1989) international comparison of low-crime and high-crime societies concluded that the former societies are those in which citizens "do *not* mind their own business." Indeed, in low-crime communities, citizens take ownership over social control and set tolerance limits, which are frequently reinforced by informal sanctions as well as by support for fellow community members (see also Sampson, Rodenbush, and Earls, 1997). Although most of us experienced being held accountable by the adults on our street if we misbehaved as a child or adolescent, most adults today acknowledge that they do not exercise that same authority over children in their neighborhood. The rearing of children and the setting of norms cannot be left to individual parents and state institutions (schools). It is the responsibility of every citizen. Likewise, the setting of norms for those who offend is the responsibility of the entire community.

A VISION FOR A NEW RELATIONSHIP

"The biggest gift we can give the community and the people we serve is the opportunity to resolve these problems."–Paul Schnell, deputy sheriff, Carver County, Minnesota

The justice system's relationship to community has undergone significant change in the past century and is still in the process of evolving. Unfortunately, the expansion of the system's role has left some juvenile justice agencies with greater formal power and more responsibility, yet more isolated from the communities they serve. Indeed, most juvenile justice systems today function in an "expert" modality in their relationship with the community. As depicted in figure 2, these agencies appear to be stuck in phase one or phase two of an evolution toward a different relationship with communities.

FIGURE 2
JUSTICE SYSTEMS AND COMMUNITIES: AN EVOLVING RELATIONSHIP

Phase 1: Justice System Operates Separately From and Independently of the Community
1. Expert model, "We (justice system) have the answers."
2. Community contact is a nuisance and gets in the way of the real work.
3. Professional system defines and solves the problem.

Phase 2: Justice System Provides More Information to the Community About Its Activities
1. Expert model.
2. The community is viewed as a client with a right to know something about what the professional system is doing.
3. Professional system defines and solves the problem, but keeps the community more informed about what it does.

Phase 3: Justice System Provides Information to the Community About Its Activities and Asks for Intelligent Information From the Community to Help Do Its Work
1. Expert model.
2. Community is seen as a client and as a good source of information for the expert work.
3. Professional system defines the problem and solves the problem with useful information provided by the community.

Phase 4: Justice System Asks for Some Guidance in Doing Its Work, Recognizes a Need for Community Help, Places More Activities in the Community
1. Modified expert model: experts provide leadership, but the contribution of the community is valued.
2. The community is a cooperative agent, but the justice system is still in leadership.
3. The community is asked to help define problems, but the justice system is still chief problem solver, with help from the community.

Phase 5: Justice System Follows Community Leadership While Monitoring Community Process
1. Expert systems function as support systems.
2. The justice system operates in support of the community in achieving community goals while protecting the rights of individuals and ensuring fairness.
3. The community defines and solves problems with help from the justice system.

* Source: Kay Pranis, Minnesota Department of Corrections

In the new roles depicted in phase 5, the community is the primary responder to crime, and the system operates in support of the community. Achieving this vision requires fundamental change in the juvenile justice system's willingness to involve and share power with citizens and the willingness and capacity of communities to do so.

The emerging relationship between communities and justice systems is indeed a partnership, and it is shaped by several key ideas. First, as noted earlier, the community is the source of moral authority or influence, while government, in the form of the juvenile court, is the source of legal authority. Second, the community should be the center of decision making whenever possible, with juvenile justice agencies acting in an oversight capacity to uphold universal norms and broader system objectives. Third, the community must be the center of action, with government in the role of facilitator. Fourth, the community is responsible for promoting its collective interest, while government is the guardian of individual rights.

From a restorative justice perspective, it can be said that the current relationship between juvenile justice and the community needs to be turned upside down. Ideally, the community should become the first line of defense in maintaining community standards of behavior, with the court and justice system used as a measure of last resort. The purpose of the legal authority of the juvenile justice system is to ultimately affirm the central moral authority of communities and provide a mechanism for responding to failure to comply with the restrictions and obligations the community imposes in response to crime. Yet, today, the juvenile justice response is the measure of first and last resort.

Courts ultimately rely upon authority and coercion to influence behavior, and in doing so they may model an authoritarian dependency on fear and power to get compliance. But positive human behavior is shaped more by relationships than by fear. In a democratic society, moral authority is ultimately more effective than legal authority, and because it emerges from a sense of mutual commitment, it is a product of healthy communities. Legal authority that is not clearly grounded in the community's moral authority, as demonstrated by active community involvement, is hollow and ineffective.

