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IN BRIEF

While the United States has made dramatic strides in reducing the crime rate in recent years, the gains have come at the price of the world's highest rate of incarceration and crime rates are still too high and communities continue to suffer. This paper on Building a Restorative Community Justice model offers a vision of an effective alternative to the fragmented criminal and juvenile justice systems of today, as well as a three-phase plan to make this vision a reality:

- 1) *Develop a Restorative Community Justice model* - Synthesize the essence of the major criminal and juvenile justice reforms into a comprehensive, system-wide Restorative Community Justice model.
- 2) *Promote learning organizations* - Transform police, prosecutors, courts and corrections into Learning organizations that can apply systems thinking to changing times and new challenges.
- 3) *Strengthen Communities* - Create capacity within communities so that they become full partners in the process of merging formal and informal social control into a unified, community-based approach.

CURRENT TRENDS

Good news and bad

The recent history of the criminal justice system in the United States can be characterized as an astounding success – or an abject failure – depending on which yardsticks you choose. On the one hand, the past two decades have seen the rise of important reforms – community policing, balanced and restorative justice, the victims' rights movement, community-based prosecution, specialty courts (to deal with problems such as drugs, mental illness and re-entry) and increased emphasis on dealing with violence against women. On the other hand, we now incarcerate a higher percentage of our people than any nation on earth, with minorities paying the highest price, yet we continue to suffer high rates of violence.

Success is reflected in the dramatic decline in violent crime. Federal Bureau of Investigation Uniform Crime Reporting (UCR) data show that the overall violent crime rate in 2002 was 26% lower than in 1993. The homicide rate alone dropped to levels that have not been seen since the late 1960s. According to the U.S. Department of Justice's Bureau of Justice Statistics, the homicide rate per 100,000 peaked at 10.2 in 1980, declining to 5.5 by 2000.¹ Equally heartening is that the rate of forcible rape, which stood at 64.8 per 100,000 females in 2002, has fallen roughly 20% below the 1993 rate.²

Great strides were also made in reducing property crime. According to FBI UCR data, there were 10,450,325 property crimes in the United States in 2002, down 400,000 from 1983, when there were roughly 55 million fewer people.³ While experts differ, these impressive gains are arguably attributable, at least in part, to improvements in the economy, resulting in low unemployment; new reforms such as community policing; stabilization of drug markets; and higher rates of incarceration.

Too many victims

While recent declines in the crime rate are laudable, the rates of violent crime in the United States are still significantly higher than in the demonstrably safer era of the 1950s.⁴ Troubling as well is that violent crime in the United States today still outstrips rates in other countries like ours, leaving far too many victims in their wake.

According to a study by the Australian Institute of Criminology, international trends in homicide between 1974 and 1998 show that, even with the dramatic declines achieved in the United States, the U.S. homicide rate was still at least three to four times greater than in countries such as Australia, Canada, and England/Wales. Even when homicides involving firearms are subtracted, the U.S. murder rate is almost double that of other industrialized, English-speaking countries.⁵ These rates are even more disturbing when we remember that only about one out of every three crimes ever comes to the attention of police.

Without diminishing the gains achieved in reducing crime, the impact that this "excess" victimization has on our culture cannot be overstated. As anyone who has returned home to find something stolen can attest, victims of property crime often suffer serious trauma and the horror inflicted on victims of violent crime and their loved ones can defy measure. Research confirms a correlation between violent victimization and higher rates of Post-Traumatic Stress Disorder (PTSD), depression, and substance abuse.⁶ As a therapist friend once said, "People who have suffered trauma are more likely to miss work, experience problems in personal relationships, and require more medical care. Think of all the people we unknowingly encounter every day whose lives have been unalterably changed because they became a crime statistic."

A 1996 study conducted by the National Institute of Justice attempted to quantify the real costs of victimization. The research report, "The Extent and Costs of Crime Victimization: A New Look," argues that, "The cost of crime has two dimensions: a dollar amount, calculated by adding up property losses, productivity losses, and medical bills, and an amount less easily quantifiable because it takes the forms of pain, emotional trauma, and risk of death from victimization."⁷

By the researchers' calculation, each murder costs \$1,030,000 in tangible costs and \$1,910,000 in intangible costs (for a total of \$2,940,000 per incident in 1996 dollars). They calculate that each rape or sexual assault costs \$5,100 in tangible costs and \$81,400 in intangible costs for a total of \$85,500. Other categories studied included:

- Robbery or attempted robbery that resulted in injury: \$5,200 tangible; \$13,800 intangible; \$19,000 total.
- Assault or attempted assault: \$1,550 tangible; \$7,800 intangible; \$9,350 total.
- Burglary or attempted burglary: \$1,100 tangible; \$300 intangible; \$1,400 total.⁸

Without arguing whether specific costs are high or low (and the intangible cost of sexual assault seems particularly low in comparison), the study estimated that these crimes cost our country \$105 billion in out-of-pocket tangible costs each year. The

intangibles costs were far higher, totaling \$345 billion for just one year. While putting a dollar amount on pain and trauma can seem cold and calculating, the researchers said, “. . . the value of the study may be greatest on another level: creating a fuller recognition of the burden that crime victims bear.”⁹

Explosive growth of the prison population

Also of concern is that recent declines in crime rates have occurred against a backdrop of an explosion in the prison population. Data from the Bureau of Justice Statistics confirm that the nation's prison and jail population broke the 2 million mark for the first time in history in 2002. This rate of 701 inmates for every 100,000 people is the highest in the world, ahead of Russia, now in second place with a rate of 611 people incarcerated per 100,000 people.¹⁰

The U.S. incarceration rate has more than tripled since 1980.¹¹ In 1980, the United States had 219,598 people in prison and 183,988 in jail. By 2003, those figures had risen to 753,141 people in prison and 665,475 people in jail.¹² Only 40% of the rise in state prison populations can be attributed to increased arrest and conviction of offenders who committed violent offenses; roughly 60% were for non-violent and drug offenses.¹³ The number of people on probation and parole has also grown dramatically, to the point where there are now 6.7 million Americans behind bars or under some form of correctional supervision, an increase of more than 265% since 1980.¹⁴

Noteworthy also is that roughly 15% of all arrests for violent crimes and 30% of arrests for non-violent crimes involve juveniles under 18 years old.¹⁵ In 1997, nearly 106,000 juvenile offenders were held in residential placement facilities and juveniles today also risk being tried and sentenced as adults.¹⁶

The undying belief in a punitive quick-fix has resulted in new “zero-tolerance” policies toward a host of problems such as drugs and weapons in schools, part of an ominous trend toward criminalizing youthful misbehavior once handled informally within community institutions. The desire to “send a strong message” often means that once kids come to the attention of the formal system, the escalating list of demands placed on them set these kids up for failure. Instead of “nipping the problem in the bud,” kids labeled as troublemakers soon find themselves adjudicated as delinquents, which is too often the first step down the path to adult prison.

