

Pioneering Restorative Justice: A New Response to Urban Crime

by Gena Gerard and Kris S. Nelson

A group of eleven people sit in a circle facing each other. In one chair is Ricardo, a twenty-four-year-old recently arrested in a sting operation for soliciting a prostitute near the intersection of Franklin and Clinton Avenues, close to downtown Minneapolis. Ricardo looks anxious and fidgets as he tells the group about getting caught by a decoy officer that night in July, just two months ago. To his left are his three nephews-Oscar, Pedro, and Miguel-whose eyes are on the floor as they listen. To his right sits the translator, a volunteer fluent in both Spanish and English. Also in the circle are a local resident, two people who work in the neighborhood, a crime prevention specialist who is familiar with the area's prostitution problem, and two trained facilitators. When Ricardo finishes his story, one of the facilitators asks him to explain who he thinks has been affected by his actions. "I don't know," he says.

The facilitators turn to those who are seated around them and ask each person to describe how Ricardo's actions have affected them. "This type of crime," the neighborhood resident begins, "is damaging to the community because it gives the neighborhood a reputation for prostitution." Karen, who works at a group home with a vulnerable adult population, says she is troubled by the fact that some of her residents are reluctant to go outdoors alone. Cassandra tells the group she was "shocked" when she learned that her younger female coworkers have all been solicited on the street, and that none of them feels really safe around their place of work. And Amy, whose job with the police department is "to make people safe" in the neighborhood, says she knows what it is like for female decoys to experience the degradation of posing as a prostitute, and that it must be much more damaging for women who are not pretending.

Ricardo's nephews take turns describing their reactions to the incident and expressing their concern about the situation. Discussion of the consequences of Ricardo's actions continues for several more minutes, and then Ricardo offers an

apology. Looking around the circle at his supporters and the community members, he asks the group to help him work out an agreement for community service.

Ricardo knows he has a second chance with Community Conferencing, the new neighborhood restorative justice program. A few weeks earlier, when he chose this court diversion program rather than face prosecution, he learned that he could avoid having a conviction on his record by meeting with neighborhood folks and making amends to the community. Two hours after the meeting began, Ricardo and the rest of the conference participants have developed a formal agreement which includes the following: fifteen hours of service at the group home in the neighborhood; five hours of gardening with the neighborhood greening committee; a \$50 donation to an organization which helps women escape prostitution, to be sent with a written apology; a \$50 contribution to the volunteer facilitator training program; and five classes to work on his English comprehension.

In mid-December, the project coordinator notifies the court that Ricardo has successfully completed the Community Conferencing program. He is the first of ten adults arrested for misdemeanors in the downtown area who have participated in the neighborhood restorative justice program since its inception in September 1997. The Community Conferencing program is an initiative of Central City Neighborhoods Partnership, which includes Citizens for a Loring Park Community, Elliot Park Neighborhood Inc., Downtown Minneapolis Residents Association, and Stevens Square Community Organization. Community Conferencing is a grassroots effort aimed at addressing low-level crime in a way that makes offenders accountable to the victim and the community. Through face-to-face dialogue and an emphasis on healing, the project allows people who have been directly and indirectly affected by crime to have a voice in the justice process and contribute to the outcome of a given

incident.

Beginnings

The Community Conferencing program in the inner city of Minneapolis is a demonstration project developed by the inner city communities themselves with the cooperation of the criminal justice system. It is drawing considerable attention because it is the first neighborhood based restorative justice program in the country designed to deal with urban crimes committed by adult offenders. How did the program happen to be created in Minneapolis? NPCR can take much of the credit.

In November of 1994 the Central City Neighborhoods Partnership proposed a series of projects to NPCR. These neighborhoods in south Minneapolis were looking for information and ideas on how to make their neighborhoods more liveable, and in particular how to reduce the amount of street crime they were experiencing. They had been told to form block clubs and call 911 when problems arose. But the problems were persistent and they had noticed that the same people were back on the streets again and again. They had begun to wonder what actually happens after you call 911.