COMMUNITIES AND ACCOUNTABILITY

"Support without accountability leads to moral weakness. Accountability without support is a form of cruelty."–Harriet Jane Olson, *The Book of Discipline of the United Methodist Church* (1996)

Restorative justice places great emphasis on the personal accountability of offenders for harm caused to victims and victimized communities. However, answering the question, "Who is responsible for repair?"also moves the discussion to consideration of the roles of the community and professionals in ensuring accountability in sanctioning (Zehr, 1990).

Offender accountability/responsibility has these components:

1. Understanding how the behavior affected other human beings, not just the courts or officials.
2. Acknowledging that the behavior was a choice that could have been made differently.

3. Acknowledging to everyone affected that the behavior was harmful to others.
4. Taking action to repair the harm where possible.
5. Making changes necessary to avoid such behavior in the future.

Community accountability/responsibility has these components:

1. Attending to the wounds of the victim, both in the short term and the long term.

   The responsibility to rally around the victim can take countless forms. Churches in a small town in Florida organized to reach out to the families of two college students who were murdered by high school students in the Florida town. Representatives from the Florida community traveled to the victims' hometown in Maryland to plant trees in memory of the murdered young men. They also provided housing for the family of the third victim, who was severely beaten and was hospitalized in the Florida town. Victims of the Oklahoma City bombing who traveled to Denver, Colorado, to attend the trials were provided with extensive support by Denver churches and community volunteers. In Billings, Montana, Stars of David were hung in windows all across the city to show support for a Jewish family who had experienced hate crime vandalism.

2. Participating in a resolution to the incident that does not further harm any of those affected.

3. Affirming community expectations and norms for all members without severing bonds.
   One member of a community justice circle group working with a 19-year-old offender spoke of seeing the applicant in the community a couple of times since the last circle. He recalled one incident where they greeted one another and he expressed pleasure at the exchange. "The other time I saw you, but you didn't see me," the community member continued. He went on to describe the applicant on his bike, talking to someone in a car that was in the street holding up traffic. He looked at the applicant and said, "That tells me about you and whether your attitude is changing. That was not respectful." While working diligently to support and help this young man, the community was also clearly setting out standards of behavior for everyone in the community, not just the offender.

   In another instance, a middle-aged woman shopping in an urban grocery store observed two adolescent females taking candy from the bulk candy bin. She stopped to speak to the girls in a respectful way, saying, "It's not okay to take candy without paying for it." The girls huffed away and disappeared down another aisle. The woman paused, thinking about the extent of her own responsibility. She concluded that she was not responsible for guarding the candy bin, but was definitely responsible for articulating the community expectation, even if she could not enforce it by standing guard.

4. Identifying and addressing underlying community conditions that may have contributed to the behavior.

   Twelve middle school students were involved in vandalizing an empty home in the community. During the peacemaking circle process, the students and their parents identified the lack of a place for students to hang out together as a contributing factor. Members of the community justice council worked with Community Education to develop additional teen activities in its summer program and to explore the feasibility of a teen center in the community. Individual young people must be held accountable for their behavior. However, communities bear some responsibility for correcting problems that make youth crime a common occurrence.

Juvenile justice *system* accountability/responsibility has these components:

1. Ensuring that there is a response to harmful behavior that does not increase risk to the community and the victim.
2. Ensuring fairness in the response to harmful behavior.
3. Facilitating victim and community involvement in response to youth crime.
4. Providing resources and support to a constructive resolution to the crime.
5. Sharing power with all affected parties.

What Might the Community Role Look Like in Practice?

The community has multiple opportunities to play a role in designing and implementing effective responses to crime and delinquency, ranging from policymaking to direct service with victims and offenders.

1. Role of the community in determining the terms of accountability.

One responsibility of the community in this approach is to participate in determining the terms of accountability (i.e., deciding on sanctions or dispositional requirements for the offender). When the community is in that role, the government or state role is to back up the community with legal authority. The community exercises its moral authority by denouncing the crime and determining the nature of obligations required of offenders in order to make amends. The state exercises legal authority by formalizing those requirements. The state also plays a role of oversight of the community process to ensure fairness in that process. Some examples follow:

- Communities in several Canadian provinces and a few States in the United States use the peacemaking or sentencing circle process to decide what the resolution to a criminal incident should be, including the sentence for the offender. The process includes circles of understanding for the victim and the offender and followup circles to monitor progress and celebrate success. The process is open to all community members. Criminal justice professionals operate in partnership with the community.
- Vermont's reparative probation uses community boards to develop an agreement with the offender regarding the terms of probation based on four restorative goals (repair of harm to the victim, repair of harm to the community, understanding of how the behavior harmed the community, and avoidance of offending behavior in the future). Similar neighborhood justice boards are being revitalized in other States as a response to youth crime (Bazemore and Umbreit, 1999).
- The Community Response to Crime Program in Bemidji, Minnesota, uses a community intervention team to meet with the offender to communicate the effect the behavior has on the community, community expectations for making amends, and support for the offender in making amends.
- Family group conferencing/community conferencing involves the community of people most affected by the crime (family and friends of the victim and family and friends of the offender), along with the victim and the offender in deciding the resolution to a criminal incident. This can occur in a diversionary process or in an adjudicated process. Conferencing is used by police departments, schools, probation agencies, neighborhood groups, and residential facilities.