Based on 2001 statistics, 6.6% of all persons born in the United States will end up in state or federal prison sometime during their lives, compared to 1.9% in 1974.¹⁷ By 2001, the 1.2 million non-violent offenders in prison cost the United States \$24 billion, six times more than the federal government spent on child care that year.¹⁸

Worrisome as well is that jails and prisons increasingly substitute for mental institutions. Approximately 16% of people behind bars today suffer from mental illness. According to the Criminal Justice/Mental Health Consensus project, on any given day, just three jails – the Los Angeles County Jail, the Cook County Jail (Chicago) and Riker's Island (New York City) – house more people with mental illness than any hospital in the United States.¹⁹

Much of the increase in the jail and prison populations stem from the state and federal mandatory sentencing laws passed as part of the War on Drugs. While the number of non-violent property crime offenders behind bars tripled from 1978 to

1996, the number of non-violent drug offenders incarcerated has multiplied sevenfold during the same period. In 1983, one of every 10 jail inmates had committed a drug offense. By 1996, that number was one in four.²⁰

Yet the Monitoring the Future Study, conducted each year by University of Michigan researchers, shows that the massive increase in drug arrests and convictions has not significantly reduced availability of drugs. Roughly nine out of 10 high school students in 2002 reported that they could obtain marijuana fairly easily or very easily. Concerning other drugs, 57% of high-school students said they could easily obtain amphetamines; cocaine 44.6%; LSD 39.6%; crack 38.5%; barbiturates 36.6%; tranquilizers 32.9%; heroin 29.0%; crystal meth 28.3%; PCP 25.8%; and amyl/butyl nitrites 22.3%.²¹

The price exacted on offenders and those around them

Offenders pay a price, in time behind bars, diminished prospects upon release, and, in many cases, permanent loss of the right to vote. Racism, as reflected in disparities in drug sentencing laws between crack and powder cocaine, means that these burdens often fall disproportionately on minorities. According to the most recent statistics from the Bureau of Justice Statistics, a black male in the United States currently has a one in three chance of going to prison sometime during his lifetime, compared to one in six Hispanic males and one in 17 white males.²² There are 12 states in the U.S. where 10% to 15% of all black males currently live behind bars.²³ As Michigan State University professor Dr. Carl S. Taylor says, in his online [Journal of Urban Youth Culture](#), "Diverse young people in the broad spectrum of urban environments face a rapidly changing world, one with increasingly fewer positive alternatives for those without the skills to compete in the Information Age."

Troubling as well is that the number of women in state and federal prison has risen from 12,300 in 1980 to 96,000 in 2002, an increase nearly double the escalating rate for men. Moreover, while half of men in state prisons are there for a violent crime, only about a third of women are incarcerated in state prisons for a violent offense. And again we see minority women at increased risk of incarceration: 43% of female prisoners are African American and 12% Latinas.²⁴

Children are the undeniably innocent victims who pay the ultimate price for their parents' incarceration. Estimates suggest that two million children today have parents behind bars, with an additional four million with parents under some form of correctional supervision. An additional 10 million children have parents who were incarcerated at some time during their lives.²⁵

Women currently in prison or jail are mothers to more than 250,000 children, most of whom are less than 18 years old. The majority of these children end up being cared for by their maternal grandmothers, 17% by their fathers, and the balance by friends and foster parents (at an average cost of \$20,000 per year for the latter). Sixty percent of incarcerated mothers reside more than 100 miles from their youngsters, which makes visiting difficult. Research by the National Institute of Justice suggest that the children of incarcerated parents are at increased risk of anxiety, depression, aggression, truancy, attention disorders, and poor scholastic performance.²⁶

Many would argue that the prison building boom, combined with declining tax revenues and tax-cut fervor, has transformed us into a society of crumbling schools

and new prisons. The rule of thumb is that \$1 spent on prevention can save \$2 dealing with the problem later. However, the rising fixed costs for prisons risk robbing us of the money we need to invest in early intervention, resulting in a future where we will pay more and more to be less and less safe.

A more dangerous future ahead?

A citizenry frustrated by crime understandably wants to believe in a quick fix -- just lock 'em up and throw away the key. Yet the vast majority of people sent to prison today will eventually return to our communities. Roughly 1,600 people are released from prison each day and studies suggest that two-thirds will be re-arrested within three years.²⁷ There are also realistic concerns that many will emerge from our jails and prisons more violent than when they went in.

Research confirms that rehabilitation programs in jails and prisons and community supervision during re-entry significantly reduce recidivism, but such efforts are often short-changed, particularly now as state budgets are being slashed. Fewer than 18% of offenders with drug problems receive any treatment behind bars. In 1996, only 6% of state prison budgets were allocated to vocational, educational, and treatment programs, and more than 100,000 prisoners are released each year with no community follow-up.²⁸

Education is potent inoculation against future offending, but, in this era, such efforts are all too often portrayed as "coddling criminals," rather than as wise investments that help protect us all. For example, the most recent federal Crime Bill got "tough" on the bad guys by short-sightedly eliminating Pell grants that allowed prisoners to earn college credits. According to the *Christian Science Monitor*, four million ex-cons are also prevented from voting and many will be permanently disenfranchised, which gives politicians little or no incentive to respond to their needs.²⁹

Many offenders find it impossible to overcome the stigma that results from doing time, creating a permanent class of repeat offenders. "First-time prison-goers simply add to the permanent class of prisoners who leave new victims in their wake," says juvenile justice specialist Marlyce Nuzum of the Michigan Bureau of Juvenile Justice.

Means, not just ends

The fundamental question is how our society will deal with critical issues of crime and violence within a democratic framework that values justice. The history of the world is littered with societies that kept crime rates low through brutal repression. The United States was instead founded on the radical notion that people could live together in freedom, enjoying life, liberty, and the pursuit of happiness without heavy boot of authority on our necks.

Indeed the role of civilized society is to remove vengeance from the hands of the individual. We understand that victims cannot be dispassionate. Harm my child and my first impulse is to lash out at anyone I suspect. As a group, in our collective fury at a society perceived to be awash in crime and drugs, we can also be tempted to pass laws that go too far or to wink at those who dispense rough justice in our name.

However, the bargain that all of us must keep in order to continue to live in a civilized society is this: We will restrain our vengeful impulses in exchange for a fair

and just system that keeps us safe, one that will also guarantee our rights if we ever fall under suspicion. The discussion about building an ethical framework of just laws and reasonable standards for police, prosecutors, courts, and corrections officials is therefore central to our national identity.

Living up to our stated values is always be a struggle. Looking backward, there are obvious regrets. *The lynching of more than 5,000 African Americans in the South with the complicity of local officials in years following the Civil War. Historic clashes between police and striking autoworkers and coal miners. The trial and execution of Sacco and Vanzetti. The internment of Japanese-Americans during World War II. The firehoses and dogs unleashed by the local sheriff on civil rights marchers on the Edmund Pettus Bridge. Chicago police clubbing protesters during the 1968 Democratic convention. Rodney King.*

It is important to remember the past when looking forward. Especially during these stressful times, as we create new Homeland Security initiatives to keep ourselves safe in the wake of 9/11, we must acknowledge the danger of unleashing darker impulses born out of bigotry and fear.

AN OPPORTUNITY TO DO BETTER

The outlines are clear

The past two decades of innovation and experimentation throughout the criminal and juvenile justice systems have helped identify what works and what doesn't. Though investment in relevant research remains scanty, especially compared to the need,³⁰ there is a growing body of study that provides a foundation for creating a comprehensive and effective response to reducing crime and violence. A quick review of major contributions includes:

- *Community Policing* – By embracing strategies that decentralize and personalize police service, police departments that have adopted the community policing philosophy have been able to engage communities in comprehensive, collaborative, community-based problem-solving aimed at crime, fear of crime, and disorder. Many efforts involve assigning individual officers or teams to specific beat areas, to foster a sense of ownership and responsibility. The marriage of police and community brings together the power of the formal criminal justice system with the informal social control that communities can exert. Police departments have also been a catalyst in forging new partnerships with other professional and civic institutions (municipal agencies, non-profit groups, the business community, schools, and the faith community). These new professional and community relationships allow for the development of long-term, broad-based interventions that address the conditions that allow chronic problems to persist. By promoting a focus on positive interaction with youth, particularly in crime-riddled, "hotspot" neighborhoods, community policing offers hope of helping more young people grow up to become productive, law-abiding citizens.