Three related research proposals were funded by NPCR and carried out by three students during the winter of 1995—a graduate student from the University of Minnesota, an undergraduate from Macalester College, and a graduate student from Hamline University. One analyzed the criminal justice system in Hennepin County, another looked at problems associated with rental property, and the third examined community-oriented policing and crime prevention. The study of the judicial system, particularly, helped to explain what was going on after neighbors called 911. In theory the process should have been close to what is diagrammed in Figure 1, but in actuality it followed the processes shown in Figure 2. The neighborhoods learned that the judicial system in Hennepin County was overloaded and that petty misdemeanors



A community conference with the offender and the victim sets the stage for the healing work that is at the core of the restorative process.

and low level felonies, the very street crimes that were upsetting to the neighborhoods, were, as a consequence, largely being ignored. The common practice was to write a citation and let the defendant go. At the most, for many repeated offenses, a thirty-day jail sentence might be imposed.

Following this initial round of research projects, the neighborhoods wanted to meet with key officials in the judicial system to continue pursuing how the system worked and how they might work with it to curb crime and make their neighborhoods more liveable. NPCR granted funding for a fourth research project. A series of five roundtable discussions occurred between April 1995 and February 1996. The graduate student hired for the project organized the meetings, prepared working papers sent to participants prior to each meeting, and summaries of the roundtables after they were over. The working papers outlined the neighborhoods' understanding of the functions and responsibilities of each agency, and also laid out a framework for the discussions, raising key questions of concern to the neighborhoods. Participation was limited to three or four representatives from each neighborhood. They met with the 3rd, 4th, and 5th Precinct Commanders; with Police Chief Robert Olson; with Community Crime Prevention/SAFE officers; with Minneapolis City Attorney Surell Brady and Hennepin County Attorney Michael Freeman; and with Chief Judge Kevin Burke and Director of Community Corrections Jan Smaby.

The neighborhoods' representatives particularly asked about how the criminal justice system might work better in terms

of the goals of community-oriented policing—how it might create safer and more livable communities by empowering citizens and using them to help prevent crime. During the roundtables they began to look at the idea of alternative sentencing and of having convicted offenders serve their sentence by working in the community, and, ideally, in the community where they had committed their crime. They reasoned that if alternative sentencing could provide an alternative destination for low-level offenders, something other than the crowded court system and jails, perhaps more of them would be processed, re-establishing a connection between criminal behavior and some form of punishment. And that if alternative sentencing could demonstrate to offenders that their offense was against the community rather than abstract principles of justice, they might be less likely to repeat their offenses.

In March 1996 the Central City neighborhoods Partnership came to NPCR with yet another research proposal. They wanted to examine alternative sentencing in more depth. NPCR's project director urged them to look at restorative justice as part of that research. The fifth NPCR research project with these central city neighborhoods was approved as a study of restorative justice and how its principles might be applied in the urban core of Minneapolis. Mark Umbreit, head of the Center for Restorative Justice at the University of Minnesota, served as a faculty mentor and Kay Pranis, restorative justice planner for the Minnesota Department of Corrections, served as community mentor. The study was carried out in the summer of 1996 and a report of

findings, which presented the concept of restorative justice and suggested Community Conferencing as a suitable model, was presented to the neighborhoods in September.

At this point a few of the neighborhood leaders convinced the rest to try it. A restorative justice program run by the neighborhoods could take offenders out of the already overcrowded criminal justice system, help them come to terms with the consequences of their actions, and, by building bridges between them and the community, perhaps discourage future offenses. It could build in an accountability to victims and the community that was lacking in the current system. Grants from the Minneapolis and McKnight Foundations enabled the Central City Neighborhoods Partnership (CCNP) to develop and implement the Community Conferencing program.