These processes generally result in an agreement with the offender that specifies the offender's obligations for making amends. However, in each of these approaches the emphasis is

not primarily on a technical process to decide the requirements placed on an offender. Ideally, each emphasizes a process of establishing a relationship of mutual responsibility, a process of human interaction. That is the critical nature of these efforts, and the power is in the process rather than in the agreement. The meeting between the offender and community members is one of the most meaningful forms of accountability–and it is a powerful process for allowing the community to affirm its norms. These processes give real meaning to the idea of answering to the community for your behavior, and they can simultaneously address the community's role as a victim and its role as a collective responsible for the welfare of its individual members. When executed well, these approaches leave the community stronger after the justice intervention than it was before the crime happened (the most important outcome measure).

2. Role of the community in implementing the terms of accountability.

- Community service sites that allow offenders to repay the community through labor valued by the community. Also, supervising completion of service work and providing affirmation to offenders upon successful completion.
- Work opportunities that allow offenders to earn money to pay restitution (Century Club, Deschutes County, Oregon).
- Volunteer probation officers.
- Community mentors or sponsors.
- Victim participants in victim impact panels for offenders.
- Volunteer facilitators for victim-offender meetings.
- Community support for treatment programs.
- Community involvement in self-help or support groups for offenders.
- Programs, such as GED or vocational training programs, that build offender competencies.

1. **Role of the community in supporting victims.**

- Neighbors Who Care, a church-based victim assistance program that provides service through volunteers.
- Volunteer victim advocates.
- Community involvement in self-help or support groups for victims (Mothers Against Drunk Driving, Parents of Murdered Children).
- Volunteer facilitators for victim-offender meetings.
- Chaplaincy programs for victims.
- Healing circles for victims.
- Block club outreach to victims.

4. **Role of the community in maintaining relationships with offenders in custody.**

- Prison and jail ministry programs.
- One-to-one friendship programs (AMICUS, Minneapolis, Minnesota).
- Volunteer consultants who offer special programs in prison (cultural groups, job preparation, life skills, literacy).
- Inclusion of inmate teams in a sports league.
- Community service opportunities for offenders while in custody.
- Jaycees or Toastmasters chapters in institutions partnered with community chapters.

1. **Role of the community in policy development.**

- Advisory boards at every level (program advisory boards, county-level community corrections advisory boards, statewide advisory boards for particular initiatives). It is important to have more than token members of the community on these advisory boards.

- Public forums to get the community's perspective on existing and proposed approaches.
- Surveys of the community to gain input.
- Prevention programs and social policies that address the underlying causes of crime.
- Participation in the political process to influence public policy and encourage responsible dialog.

Conditions for Partnerships and the Roles of Community and Government

For community-justice system partnerships to work, all parties must have trust. Each party needs to know that the other partners can be relied upon, because safety is at stake. All parties must feel respected in the partnership, and each must feel necessary. All participants must feel that juvenile justice tasks cannot be effectively accomplished without them–because otherwise it's not worth the time and effort. All parties must feel a sense of importance, responsibility, ownership, and commitment.

Ironically, because formal government processes have gradually taken over so much power and authority, the system has a leadership responsibility in moving from the current approach to one in which the community becomes a full partner. The juvenile justice system needs:

- To assist in transforming the role of the community through information, education, and technical assistance.
- To link communities that have common interests and goals so they can share knowledge and experience.
- To clarify the systemic vision and goals for the juvenile justice process.
- To monitor community activities to ensure that the values of the State and the Nation are honored (fairness, appropriate due process, and so forth).
- To provide support and resources to community processes.
- To facilitate the development of a community infrastructure to sustain sufficient community processes of justice and healing.

Though courts are not particularly effective at problem solving, they are effective at convening affected parties, monitoring compliance with community-designed solutions, and ensuring fair treatment of individuals. Partnerships between communities and judicial, law enforcement, and social service agencies can combine the complementary strengths of community groups and of professional systems for more comprehensive and sustainable solutions. Processes need not only be community-based, they also need to be founded on values of respect for universal human dignity and of the importance of relationships. In general, although communities manage individual behavior more effectively than governments do, communities need both government support and resources and the perspective of an oversight mechanism that is separate from the community.