One of the most powerful innovations of the past two decades, community policing has been cited as one reason for the recent decline in crime rates. It also serves as the model for other crucial reforms, including Community-

Oriented Government. However, proponents worry that this powerful new reform is still being implemented as a limited program rather than as a department-wide philosophy. Average citizens often misperceive community policing as having an officer walk a beat as a visible deterrent to crime and not as an approach that requires them to shoulder their fair share of the responsibility for developing and sustaining solutions.

Troubling as well is that community policing may well have inadvertently contributed to the dramatic rise in prison populations. As we shall see, focusing attention on high-crime neighborhoods has likely contributed to disproportionate arrest of minorities, especially as the community policing philosophy has been distorted to promote narrow pro-arrest policies, especially during the era of near-hysteria at the height of War on Drugs. Of concern as well is that some agencies have stretched the definition to embrace actions and activities that border on community harassment.

- *Balanced and Restorative Justice (BARJ)* – In addition to restorative efforts aimed at adults, a growing number of states have made a commitment to BARJ as the underlying philosophy for their juvenile justice systems. The three sides of the BARJ “triangle” are (1) accountability (holding youth, families, communities, and “the system” accountable), (2) public safety (ensuring that interventions focus on making the community safe), and (3) competency development (supporting efforts to instill educational and career skills, as well as social and inter-personal skills). BARJ also involves victims and attempts to do a better job of meeting their needs. Strategies include conflict resolution, victim/offender dialogue, family and neighborhood conferencing, and assessing restitution within a framework that encourages young people to understand and accept the consequences of their actions.

Instead of focusing on *Who did it?* and *How should we punish the offender?*, BARJ shifts the questions to *Who was harmed?*, *What will it take to heal the harm?* and *How can we prevent this from happening in the future?* Dennis Maloney, former director of the Deschutes County Community Justice Center, says that BARJ requires a focus on efforts to: (1) repair harm, (2) reduce risk, and (3) build community.³¹ Maloney also promotes the concept of “graceful re-entry,” designed to give kids who get into trouble an opportunity to re-gain the trust of the community and thereby improve the odds of their redemption.

Like community policing, the movement has suffered from piecemeal implementation as a program rather than a philosophy. Again, fidelity to the philosophy is also a problem when jurisdictions include retributive elements that defy the spirit of this holistic and healing approach. BARJ pioneer Howard Zehr also questions whether BARJ contributes to “net widening” that ensnares youngsters in the formal juvenile justice system.³² Few people outside the field have even heard of BARJ, so it has not built a strong public constituency at the community level.

- *Victims’ Rights Movement* – The rise of the victims’ rights movement, which culminated in passage of the Victims of Crime Act (VOCA) in 1984, initially focused on three areas: (1) providing compensation to victims of criminal violence, (2) ensuring victim notification of court dates and the current

status of the offenders who have harmed them, and (3) guaranteeing the opportunity for victims to be heard, including the right to voice impact statements at sentencing. The federal funding available to states through VOCA has allowed for the growth in professional victim service providers in police agencies, prosecutors' offices, courts and communities. As the movement matures, victims have increasingly invested their moral authority in efforts to make the criminal and juvenile justice systems more effective in reducing crime so that others are spared victimization. Though many victim advocates continue to push for a federal Victims Rights Amendment to the U.S. Constitution, it is becoming increasingly apparent that just passing laws is not enough. Many states that have Victims Rights Amendments to their state Constitutions fail to monitor and enforce their provisions.

- *Violence Against Women* - Passage of the Violence Against Women Act in 1994 brought both public attention and federal resources to bear on the problems domestic violence, sexual assault, and stalking, crimes that disproportionately victimize women and girls. The Violence Against Women Office (VAWO) within the U.S. Department of Justice provides police, prosecutors, and courts information about how to deal with these problems more effectively and it also invests in regional resources and local programs. Additional support ranges from funding research on areas of crucial concern, such as identifying effective treatment programs for batterers, to training police on how to respond to domestic violence calls, to developing model legislation on the relatively new crime of stalking. At the same time, there is growing interest in Female Responsive Programming for at-risk girls and young women. Such efforts recognize not only that males and females can differ in their needs, but that many at-risk girls and young women have also been victims of physical, sexual, and emotional violence themselves.
- *The Role of Social and Physical Disorder* – The publication of James Q. Wilson and George Kelling's "Broken Windows" in *The Atlantic Monthly* in 1982³³ introduced a broad audience to the growing body of research on how low-level chaos in communities ultimately allows serious problems to grow. The criminal and juvenile justice systems have traditionally focused the bulk of their attention on the most serious offenders, since they pose such an immediate and obvious threat. But research on disorder showed that neglecting so-called petty-crime and neighborhood decay not only made certain communities a magnet for more serious problems, but those minor crimes often served as a training ground for young people to become career criminals. Ignoring street-level prostitution or aggressive panhandling sends the message that the system either doesn't care or has no answers. The downside of targeting disorder, however, is that solutions that rely heavily on arrest can clog the system without resolving the underlying issues such as substance abuse that allow problems to persist.
- *Decentralized and Personalized Services* – Community policing was the first of many innovative reforms to recognize the importance of giving civil servants ownership of a geographic area. Making an officer responsible for a particular place not only enhances his or her sense of responsibility for what happens there, but it also provides opportunities to build relationships, fostering mutual trust and accountability. With community policing as the example, some communities have begun to experiment with decentralizing

prosecutors, to connect them with the community and their priorities. In some jurisdictions, prosecutors functioned as generalists, handling every case in their "beat," from misdemeanors to homicides, just as community policing officers handle the spectrum of crimes in their beat areas. Though interest is growing and experiments abound, this is not yet the way that the majority of prosecutors deliver service to their communities.³⁴ Some communities are also experimenting with decentralized courts, including neighborhood courts and the specialty courts discussed below.

Communities such as Lansing, Michigan, have also experimented with what the late Dr. Robert Trojanowicz called Neighborhood Network Centers, where other public agencies and non-profit organizations would join police in community-based facilities.³⁵ The idea was that police officers, social workers, public health officials, drug treatment counselors, mental health therapists, and others who could make an impact would have the chance to work together as part of a flexible and responsive team of community-based professionals. The roster of people working on specific problems might change, depending on the specific concerns in different locations, but the goal was to co-locate relevant services in storefronts at the neighborhood level. There is also growing interest within juvenile justice circles in building Community Justice Centers, which typically include mediation services, opportunities for victim-offender dialogue, and sometimes a community court.

