

Rethinking Community Corrections: Restorative Values and An Expanded Role for the Community

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Restorative justice builds quite naturally on the work and progress of the community corrections movement of the past twenty five years. Restorative justice and Community Corrections Acts have significant natural affinity, though they are not always linked. Community Corrections Acts place more of the criminal justice action at the community level, but those acts do not currently specify that those activities be restorative in their goals. It is possible to implement a community corrections system that is retributive in nature with the focus on punishment instead of repair of the harm. Restorative justice is based on a fundamental shift in the underlying assumptions of the criminal justice system. Community Corrections Acts make structural changes in funding and decision making but do not necessarily change the basic beliefs which drive the system.

Restorative justice takes several of the concepts of the community corrections movement one step further. The community corrections movement in the 1970's was based on three key ideas:

- 1) corrections should attend to the relationship between the offender and the community;
- 2) the community should assist in the work with the offender; and
- 3) this approach should be used with property offenders.

Under the restorative justice philosophy those three ideas have evolved to the following:

- 1) the criminal justice system should attend to all of the broken relationships between the offender and the community, the victim and the community, and the victim and the offender;
- 2) the community should be the leader in the resolution of the criminal incident (not just a helper); and
- 3) the philosophy of repairing harm and attending to victims should apply to all offenses.

The common emphasis on community involvement makes community corrections a natural delivery mechanism for much of restorative justice practice.

Changing relationship between the community and professional systems

The relationship between professional systems and the community is in the midst of significant change which has been underway for some time. The community corrections movement was an early manifestation of this changing relationship which is now ready to evolve further. The following describes stages in that relationship:

Stage 1. Justice system operates separately from, independent of the community

- Expert model, "We (justice system) have the answers."
- Community contact a nuisance, gets in the way of the real work
- Professional system defines and solves the problem

Stage 2. Justice system provides more information to the community about its activities.

- Expert model
- Community viewed as a client with a right to know something about what the professional system is doing.
- Professional system defines and solves the problem but keeps community more informed about what it does.

Stage 3. Justice system provides information to the community about its activities and asks for intelligence information from the community to help do its work.

- Expert model
- Community seen as a client and as a good source of information for the expert work.
- Professional system defines the problem and solves the problem with useful information provided by the community.

Stage 4. Justice system asks for some guidance in doing its work, recognizes a need for community help, places more activities in the community.

- Modified expert model - experts provide leadership, but the contribution of the community is valued.
- Community as a cooperative agent, but justice system still in leadership
- Community asked to help define problems but justice system is still chief problem solver, with help from the community.

Stage 5. Justice system follows community leadership

- Expert systems as support systems
- Justice system operates in support of community in achieving community goals while protecting rights of individuals and ensuring fairness
- Community defines and solves problems with help from the justice system.

The community corrections movement was an early leader in moving from the isolated expert model to greater community involvement. Effective community corrections programs have generally operated at Stage 4, valuing the community as a resource, seeking community input and placing more activities in the community, but the justice system was still in the primary leadership role. Many restorative justice models, such as family group conferencing, circle sentencing and community panels operate at Level 5 with the justice system in a partnership which gives leadership to the community. Restorative justice provides direction and vision for making the transformation from Stage 4 to Stage 5.

The importance of community leadership

Crime is in fact a community problem -not just a professional or system problem. In the past 20 to 30 years, we have tended to send community problems to professional systems and wait for professionals to fix the problems. It turns out that it doesn't work. Communities must be intimately involved in solving their own problems - with the help of professionals, but with a much greater community hand in shaping and implementing solutions. The turn to professionalization happened

in part because the informal community process in the 50's was sometimes sexist, racist, and inappropriately exercised power over issues which were not central to community function. In rebuilding the role of community in constraining the behavior of its members, we must ensure that it is done in inclusive ways which are respectful of individual human dignity. Essentially, we must establish more community control over individual members, but in a restorative way.

We need to mind one another's business, but we must do so respectfully. As a community, we can be impacted by the behavior of every individual, so the community has a stake in the behavior of individuals - but not all behavior. Community control over individual behavior must be restricted to those behaviors which truly impact others. Not harming other persons or property and civil behavior in interpersonal interactions are the core behaviors required for community function. Length of hair, nose rings, baggy clothing, for instance, are not appropriate targets for community control of individual behavior. It was the inappropriate use of informal community control which led to its overthrow in the 60's. Since that time it has become clear that we cannot live together safely without some degree of informal social control, but we must recreate that control in ways which don't repeat the mistakes of the 50's. If we base informal social controls on a restorative philosophy, then the potential negative effects of social control are dramatically reduced.

The community affirms community standards of behavior by holding all members accountable at all times. It is especially important that those standards are communicated to children by consistent messages from all community members. Most adults experienced being held accountable by any adult on their street if they misbehaved as a child or adolescent. However, most adults acknowledge that they do not exercise that authority over children in their neighborhood today. While setting clear limits on individual behavior, those interventions with children or adults should be respectful and restorative. The rearing of children and the setting of norms cannot be left to parents and institutions (schools). It is a responsibility of each and every one of us. Likewise, the setting of norms for those who offend is the responsibility of the entire community.

Relationships as the foundation of community health

The fabric of the community is the weaving of relationships among its members. Crime harms those relationships and thus weakens the entire community fabric. 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. The victim may feel let down that the community did not provide protection. The victim often experiences isolation because other community members don't want to hear about the victimization or may blame the victim. The relationship between the offender and the community is damaged because the offender has harmed the community and lost the trust of the community. The relationship between the victim and offender is damaged because the offender has harmed the victim and taken power away from the victim. Our response to crime needs to attend to all of these relationships to rebuild or strengthen the community fabric. Repairing the relationship between the victim and offender does not imply creating a friendly relationship between them. It means restoring an appropriate power balance between them.