Interventions chosen by the juvenile justice system can contribute to building healthy communities. Interventions that strengthen community are those that:

- **Create new positive relationships or strengthen existing relationships.**

  As a result of an assault by another juvenile, an adolescent boy moved to a distant city to live with his father. Following a victim-offender mediation regarding the case, the mother of the offender contacted the mother of the victim, expressing concern for her loneliness since her son moved away. The mother of the offender suggested that they do something together. They discovered a mutual interest in theater and began to attend plays together.

  In a peacemaking circle process with a juvenile offender, the community justice committee discovered that one of the problems in the family was constant conflict between the juvenile and his brother. A minister who was a member of the circle spent time with the brother and encouraged him to attend the next circle, which he did. During that circle it became apparent that both brothers were interested in car racing. A community member offered both brothers a pass to the local racetrack in exchange for some help from them. A new relationship was created with this community member and the relationship between the brothers was strengthened by emphasizing common ground. The brother voluntarily attended the next circle for the offender. In both of these cases, the interventions of the juvenile justice system resulted in new relationships that continued beyond the time of the intervention, thus strengthening the community fabric.

- **Increase community skills in problem solving or conflict resolution.**

In a suburban community the victim, the offender, the offender's mother, and neighborhood residents gathered in response to a vandalism of a neighborhood tree house in which the offender's actions had caused extensive conflict in the community. While the police officer worked to find a suitable place to meet, a neighborhood resident, who had participated in the process in another case, suggested that they resolve the case themselves without the police, which they did. The agreement addressed both the individual responsibility of the offender and the responsibility of the neighbors to be more connected and to know one another better. The agreement was accepted by the police. Extensive use of family group conferencing by the police department as the response to juvenile crime resulted in an increase in community skills in problem solving and conflict resolution.

- **Increase the community's sense of capacity, efficacy, and self-confidence in addressing problems.**

  In spite of difficulties with the offender, participants in a peacemaking circle project in a diverse inner-city community continued to express confidence that through this process the community would be strengthened. As one participant put it, "What's most important here is the community coming together. The details of how we do it are not as important as the community doing something." Use of the circle process as a response to crime has in many instances increased the community's sense of capacity to address very difficult community problems.

- **Increase individual awareness of and commitment to the common good.**

  After involvement in restorative community service, many juvenile offenders continue to volunteer their time because they become aware of the needs of others in their community. One youth diversion program requires that the juvenile do community service with his or her family. As a result, families of offenders have become involved working in soup kitchens and providing services for people in need. Restorative community service frequently can increase the desire to act on the behalf of others.

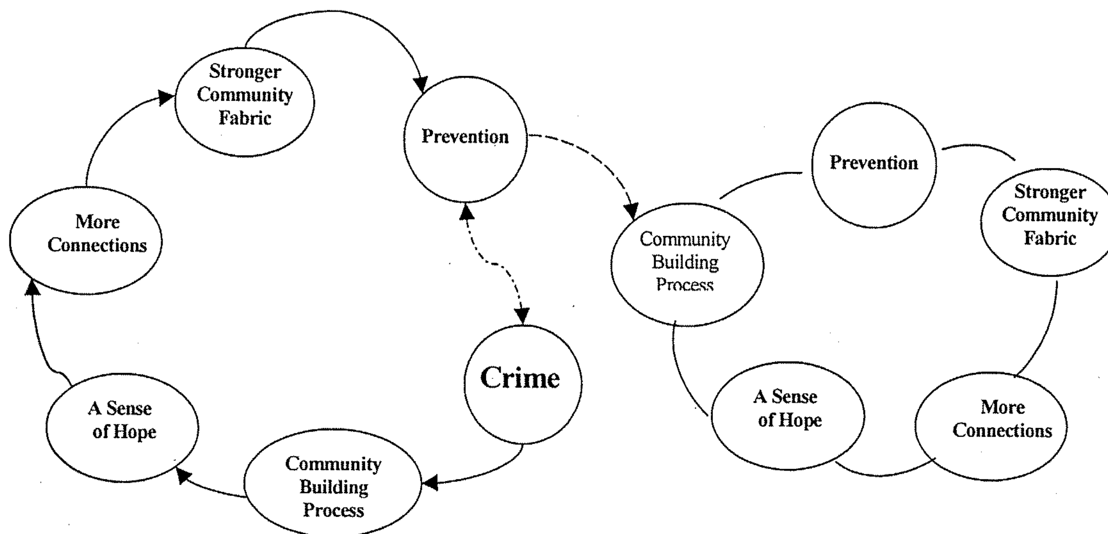
- **Create informal support systems or safety nets for victims and offenders.**

  Several volunteer members of a Community Response to Crime panel gave their home phone numbers to a juvenile, suggesting that he call them if he had a problem. An 80-year-old victim of an attempted burglary, disappointed that the offender reoffended after promising never to do it again, met with him and asked insistently over and over, "How am I going to know you won't do this again?" She then called him regularly to make sure he stayed out of trouble.