- *Specialty Courts* – In addition to providing a singular focus (drugs, mental health, re-entry), specialty courts typically support diversion, where offenders can often avoid additional sanctions such as incarceration if they adhere to plans that deal with their underlying problems. The goal is not to punish offenders but to invest in highly structured and supervised efforts that can keep them from re-offending. While there has been an explosion of funding for these new courts, there is concern about standards and whether investing so much on interventions with low-risk offenders could fragment the system and reduce resources for dealing with the most serious offenders. Issues of equity have also arisen concerning whether these courts offer rehabilitation to middle-class, white offenders, while more punitive approaches are inflicted on minorities and the poor.
- *Strategic Planning* - Borrowing from business, entities within the criminal and juvenile justice systems have begun to invest in comprehensive, long-term planning. In addition to developing vision, values, and mission statements, as well as codes of ethics, the process typically includes forging consensus on a few broad goals that can be achieved during the next three to five years. The best plans include specific action planning steps that are broken down into milestones assigned to specific people, to ensure accountability. The best plans also integrate a strong evaluation component, so that plans can be revised based on feedback and assessment. Done well, strategic planning provides a break from day-to-day pressures, so that people can assemble and analyze the data about current efforts, to see how they can work smarter. The danger, however, is that the process itself can become so seductive (or burdensome) that it becomes an end in itself. Sustaining momentum throughout implementation is often a daunting challenge.

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- *Evidence-Based Practices and Programs* – Decisions about how to deal with crime and violence in our communities are not always made for the right reasons. *It's the way we've always done things. We don't see any other good options. It's what the community wants. It's just common sense. Why change – what's the crisis?* The good news is that government and foundation pressure to evaluate has produced a growing body of research on what works and what doesn't. [Note: DSG (Development Services Group) offers a searchable database as well as links to sites offering information about other evidence-based programs at www.dsgonline.com.] On the downside, smaller communities in particular complain that many programs certified as effective are too expensive for them to afford.

Perhaps the bigger challenge is to stop doing things that don't work or that actually cause harm. D.A.R.E. (Drug Abuse Resistance Education), for example, may improve relations between kids and police, but it has no demonstrable impact on future drug use. "Scared Straight" programs may make inmates feel good, but they can actually be counter-productive in deterring young people from illegal activity, by making illicit activity look exciting. Boot camp/shock incarceration programs for young people were touted as cheap and effective and have proved to be neither. However, many such programs have entrenched, organized supporters who lobby against any threats to their survival.

Confusion, resistance, fragmentation, and gaps

As the foregoing attests, the history of the past 20 years in criminal and juvenile justice has been marked by impressive gains in reducing the levels of crime and violence in our society, at least in part because of the explosion of creative new thinking in the field. Yet a closer look also shows that problems in implementing and sustaining promising approaches still persist, and there is also a sense that progress has often been piecemeal and not part of a comprehensive new design.

There is well-founded concern, for example, that major innovations such as community policing and BARJ, potentially the most far-reaching and fundamental reforms, are still widely misunderstood and often poorly or narrowly implemented. In too many places, these profound new philosophies are treated instead as limited programs – give an officer a beat in a hotspot neighborhood or adopt a policy where juveniles are required to pay monetary restitution and then claim success.

There are also disagreements about how these new reforms should be defined and, again, community policing and BARJ serve as object lessons. For example, debate persists about whether stationing officers permanently in beats is – or is not – an essential ingredient of community policing. There is also division within the field about whether the BARJ principles of accountability can be stretched to support get-tough/zero-tolerance strategies.

Indeed, there is an on-going battle for the heart and soul of the juvenile and criminal justice systems. On one side is the image of the system as crime fighter, with zero tolerance in schools, police in ninja garb, punk prisons, three strikes and mandatory minimums, and the extension of anti-terror laws to domestic drug crimes. On the other is the image of the system as peacekeeper and problem solver, with a focus on

prevention and community-based efforts to engage the community in keeping their own neighborhoods safer.

Mirroring political divisions within the culture, reforms such as community policing and BARJ, which are, rightly or wrongly, perceived as progressive, can become targets of conservative backlash. Early pioneers of the community policing movement, for example, clearly viewed arrest as only one tool for solving community problems. Yet, in an (often vain) effort to gain support from conservatives, arrest often ended up touted as first and best solution to all problems. We also see cases where the BARJ principle of accountability stretched to justify efforts that violate the approach's holistic and healing approach. Pandering for support by violating what these philosophies stand for risks compromising the integrity of the model. These reforms will never appeal to everyone and forcing a false consensus by blurring what these reforms stand for risks diluting their effectiveness.

However, perhaps the biggest concern is that the threads of these promising innovations have not been woven together into a unified, comprehensive, and coherent national vision, supported by agreed-upon protocols and standards. Communities a few miles apart can have vastly different approaches and glaring gaps, yet many citizens know little about the options available and the quality of the local service that their tax dollars pay for. This sad reality is often complicated by the fact that these sophisticated reforms do not translate well into 10-second sound bites, so local media tend to dumb down these new approaches, if they cover them at all, so communities often do not know the right questions to ask.

A three-phase approach

This is not to suggest any malicious intent on anyone's part to slow or de-rail these powerful reforms. The past and the future always live with us in the present. Indeed, it is heartening that so much innovation has flourished in so short a time in so many places.

However, for these groundbreaking innovations to achieve their full potential, it is time to move to the next level. We propose that it is time to explore a three-phase approach to developing, refining, and replicating a new Restorative Community Justice model:

- 1) *Develop a Restorative Community Justice model* - Synthesize the essence of the major criminal and juvenile justice reforms into a comprehensive, system-wide Restorative Community Justice model.
- 2) *Promote learning organizations* - Transform police, prosecutors, courts and corrections into learning organizations that can apply systems thinking to changing times and new challenges.
- 3) *Strengthen Communities* - Create capacity within communities so that they become full partners in the process of merging formal and informal social control into a unified, community-based approach.

A RESTORATIVE COMMUNITY JUSTICE MODEL

Extracting the essence

The challenge in crafting a **Restorative Community Justice** model rests on identifying the essential elements of proven value and then to merge them into a coherent philosophy of policies, practices, and procedures that can inform all elements of the criminal and juvenile justice systems. The word **Restorative** comes from Balanced and Restorative Justice, which reinforces the importance of requiring that offenders attempt to repair the harm, to victims, to the community, and also to their own relationships with family and friends. **Community** reminds us that community policing led the way in demonstrating that the real power for change lies within the people in neighborhoods. Citizens, in partnership with paid professionals, can combine their unique knowledge of the dynamics in their communities with the power of informal social control and moral force and apply this potent mix to the task of making their neighborhoods better and safer places to live, work, and raise families. **Justice** intentionally echoes the calls for justice throughout the history of the United States, from the democratic ideals of the Founding Fathers to the abolition and civil rights movements to today's concerns that fear of terrorism threatens to erode our hard-won progress toward equality and fairness.

The following attempts to codify the basic tenets of a new Restorative Community Justice model:

The 12 Keys to Restorative Community Justice

- *Build relationships* – At the core of Restorative Community Justice is the commitment to strengthening relationships – within systems, with other professionals, and with the community. This means opening up communication inside police agencies, prosecutors' offices, courts, and corrections, so that individuals are empowered to work together as part of a team. It also means collaboration among elements of the criminal justice and juvenile justice systems and other public and professional agencies, victims and victim advocates, the business community, and civic institutions such as schools, hospitals, and the faith community. Essential as well is that professionals must find ways to engage community residents directly and bring them into the process as full partners.
- *Revitalize community* – When communities wield informal social control in support of encouraging law-abiding behavior and helping young people grow up within the law, neighborhoods become better and safer places for people to work and raise families. However, many high-crime, low-income neighborhood lack sufficient structure and support to make full use of this inexpensive and potent power. The goal is for the formal criminal and juvenile justice systems to work with communities to build the capacity to use informal social control effectively.
- *Solve problems collaboratively* – No one individual or group can ever have all the answers. Creative, collaborative, community-based problem solving is the key to making neighborhoods safer. The Restorative Community Justice

model will benefit from recruiting police, prosecutors, courts, and corrections in decentralized and personalized problem-solving efforts as partners with the community and other paid professionals.