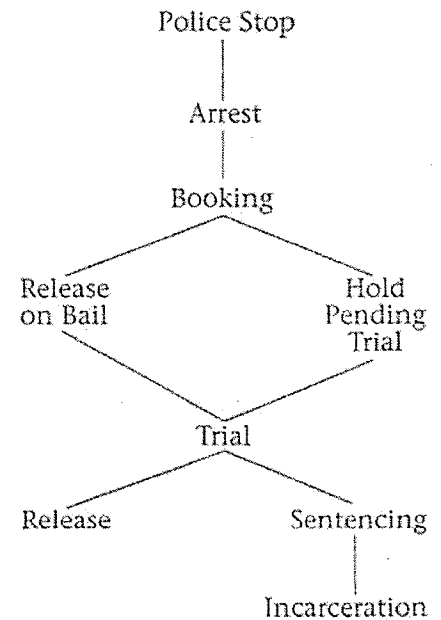


Figure 1. "Ideal" Criminal Justice Process

The city attorney's office was at first reluctant to cooperate with the neighborhood initiative, but eventually agreed to a one-year demonstration project. The student who researched restorative justice in the summer continued in a staff position with the partnership to help create the Community Conferencing program. An intern in community organizing was also hired to build community support for the program and recruit volunteers for the project. She worked in high-rises and smaller apartment buildings, creating links between residents and CCNP. Today a full-time organizer continues these

outreach efforts.

What Is Restorative Justice?

The program that CCNP created represents a new paradigm in the criminal justice world. Restorative justice is based on the assumption that crime results in injuries to victims, communities, and offenders. Its goal is to mend the injuries, restoring both strength and health. To do this, all of the parties involved must be

included in the response to a crime. Restorative justice is more concerned with "making things right" than with fixing blame or meeting out punishment.

A redefinition of roles is required. The offender's role is no longer passive. Instead the offender is accountable to the victim and has a responsibility to actively restore the wrongs that have been committed. The victim and the community serve critical functions. They

hold the offender accountable for his or her actions, describe the harm that has been done, and identify ways of repairing the damage. Victims are given a central role in the justice process. Communities work pro-actively to confront their own crime problems, developing their collective capacity to prevent future crime and improve public safety.

Denunciation of the criminal act takes place in the presence of supportive friends and family. Afterward, community members aid the offender's reentry into the community, recognizing that an individual who is socially connected, as well as assisted in other problem areas, is less likely to harm the community in the future. Thus, restorative justice aims to repair the damage of crime in a way that is personal and constructive. It does not isolate the victim or the offender, nor encourage the offender to avoid responsibility, as the prevailing retributive justice system does. The community itself becomes stronger as it takes responsibility for its own members-rallying around victims, facilitating the resolution of conflict, providing opportunities for redress of wrongdoing, and reintegrating offenders in whatever ways are possible.