  A victim of juvenile vandalism participated in the circle process. Shortly after the case was resolved, the victim was diagnosed with terminal cancer. A circle member who had worked closely with the victim throughout the case visited him in the hospital, taking him homemade soup and flowers. Another circle member played the violin at his funeral. As a result of the interventions used in these cases, informal

support systems were created that did not depend upon formal system services.

Ultimately, if the juvenile justice system intervenes with processes that build community, the cycle of crime, fear, and distrust discussed earlier can be transformed into a new self-perpetuating cycle of hope, as figure 2 suggests.



"When a group of individuals can face their fears and rationalizations and become intimately interrelated and mutually responsible, an awareness of community emerges."–Cloudhand, p. 105

When the juvenile justice system responds to crime with processes that build community, more connections are created in the community. Bonds and a sense of connection to others reduce fear and allow a sense of hope to flourish. Connections among community members and a sense of hope result in a stronger community fabric and increased capacity to prevent crime. This cycle moves toward stronger, healthier communities.

A key to successful system-community partnership is a new acknowledgment by juvenile justice professionals that enhancement of community strength is the primary measure of the effectiveness of intervention and that it is those interventions that are grounded in and directed by citizens that are likely to strengthen the community. Hence, the bottom line for the system can not be how many offenders were processed, punished, or treated. Instead, the critical questions

should be: Are citizens engaged in the process? Is the community stronger after the juvenile justice intervention than it was before the crime happened?

A key role for juvenile justice professionals in restorative justice is to assist in building the community's capacity to solve its own problems and to manage its own members. Examples of developing such an infrastructure include:

- Building relationships with good community work service projects.
- Organizing community meetings to build community interest in justice issues.
- Organizing training for community volunteers to facilitate victim-offender mediation, family group conferencing, or other conflict resolution processes.
- Organizing community and victim involvement in decision-making structures for sentencing or disposition.
- Engaging the business community to provide job opportunities for offenders to earn money for restitution.
- Initiating collaborative prevention efforts based on the knowledge and experience of probation.

Skills and Knowledge Needed by Probation Agents

- Understanding of the victim experience.
- Conflict resolution and mediation skills.
- Knowledge of community organizations, leaders, and processes.
- Facilitation and communication skills.
- Knowledge of job opportunities and the business community.
- Ability to supervise and support community members who work with offenders

Principles and Guidelines for Educating and Involving the Community

The following principles should guide efforts to gain greater commitment to restorative justice values and practices in the community.

- Special outreach efforts to victims' groups are important because victims have historically been left out of the criminal justice process. Victims' groups have had to fight the system for nearly every gain they have achieved. Consequently, many are skeptical that an initiative of an agency serving offenders can genuinely have victim interests at its center. An unwavering commitment to involve victims despite obstacles that may be encountered is critical to ensure that the outcomes are genuinely restorative.

- Restorative justice should not be mandated in a top-down authoritarian process.
- The work of operationalizing the principles of restorative justice must be done at the local level and must involve all stakeholders.
- The appropriate role of State, national, or regional leadership is to articulate the vision, disseminate information, and provide support and technical assistance to jurisdictions attempting to evolve to a more restorative approach. State and national agencies can also implement pilot programs to demonstrate application of the principles. State and national governments are responsible for monitoring outcomes to ensure fairness, equity, and effectiveness of processes designed at the local level.
- The process of implementing restorative approaches must model the principles themselves (e.g., victims must have a voice, and the community must be involved).
- A clear understanding among practitioners and stakeholders, including the community, of the philosophical underpinnings of the approach is essential to ensure that changes are substantive and not merely cosmetic. Program implementation without an explicit understanding of underlying values often leads to undesirable results.
- Every community member and every professional has opportunities to contribute to a restorative vision in the community, even without major system change.
- The community contains in fields outside of criminal justice natural allies who can bring depth and credibility to advocacy of a restorative approach.
- Energy is most effectively expended working with those who are interested in trying restorative approaches. Seeds sown in fertile soil produce the most impressive results, which, by example, will convince skeptics more readily than direct persuasion.