- *Become learning organizations* – To keep pace with an ever-changing world, police, prosecutors, courts, and corrections must transform themselves into learning organizations, with open communication, support for risk-taking, and systems thinking that reminds people of the vision they are trying to achieve. The challenge includes changing the culture within agencies from an expert, command-and-control model to participatory management where managers act as coaches who nurture a climate that promotes innovation.
- *Value diversity* – Collaborative problem solving, within agencies and in the community, benefits from bringing together people with different perspectives, including those closest to the problem being addressed. Involving men and women of different races, ethnic backgrounds, sexual orientations, and religious beliefs is an important first step. Solutions will also benefit from honoring inclusion as a way to engage people with a wide variety of skills and experiences within those categories. Special efforts must also be made to address racially biased policing and disproportionate minority confinement, as well as the need to develop programming that addresses the different needs of males and females.
- *Support victims* – Victims deserve to be treated with compassion, sensitivity, dignity, and respect. They have paid the highest price to earn their place at the table when planning, policy, and problem-solving decisions are made. Victims deserve voluntary and structured opportunities to talk with offenders, to ask questions and to let offenders know firsthand the harm that they have caused. States must also ensure that mandates for victim compensation, notification, and restitution are monitored and enforced. Additional efforts should be made to reduce bureaucratic burdens and delays in providing victims the help to which they are entitled.
- *Repair harm* – The Restorative Community Justice model must embrace efforts to require offenders to repair the harm that they have caused, to victims, to their families and friends, and to the community. This philosophy must pervade the entire system, with special emphasis on interactions with juveniles, since a restorative approach offers the best hope of instilling a sense of personal responsibility and individual conscience.
- *Promote prevention* – Balancing reactive efforts to deal effectively when crime and violence erupts with proactive efforts to prevent problems saves future victims from trauma and loss, and it also saves money in the long run. This also means resisting the impulse to criminalize youthful behavior we don't like and instead find community-based proactive approaches that handle such problems informally. Prevention also means developing graduated sanctions and effective re-entry efforts that offer hope of breaking the cycle of re-offending.
- *Reduce risk* – No reform can succeed if people do not understand how it will make their communities safer. In addition to investing in prevention, this

means restoring sanity to sentencing, so that low-level drug dealers no longer serve mandatory sentences, while offenders who commit serious violent crimes are set free. Representatives of the criminal and juvenile justice systems must educate their communities about why a reactive and retributive approach not only puts people at greater risk but also costs more, today and tomorrow. Only then will politicians have an incentive not to pander for votes by promising to implement inexpensive, quick-fix, get-tough solutions that simply do not work.

- *Invest in planning* – Long-term strategic planning allows agencies and organizations to focus on a shared vision and build flexible strategies to achieve them, with an assessment process woven throughout so that corrections can be made along the way and so that effectiveness can be measured. Even “happy accidents” require structured time and opportunity for interaction and open communication.
- *Restore trust* – Trust is an essential element of collaboration. The first place to promote trusting relationships is within our agencies and institutions, creating a climate where people feel safe in speaking out and in taking well-intentioned risks. Trust is essential among professionals in different agencies and with people in the community.
- *Fund what works* – There is a growing body of solid research that identifies programs and practices that work and those findings should drive funding decisions. According to Susan Yeres of the National Council on Crime and Delinquency, “We need to do a better job of educating people inside and outside the system about why investing in evidence-based, data-driven initiatives that are outcome-focused makes good sense.”³⁶ An equal challenge is to stop perpetuating efforts that are ineffective or downright harmful, so that the resources can be re-positioned into initiatives that have proven they can make a positive difference.

What would success look like?

Moving from the abstract to the concrete, let’s explore what the Restorative Community Justice philosophy would look like in action. Beginning with the all-too-common situation where a teenager begins to skip school, experiment with drugs, and hang out with the wrong crowd, one sign of success would be that youngsters headed down the wrong path would not need to do something illegal to be eligible for help.

Once a parent reaches out for help or the youngster’s problems come to the attention of a teacher, a police officer or concerned citizen, a Restorative Community Justice approach would focus on whether there are underlying questions that must be part of any solution. Concerning the youngster, questions would include: Can the youth read well enough to find school fulfilling? Are other academic skills lacking? Is the child being bullied? Does the youngster have a substance abuse problem? Is the youngster self-medicating because of underlying mental health issues such as depression or ADHD? Is there a comprehensive and affordable program that checks for other health issues such as eyesight or hearing problems? Is the youngster struggling with being gay or lesbian, fearful of rejection from family and peers?

Is the home situation conducive to success in school? Is there a place for the youngster to do homework and supervised time set aside for that task each night? Does the youngster have a curfew and is it enforced? Do parents model respect for education? Do they have the skills to help the youngster with homework or is a tutor required? Do the parents have substance abuse, mental health or physical problems that need attention? Is the home free of violence?

Is the school doing its part? Is learning made fun and exciting? Does the school have up-to-date equipment and textbooks? Does the school exhibit a commitment to excellence? Is there a system in place to identify and intervene when youngsters begin to stray? Are there after-school enrichment opportunities? Is there a roster of community volunteers available for free tutoring? Are teachers provided specialized training in dealing with at-risk kids? Does the school provide a safe haven for kids after dark? Are there efforts in place to mediate conflict and prevent bullying? Is the school a partner with parents and the community in efforts to help youngsters achieve?

Does the community support success in school? Do other parents feel safe intervening when they see truant youngsters on the street? Do parents meet regularly to explore ways to provide mutual support? Are there recreational and educational opportunities available for kids? Do area malls have rules where youngsters are not allowed to roam during school hours? Do local convenience stores sell cigarettes and alcohol to minors? Are drugs widely and easily available? Do area churches, synagogues and mosques have programs to help youngsters succeed?

As these questions suggest, systemic problems require systemic answers. All too often instead, the juvenile justice system alone and in isolation from the rest of the youngster's life applies one-size-fits-all punitive sanctions. We see communities passing new laws to fine parents when the youngster skips school, even though poverty or child abuse may well be part of the dynamic. We put youngsters on a regimen of drug testing without adequate treatment but with harsh consequences if they relapse. We write one-sided contracts that contain so many petty rules and requirements that even Honor Society students would fail. Too many times, the system seems to taunt rebellious teenagers into further defiance, thereby fulfilling our worst prophecies.

Clearly, what we need instead are responses tailored to the local community and to the specific needs of each child. A community-based assessment team, triggered by concerns from school officials, police officers, parents, or neighbors, would be empowered to work with youth and families to find the prescription that works for them. This could include family or neighborhood conferencing, treatment of underlying disorders and addictions and opportunities for tutoring, as well as creative solutions undreamed of today.

There is clearly a crucial role for the broader community, including schools, non-profit agencies, service clubs, community groups, the business community and the faith community. We need a Restorative Community Justice system where there are incentives for groups to work together on both prevention and response. The professionals and the community need training to engage in gathering relevant information, assessing the dynamics that allow problems to persist, and coaching on how to adopt or invent programs and practices that work. Agencies and

organizations also need to embrace the model of collaboration, open communication, and participatory management that they want communities to mirror.