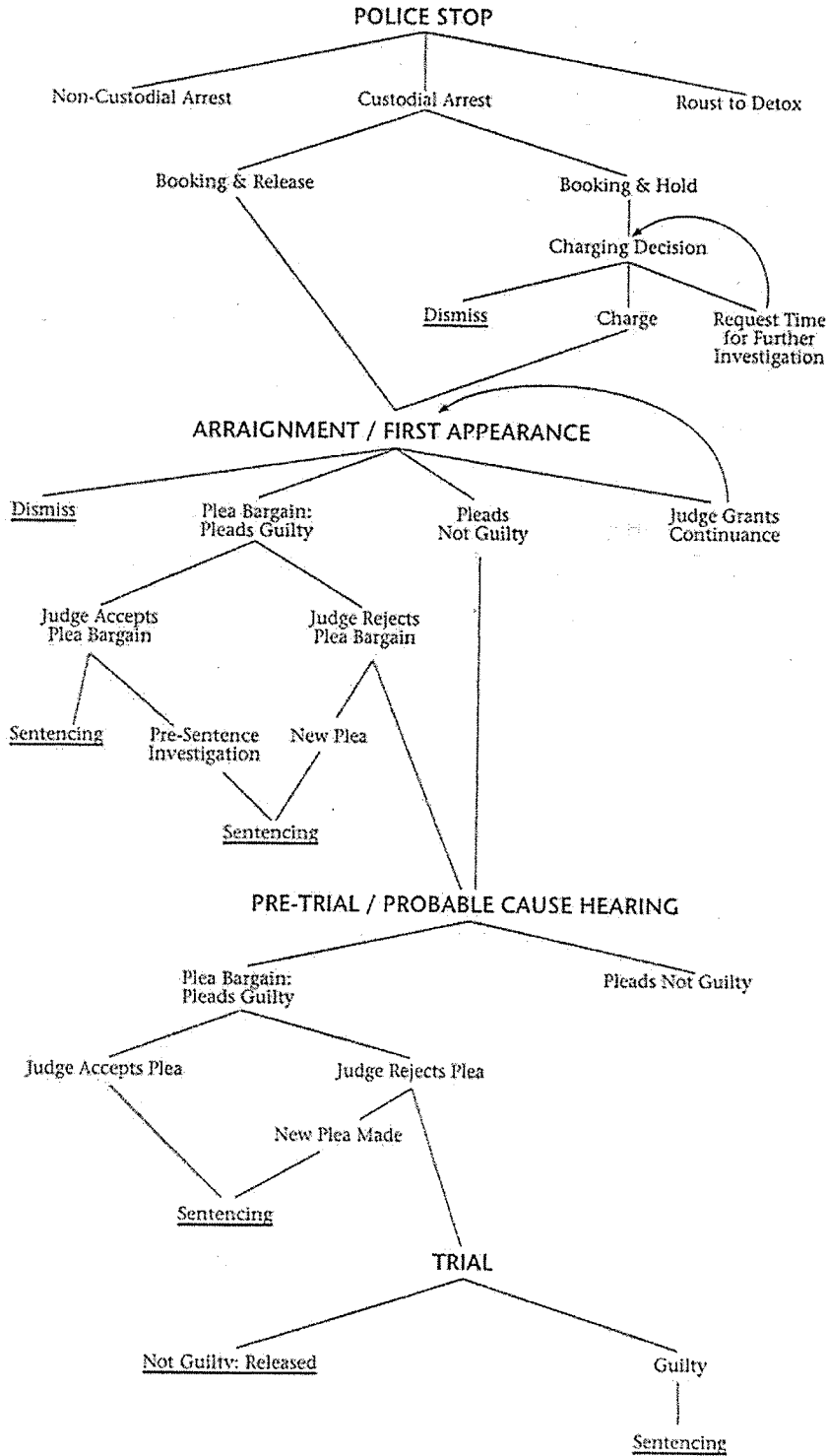


Figure 2. Actual Criminal Justice Process

How It Works

Community Conferencing is the model of restorative justice that CCNP designed to fit its needs (Figure 3). It is a variation of Family Group Conferencing, traditionally used with juvenile offenders and their parents. To be eligible for the program, an adult offender must accept responsibility for the offense and have no history of violence. For now, the program focuses only on low-level crimes-such as theft, trespassing, vandalism, shoplifting, graffiti, soliciting a prostitute, and disorderly conduct-crimes which deteriorate the quality of life in the neighborhood. The program combines dispute resolution and community service in addressing these crimes.

Citizen participation is fundamental. Individuals who live or work in the neighborhood are involved in a number of ways. Conference participants serve a critical role by helping to convey the human impact of crime. Others, with a stake in the community, step forward to help guide the program, serve as liaisons in assisting victims and offenders both before and after the conference, and receive training to become conference facilitators.

Each conference brings together the offender, the victim, their supporters, and people who live or work in the neighborhood to discuss the incident at hand. Trained facilitators help the group develop a formal agreement which describes how the offender will make amends to the victim and the community. Offenders who opt for conferencing do so in lieu of prosecution by the court, and their charges are dropped at the end of one year if they have completed the terms of their agreement. All conference participants, including the offender, make a voluntary decision to be part of the program.

Participants in the conference take advantage of their urban location, close to many agencies skilled in helping people heal and begin new lives. Referrals to community resources and social services are made wherever it is appropriate. Counseling, treatment, job placement, and mentorship all can be used in addition to service in community organizations if the members of the conference circle feel that they will help the offender.