Our current justice system has some characteristics which actually weaken connections among people. The very adversarial nature of our justice process reinforces us/them patterns of thinking which contribute to violence. Human beings can more readily commit violence toward those they see as "other" or "they". Our adversarial process exaggerates the differences between people and in the process encourages separation and demonization of "the other," including blaming the victim. The emphasis on retribution and punishment models the very behavior we condemn and consequently sends mixed messages. Many offenders see themselves as doling out just desserts to the victim for some perceived wrong they have experienced.

All human beings need connectedness and caring, not just children and adolescents. Connectedness and caring are essential for healthy human functioning, but current process and practice in the criminal justice system actually undermine connectedness and caring. Increasingly, practices of holding people accountable deliberately disconnect offenders, and communicate that the offender is not worthy of caring. Victims are frequently disconnected from

the community through neglect, revictimization by the system, and subtle messages of blame from community members. Research says that this is a recipe for failure, that disconnecting people will result in more acting out behaviors.

To increase safety, it is necessary to create more connectedness, not less, but in a way which also incorporates meaningful accountability. The public discourse around crime has confused caring and condoning. It is possible and useful to disapprove certain behaviors and set limits on behavior while caring about the offending person. In fact, the most powerful messages of disapproval are those which come from the people who care most about the offender.

Both victims and offenders have a need to reconnect to the community in the wake of a crime. Community corrections can assist in community reintegration for both.

Respectful and democratic process as a core element of restorative responses to crime

Process affects outcomes. If the process of responding to an offender is humiliating or demeaning, the outcome is unlikely to be a respectful attitude by the offender. If the process of responding to a victim is patronizing or discounts the victim's voice, the outcome is unlikely to be the recovery of personal power. Respectful process treats every participant as equal in human dignity and in capacity to contribute to constructive solutions. If offenders are not treated as equals, as fully competent human beings capable of finding solutions and making amends, they are less likely to take full responsibility for their own behavior. When decisions are made for them, with no opportunity for input, they have little sense of responsibility for the outcomes. Respectful process encourages the responsible use of personal power. Making people powerless does not contribute to long term safety. If people are left powerless, they will try to regain power, often in harmful ways.

Respectful process for victims facilitates the recovery of a sense of personal power. Respectful process for offenders encourages them to experience responsible use of their personal power to own their behavior, to make amends, and to help others. Messages of disapproval delivered respectfully are far more likely to be heard and understood.

The physical set up of a process can affect the perceptions of respect accorded the participants, victims, and offenders. For instance, the circle of

chairs without tables used in family group conferencing or circle sentencing creates an atmosphere of equal voice and shared responsibility for a solution. The authority of the process is a moral authority grounded in the power of personal connection and a sense of common fate, the authority which comes from mutual commitment to resolution, to finding harmony - the fundamental authority of community.

The physical set up of a court or other forms of hearings emphasizes distance and structural authority, power over others. Such authority often triggers resistance and defiance rather than responsibility and cooperation. Messages of disapproval in such settings are frequently not heard because the messenger (judge) is not seen as someone who cares or can relate, the process is experienced as an attack on the self not just the behavior, and the process is abstract in content and delivery. Because the victim typically has no structural place at all in this physical set up, it reinforces victim powerlessness in the process.

Conclusion

Some of the practices of restorative justice are not new and the values which motivate this framework are values many people in community corrections already share. However, in general, those practices and values have existed in spite of the larger paradigm and have not been supported by a system philosophy. What is most helpful, perhaps, in the restorative justice model is the overarching philosophy which validates and justifies those best practices and values and which gives direction for expanding on those so they become the rule, not the exception in the system as a whole.

Restorative justice is a community based, proactive, collaborative model. No system can do this alone. We can only accomplish this as a community working together. Restorative justice is a framework for thinking, about crime and our response to crime in a different way. Since crime is fundamentally about behavior harmful to others, the framework is useful for thinking about other behaviors which may not be defined as crime but which are destructive to community life.

All communities - city neighborhoods, rural villages, campus communities, congregations, extended families, work colleagues - require restraint on individual behavior in order to function effectively as a collective

Humanity is social in nature; community is essential to the human way of life. The process of establishing and maintaining appropriate controls on individual behavior is a continuous struggle and is a responsibility of the entire community. The community needs to design ways to encourage members to restrain behavior which is harmful to others and needs to design ways to respond to those who engage in such behavior. At the same time the community must be extremely cautious about using its power to control individual lives.

In our society very complex and detailed mechanisms have evolved for responding to harmful behavior (crime). The mechanisms themselves have become the focus of our attention, with a loss of focus on the underlying purpose of the mechanism. What must be basically a community function has become a highly technical, professional function.

Restorative justice provides an approach which would refocus our attention on community and our mutual responsibility to one another while communicating clear limits on behavior. Community corrections practitioners are in an excellent position to provide initial leadership to the effort to engage communities in managing the behavior of their members. The formal justice system can provide support to a new community role by sharing power, helping the community build the necessary skills to handle conflict, developing models with the community and providing resources to support volunteer involvement. Government and professionals systems can't build strong communities. Community members, individually and collectively, build strong communities by acting on one another's behalf. Government and professionals have an important role to play in reducing barriers to community building, facilitating community building processes, ensuring fairness in community relationships, and reinforcing values and vision, but ultimately community members must take responsibility for creating and maintaining strong community.