The sad reality today is that contact with the formal system typically does not help youngsters find their way. In fact, the reverse is true; contact with the formal system is often a strong indicator of adult offending. With a Restorative Community Justice approach, the first difference would be that parents could reach out for help, knowing that they would be offered positive options coupled with accountability instead of the threat of punitive sanctions.

Applying the same Restorative Community Justice approach to dealing with offenders in the adult system makes sense, but it can be a harder sell. Just as many people love kittens but hate cats, it is easier to generate enthusiasm for restorative, community-based solutions aimed at youngsters, who are perceived as more likely to be able to turn their lives around, rather than adults, more often viewed as hardened, career-criminals beyond redemption.

Yet much could and should be done at the macro level to ensure that we reserve expensive and precious prison space for the people who commit violence, rather than wasting it on mandatory minimums to express our collective outrage about drugs, while repeat rapists and child molesters are set free. We need a system that is smarter about using resources wisely, with more substitution of intensive community supervision for incarceration for non-violent offenders. Recent counter-trends toward charging people for their own imprisonment or the detention of their youngsters instead often ends up adding an economic burden to people for whom poverty was already a precipitating risk factor.

A Restorative Community Justice approach would also mean crafting community-based, micro solutions to chronic problems such as low-level drug dealing that employ arrest as only one of the tools that can be used to solve the problem. Communities have achieved success by implementing strategies that include environmental design, such as improved street-lighting and changing traffic patterns, or community patrols, as well as efforts to create community-based GED and job programs as stepping stones to lawful employment. Moreover, while traditional efforts focus on climbing the drug pyramid to arrest Mr. Big, meanwhile shooing away the youngsters who act as lookouts, these community-based efforts often included identifying and intervening positively with young wannabes.

The foregoing no longer sounds revolutionary as it once would have, but translating this philosophy into a comprehensive and coherent reality will not be easy or quick. The first caveat is that these principles are not like items on a restaurant menu – you cannot just pick one from Column A and one from Column B and expect Restorative Community Justice to spring to life. Ignoring one or two principles could cause the entire foundation to collapse.

The other danger, of course, lies in stretching the principles to the breaking point, in an effort to build support and appease critics, or re-defining them away from core values. Change is always difficult and some will perceive it as a rejection of their life's work. However, it is also time to admit that there are people who will always be philosophically opposed to this model and it would be a mistake to compromise the integrity of the model in vain attempts to gain their support.

Merging community policing and BARJ

Especially intriguing is whether community policing and restorative justice in particular can cross-fertilize and find common ground as a major part of the foundation for a Restorative Community Justice model. By bringing together the two major philosophic reform movements, the merger would benefit police by providing them an ethical and moral framework, particularly for their interactions with young people. On the other hand, restorative justice could benefit from adopting community policing's structured approach to collaborative, community-based problem solving. The S.A.R.A. model of problem solving (Scanning, Analysis, Response, Assessment), created by Dr. Herman Goldstein and popularized by the Police Executive Research Forum as fundamental to Problem-Oriented Policing, begins by bringing relevant stakeholders together. The brilliance of the model lies in forcing people to look at the problem from all sides before they are allowed to brainstorm possible solutions. Without S.A.R.A., people, especially action-oriented police, typically jump to identifying responses before fully exploring the underlying dynamics. S.A.R.A. not only improves decision-making but, by building assessment into the process, the constant feedback loop that allows people to tweak, revise, and even replace parts of their plans as circumstances change.

Issues facing an RCJ model

To move toward a Restorative Community Justice model, municipal agencies ranging from police to planning must work with county- and state-based entities, and they must find ways to engage the community. Where are the incentives and how can communities find the funding to make this a reality? While there are no perfect examples or unmitigated success stories (at least yet), there is no doubt that it will not look the same in all places and there are promising success stories emerging.

By marrying community policing to community-oriented government and engaging the community directly, the Boston Strategy to Prevent Youth Violence literally reduced their skyrocketing youth homicide rate down to zero. During a 29-month period ending in January 1998, no teenager fell victim to homicide in Boston, virtually unheard of in a major U.S. city during that time.³⁷

At the other end of the country, Deschutes, Lane, and Multnomah counties in Oregon have invested in Community Justice Centers as part of a comprehensive effort to implement Balanced and Restorative Justice to target youth. The Office of Juvenile Justice and Delinquency Prevention has endorsed having these counties serve as hosts for others to visit, so that other communities could see how these county-based centers operate.³⁸ As noted previously, Michigan experimented with "one-stop shopping" for appropriate social services when the Lansing Police Department launched its Neighborhood Network Center, where schools, non-profit groups, and other city services co-located in the same facility. What is needed now is an investment in demonstration projects that could light the way.

BECOME A LEARNING ORGANIZATION

Preparing Organizations for Change

Advocates of powerful new reforms such community policing and restorative justice often express their frustration that more progress has not been made

already. “While I am happy to see more and more communities implement community policing and community-oriented government and do it well, I also find myself frustrated that this is not the way that all communities operate,” said Drew Diamond, deputy director of the Police Executive Research Forum. “Another problem is that some jurisdictions never fully engage the community. My argument is that when someone offers you a powerful new medicine, you would be foolish to cut the pills in half and take only half the recommended dose.”³⁹

New victim notification laws are an example where the goal was not just to keep victims abreast of their rights, but also to provide opportunities for communication and new relationships to form between private citizens and the system. Yet many jurisdictions can afford to do little more than mail a letter or brochure, which is better than nothing but far from what could be achieved.

Another example is restitution, which can help youngsters understand that their actions damage victims and that society will hold them accountable to repair the harm. However, if a court implements a new restitution program that simply assesses a monetary fine, which ends up being paid by low-income parents, it has met the “letter of the law” but not its spirit.

Compare this to the case in northern Michigan where a young man was arrested for breaking into a local tavern at night and stealing beer and money from the till. When the bar owner and the youngster were brought together to talk, through the auspices of a local ministry, the bar owner moved beyond anger to concern. The owner wanted to make sure the young man never got into trouble again, so he made the boy pay \$5 a week in restitution to him personally every Friday. The owner also persuaded a fellow business owner to give the young man a job so that he could pay the restitution with his own money.

When conducting trainings in community policing and Balanced and Restorative Justice, nothing makes me happier than to see people’s faces light up when they hear these real-world stories or they participate in experiential exercises that show the power of these new reforms. Energy and enthusiasm build, people get excited, and they leave all charged up about the changes they will make.

But then what happens? Many of us remember attending a fantastic training and we return excited to share what we learned. But we soon find out that we have returned to the same organizational culture that was there when we left, the one where people are not waiting to embrace new ideas. Often there are no structured opportunities for us to share what we learned. Even when we do get a few minutes to speak, it is difficult to recapture the enthusiasm and excitement of the workshop. Meanwhile, the cynics in the back of the room roll their eyes, the boss politely says thanks, and then everyone moves on – back to business as usual. A few days later, the workshop binder on the shelf begins to gather dust and you feel as if the air has been let out of your balloon.

Institutionalizing change

Why has it been so difficult for good ideas to succeed? The truth is that organizational change is always difficult, sometimes even more so within the public sector. The most successful businesses recognize the importance of addressing the culture within their companies, to ensure that new ideas can take root and grow. The best corporations know that you have to prepare the seedbed, work in the

proper fertilizer, and then keep watering, weeding, and tending the vulnerable new shoots until they can stand on their own. In contrast in the criminal and juvenile justice systems, there are rarely many opportunities for managers to participate in management training sessions on how to foster and sustain organizational change.