Results

The first ten community conferences to be held by CCNP, between September 1997 and February 1998, were successful in reaching agreements as to how the offender would make amends to the victim and the community. Four offenders have already completed their conference agreements. Word about the fledgling program has spread in the community and more and more people are getting involved. Thirteen new volunteers participated in a training session in early March to become conference facilitators, allowing CCNP to increase the number of conferences it can handle.

By and large, participants in the Community Conferencing project are reporting, via survey, that the conferences seem fair and that they are satisfied with the outcomes. Victims and others who are affected by particular crimes in the central neighborhoods now have an opportunity to be personally involved in addressing those incidents. The participating offenders are learning how their behavior affects the community at large. They also receive the satisfaction of a positive outcome; get connected to local resources, such as employment services; and establish new ties in the community. In the process, neighborhoods and outside organizations are receiving direct, visible, and meaningful contributions from

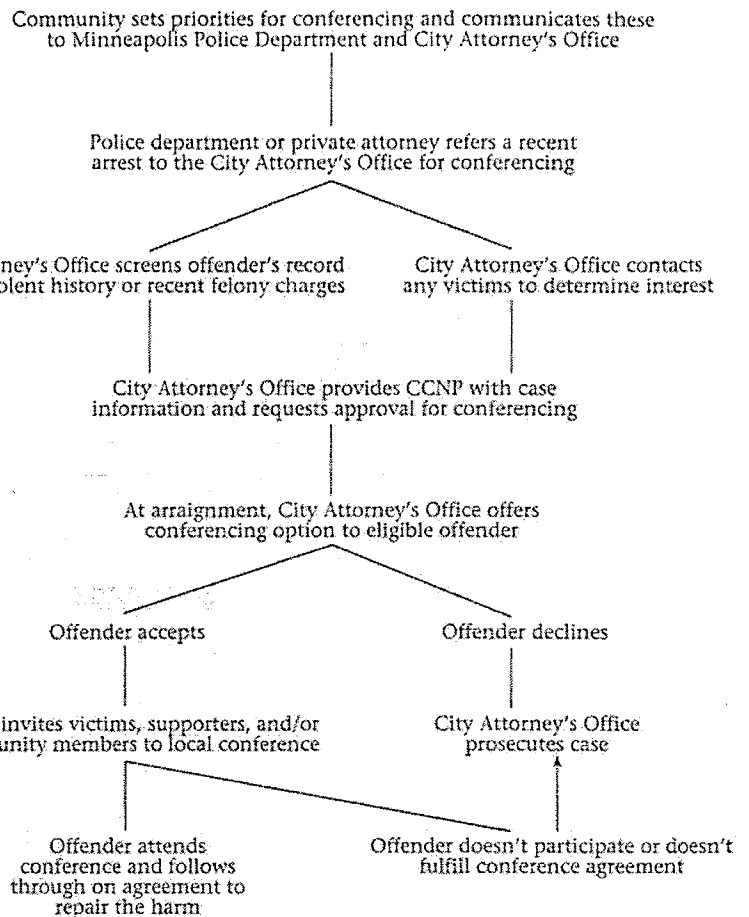


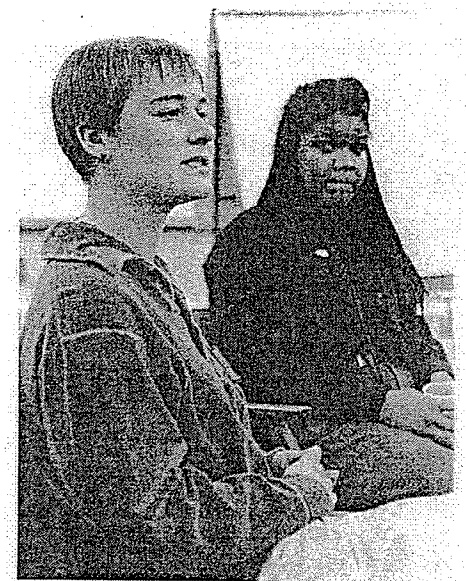
Figure 3. Informal Justice Process

As initiated by Central City Neighborhood Partnership (CCNP) in Minneapolis.

offenders. In addition, the formal ties being established between the neighborhood partnership and local ethnic organizations as a consequence of conferencing are opening new lines of communication and opportunities for cultural exchange.