Private sector businesses often enjoy greater flexibility in setting work rules than their public sector counterparts. It is also easier to measure success in business, since the yardstick is just about money – did sales increase or did the stock price go up? In contrast, how do we measure whether restorative courts are better? Are increasing arrests an indicator of success or failure? How do we know if communities are truly safer?

“Police, for example, spend lots of money on teaching skills, but relatively little in helping police managers handle organizational change,” says Robert Lunney, the retired police chief from Edmonton who is often called the “father” of community policing in Canada. “We need leaders who can provide the vision, architects who can create blueprints that outline our goals, and builders who can put together the organizational infrastructure to implement and sustain the plan.”⁴⁰

Overcoming inertia isn’t easy. Overcoming a sustained and ferocious backlash is even more daunting and reforms such as community policing and BARJ can generate ferocious resistance. Even in places where change has come, opponents look for openings to go back to business as usual. Critics of reform often pounce on such instances to argue that these new ideas are just the latest in a long list of “flavors-of-the-month” that will eventually disappear, if the naysayers just wait long enough.

NASA serves as an object lesson that illustrates how difficult it can be for public-sector organizations to change, no matter how urgent the pressure to do so. After the Challenger disaster, NASA was challenged to find ways to open up two-way communication, to ensure that people at the bottom of the organization could speak openly about safety concerns with the assurance that the people at the top would listen. Yet years later, following the Columbia tragedy, a government report blamed this latest failure on NASA’s inability to learn from past mistakes, that it had not become a “learning organization.”

What is a learning organization?

The concept of a learning organization offers an appealing new way to think about changing the culture within the criminal and juvenile justice systems, so that they develop a never-ending appetite for finding ways to implement new ideas. Conceptualized in large part by Peter Senge, author of **The Fifth Discipline** and founder of the Society for Organizational Learning at Massachusetts Institute of Technology, a learning organization is a place where people confront learning opportunities with “wonder rather than fear.”⁴¹ Among the questions that Senge poses about existing organizations, “Why do we derive our self-esteem from knowing as opposed to learning? Why do we create controlling bureaucracies when we attempt to form visionary enterprises? And why do we persist in fragmentation and piecemeal analysis as the world becomes more and more interconnected?”⁴²

To make the most of existing reforms and to light the path toward building a Restorative Community Justice model, elements of the criminal and juvenile justice systems must transform themselves into learning organizations that embrace Senge’s “culture of commitment” to constant learning and experimentation. Senge,

an ardent advocate of systems thinking, proposes the learning organization model as a vehicle that can help people make the day-to-day changes that bring the organization closer to achieving the new vision.

Even outsiders know that the culture within the police department can be vastly different from a prosecutor's office, a court, a jail or a prison. Are all of these entities willing and able to become learning organizations – and should they?

In today's fast-paced world, any agency that fails to grow and change risks being left behind. At the same time, the police may well have the greatest reason to lead the way. Not only are police the first agency likely to have direct contact with the community, which offers hope of harnessing informal social control, but police discretion also means that line-level officers have enormous power to exercise formal and informal diversion – they often choose who goes deeper into the system and who doesn't. This, of course, has enormous implications for young people, since the juvenile justice system all too often serves as a "farm club" for adult prison. If we can transform police and sheriffs' departments into learning organizations, they can provide a model for other elements within the system to follow.

Creating a learning organization

As with any new concept, it is important to strip away the chaff to find the kernel inside. In their book, **Ten Steps to a Learning Organization**, Peter Kline and Bernard Saunders provide a practical outline. Creating a "culture of positive thinking" within police agencies and other elements of the criminal and juvenile justice systems means fostering an atmosphere where people celebrate success instead of glorying in other people's failures.

According to Kline and Saunders, the **Three Requirements for a Learning Organization** are structure, nurturing and problem solving.⁴³ In terms of the criminal and juvenile justice systems this would mean:

- *Structure* – Leadership within the criminal and juvenile justice systems must put in place the pathways for open communication, as well as the opportunities for people to work together collaboratively. It also means creating a learning team or learning library that searches out good ideas from elsewhere and makes them available to all. The structure can and should look different in different places, but the challenge is to make the transition from the traditional command-and-control model to the open model of the learning organization.
- *Nurturing* – The role of the manager is no longer to control, demand, criticize, and critique, but to facilitate, coach, and support. In "Generative Coaching," business consultant Kendall Murphy says that the long-term and sustainable goal is excellent performance that is both self-correcting and self-generating.⁴⁴ Managers must reward open communication and risk-taking. As Charles Handy, visiting professor at the London School of Economics, says in "Managing the Dream," you start with the "assumption of competence," so that the manager's job is no longer to crack the whip, but to allow people to blossom. That means recruiting and hiring should focus on attracting and retaining people who are self-directed.⁴⁵

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- *Problem Solving* – Kline and Saunders say that every person in the organization must wear their “problem-solving hat(s) all the time” – “make the workplace safe for thinking.”⁴⁶ Elements within the criminal and juvenile justice systems simply cannot afford to hire people who just want to follow orders. Formal and informal rewards must support people who understand the job is to solve problems and make positive change. Another key concept is that when efforts succeed, that success is shared.⁴⁷

Handy notes that one of the hallmarks of a learning organization is endless curiosity, as well as a climate of trust and togetherness.⁴⁸ International business consultant John W. Thompson writes that senior management also needs to understand that making the transition requires a significant investment in time and resources and the recognition that change will not be quick.⁴⁹

A focus on communication

Learning organizations take communication seriously. Unfortunately, in most organizations, meetings are often places where many people speak, but few listen – most are too busy preparing what they plan to say when they get the chance. The role of the chair in this model is to play communication traffic cop.

A healthy alternative to this competitive communication model is the restorative justice strategy of “circles.” By placing chairs in a circle, everyone is equal and they must look at each other. Ground rules emphasize that it is as important to listen as to speak and people are assured that they will have a chance to be heard. Some circles employ a stone, sculpture, or “talking piece” that is passed person to person to make sure that each individual can speak his or her mind without fear of interruption.

For many organizations, the greatest challenge lies in adapting and applying collaborative strategies like these that are so successful in the community to the way we treat each other within our organizations. As Thompson writes, becoming a learning organization requires “committed leadership willing to model desired changes and drive fear out of the organization.”⁵⁰

Management consultant Dr. Jayme Rolls says that learning organizations foster team learning.⁵¹ The goal is not to have one person or a handful of people with all the critical information, but to share knowledge broadly. She also notes the instructional value of “stories,”⁵² which are all too often dismissed as “war stories” in criminal justice circles. Stories help make abstract concepts concrete and enhance credibility by showing how things work in the real world.

Creating a climate for risk-taking

The learning organization model explains that intelligent, “scientific” risk-taking isn’t really very risky. A risk is not a whim, but the end result of developing flexible plans based on the best possible information gathering, analysis, and collaborative brainstorming of possibilities and consequences.

Inclusion is essential, since decisions ultimately benefit from having key stakeholders and people of varying perspectives involved, particularly those at ground level closest to the problem. In reality, this approach is far less risky than many

contemporary efforts where the boss tells people what to do and no one dares point out the emperor's nakedness.

All of us have what Peter Senge calls *mental models*, "deeply ingrained assumptions, generalizations, or even pictures or images that influence how we understand the world and how we take action."⁵³ Breaking free of models that no longer work to embrace new ideas requires making a commitment to learning and change.