The neighborhood organizer who began the recruiting of Community Conference participants and volunteers, for example, took a Russian interpreter with her for meetings in buildings in the Loring Park area. She made connections with the Russian population there who had never before been involved in community matters. In another instance, a conference with a Somali offender, arrested for soliciting a prostitute, led to the young man translating and distributing an educational flier in the Somali community about the laws on prostitution and its associated dangers. Conference participants expect that there will be fewer arrests of this type in the future, because the Somali's will know more about the law and the social norms of their new country.

New challenges are being tackled as the project develops. The concept of "community" presents its own challenges, as multiple communities co-exist in these four inner city neighborhoods. They are the most diverse in the Twin Cities, both in terms of income (from street people to



Community members describe how the offenders' actions have affected them.

the very wealthy) and in terms of new immigrant populations. It is a primary goal to make the project one that is inclusive and respectful of the varied experiences and perspectives that people in the CCNP neighborhoods share.

Community Conferencing gives citizens a key role in restoring their community to health. It relies minimally upon court resources. The demonstration project in Minneapolis is beginning to draw national attention. The U. S. Department of justice invited a group of leaders from the CCNP program to attend its regional restorative justice symposium in Milwaukee last September. At the behest of the National Institute of Corrections, the project coordinator for CCNP has met with a small group of specialists from around the country to develop a job profile they can use for promoting positions in community-based restorative justice programs around the country. In August of 1998, the first international "Conference on Conferencing" will feature this model program.

Community Conferencing allows the community to send a clear message about its code of conduct as it works toward repairing the damage of crime. For those offenders who are willing to listen and learn, as well as to make reparations, the process provides a way back into the good graces of the community. Conference agreements have been quite creative, often capitalizing on the abilities of the offender.

One participant, a disk jockey by trade, has not only agreed to donate some time to a local church, but is also using his talents for an event in the Loring Park neighborhood. Several program participants have written their stories, and one, in Somali, has been published. One individual, who was arrested for having an open bottle in his car and a suspended license, is spending thirty-two hours of service at Catholic Charities, near the arrest site, and attending a seminar by Mothers Against Drunk Driving. He has agreed to obtain a valid license by the end of April. Nearby churches have identified ways for offenders to contribute to charitable work in the community. Area businesses, nonprofits, and neighborhood organizations have also permitted offenders to help out with a variety of their own projects.

Ricardo was the first adult arrested in the neighborhoods of downtown



A formal agreement is reached detailing how the offender can make amends to the victim and the community.

Minneapolis to participate in this fledgling program. One of the components of his contract, now complete, included an apology and explanation of what he learned from the experience. The statement reads:

This letter has the intention to apologize to the community and specially to all the women in this community and in general to all women and all people, for having committed the mistake of solicitation ... I recognize before you the big mistake that I was making of soliciting a woman and offering her a payment in exchange for a sexual service. Now that I have revised my priorities and that I have looked back I am ashamed of this since we are all humans and deserve respect and in particular woman in my case ... Just the reminder of a woman as my mother made me think of family and that is what a community should be, a big family where we all respect and help each other. From my part I will do my best to serve this community and respect it and I will always remember that human beings cannot be bought. Please accept my apologies, respectfully a new changed member of this community. (October 21, 1997)

Gena Gerard is restorative justice project coordinator for the Central City Neighborhoods Partnership (CCNP). She moved from Oregon to Minnesota to earn a master's degree at the Humphrey Institute of Public Affairs, and first became involved with CCNP as the student hired with an NPCR grant to gather background

information on restorative justice. She has worked for two years to develop the program that she now coordinates.

■ Kris Nelson is the program director of NPCR. Prior to working with NPCR he served as a consultant to community-based organizations. He was director of the Whittier Alliance, the Whittier Community Development Corporation, and founding director of Artspace. He holds a masters degree in public affairs from Indiana University.