Kline and Saunders identify three strategies that build a culture to support risk-taking: (1) protection, (2) capability, and (3) permission.⁵⁴ *Protection* means that people who take risks are insulated from cynics and supported if plans fail. *Capability* means investing in effective training over time so that people know how to develop plans and solutions that work. *Permission* requires that managers clearly and repeatedly state their commitment to risk-taking, backed up by their actions.

Part of the challenge in this section has been to identify the crucial elements required to transform elements of the criminal and juvenile justice systems into learning organizations without doing an injustice to this complex and sophisticated new approach. The next step in exploring how this new paradigm can benefit developing a Restorative Community Justice model requires helping demonstration sites adapt the model to their organizations. It will be a challenge to make this new approach appealing to groups as different as police, prosecutors, court officials, and corrections personnel. It will also be important to capture and share what works and what doesn't.

STRENGTHENING COMMUNITIES

Becoming Full Partners

Perhaps the biggest difficulty in making the most of community-based approaches lies in ensuring that the community functions as a full partner. While we invest time, talent, and money in training professionals how to implement these new reforms, there are relatively few efforts that include community residents with professionals and virtually none for community people by themselves. Unfortunately, by their very nature, communities are rarely able to lobby effectively for the help they need.

And where is the incentive for busy professionals to move outside their comfort zone, to engage people who might tell them why their ideas won't work – and to say so bluntly? Sadly as well, some professionals devalue the contributions of people who do not always look and sound like them. Community activists and critics can find themselves marginalized or excluded as disruptive.

This author was part of one of the few national training efforts that included community residents as part of the training team. Roughly a decade ago, the U.S. Department of Justice's Bureau of Justice Administration and the U.S. Department of Housing and Urban Development's Office of Resident Initiatives funded experiential training for more than 60 public housing developments nationwide, as part of "Community Policing in Public Housing."

Each site was urged to field a 10-person team of key stakeholders that had to include at least two police officers and at least two community residents. Almost

immediately, it became clear what a tough assignment it would be to find residents who could attend, a situation that has likely grown worse as welfare reform has moved the working poor into holding down one or more jobs. It also quickly became evident that the federal system is set up to reimburse professionals to attend meetings and not to transport, feed, and house community residents who may not have a credit card.

Yet the biggest obstacles often stem from disparities. Even when community residents are included, they often have relatively little knowledge of how the system works and little experience in participating in meetings as a decision-maker. Some community members can feel at a disadvantage because they may not have as much income or education as the professionals at the table. Professionals also tend to use jargon that community residents may not understand. Without specific training and support, community residents can find it too difficult to speak up and, unfortunately, many professionals consciously or unconsciously seem to like it that way.

The integrity of the decision-making process is seriously compromised when professionals who engage the community seek out cheerleaders, not partners, often limiting their participation to serving as unpaid volunteers. Manipulating the community into rubber-stamping decisions made by others serves no one well.

Developing an educational outreach

Rectifying this situation will not be easy. There is no government agency whose mandate is to help community residents gain the skills and confidence they need to function as full-fledged partners in community-based problem solving. The agencies and organizations that provide training for police, prosecutors, courts, and corrections face undeniable obstacles in including community residents and finding both the will and the way to include them will require sustained trial and errors. Logical first steps include:

- *Focus groups and needs assessment* – While we can surmise some of the things that community members need to feel confident that they can function as partners, these are only our best guesses. The first steps should include meeting with community residents to find out their concerns and what they would like to see in an educational outreach.
- *An experiential learning curriculum* – Adult learning theory reminds us that people need training that connects to real-world experience. Community training initiatives should employ role playing and other interactive skill-building techniques to help participants practice the techniques they will need to function as full partners.
- *Strategies to include young people* – Many community-based initiatives target youth without involving them in the decision-making. Not only is this patronizing, it flies in the face of what we know about crafting intelligent solutions through collaborative problem solving. Admittedly, there are great challenges in including teenagers in meaningful ways, but their perspective is crucial.

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- *Demonstration workshops* - Pilot testing the curriculum in different communities is imperative and success is best measured by whether community residents function well in this new role over time. As this implies, test sites should be located in places where the criminal and juvenile justice systems want the community to be full-fledged partners.
 - *Sharing what we learn* – Efforts to train communities will probably never keep pace with training for professionals. One way to share information with communities is through the World Wide Web. This author has been part of building online courses that include community residents, including a three-week course on Balanced and Restorative Justice. Face-to-face training has undeniable advantages, but online education allows people who might otherwise be unable to participate the chance to learn and share ideas with others. The so-called Digital Divide raises concerns about including low-income and minority community members who may not have easy access to computers. However, libraries, schools, and computers in public housing developments can help fill the gap. One thing that is certain is that the need is great and technology can provide new answers.

A reality check

The importance of involving the community in all phases of decision-making cannot be overstated. I well remember the time a community resident, let's call her 'Mary,' stopped a meeting with local police dead in its tracks. "I have been coming to these meetings for months now. And I appreciate all your hard work. But I still see the same problem outside my window each day at noon." What Mary saw each day during the summer was a 12-year-old prostitute plying her trade.

The young girl would ride her bike in a circle in the intersection of the quiet residential neighborhood where Mary had lived for many decades. The girl's adult male pimp would sit on the curb, waiting to negotiate with customers. Mary would watch businessmen come by during their lunch hour. They would pay the girl's pimp, the girl would climb into the man's cars, from which she would emerge a few minutes later. Mary often called police, but even when patrol cars arrived quickly, the girl and her pimp would always spot them coming and disappear.

Not only did Mary's story underscore the importance of dealing with the community's priorities, it also reminds us that the system alone can never have all the answers. Police, prosecutors, and courts can play a role in arresting and prosecuting the girl's pimp. Clearly, she and her family also need professional interventions and services. But there are important roles that the community can play in saving at-risk kids. This can mean recruiting neighborhood residents into a community patrol that can intervene when the girl and her pimp show up, with the police as protector. Saving kids one by one could also mean finding new ways for women in the community to play the role of formal and informal advisors and mentors, again with the system playing a role in setting up opportunities for old and young to form supportive relationships.

Engaging the community is not just a nice thing to do, it is the most effective way of addressing the underlying conditions that allow problems like child prostitution to persist. Given sufficient structure, support, and funding, our communities can

function as learning labs, a place where professionals and community residents can work together to make the most of collaborative strategies.

IN CONCLUSION

Change is the only constant

The goal in producing this paper is to generate discussion, debate, and experimentation. Those of us who have been involved with the historic reform movements in criminal and juvenile justice of the past two decades have been fortunate to witness remarkable change for the better. But there is concern about increasing pressures to scale back, to lower expectations, to re-focus on achieving narrow, targeted goals rather than to invest in reaching the conceptual next level.

Yet the breather we currently enjoy with lower crime rates must not be squandered. If we are to make progress in the face of an uncertain economic future, we need to invest now in developing a Restorative Community Justice model for the future. For that model to succeed, we must also explore ways to help criminal and juvenile justice agencies become learning organizations and to strengthen communities.

The reality is that if we do not go forward, we will inevitably end up going backward and, as the late community policing pioneer Dr. Robert Trojanowicz always said, "Until we are all safe, no one is truly safe."

Bonnie Bucqueroux was associate director of the National Center for Community Policing at Michigan State University for nine years. In that capacity, she worked closely with the late Dr. Robert Trojanowicz, an internationally renowned pioneer in the community policing movement. Together they co-authored two best-selling books on community policing reform. Bucqueroux has continued to consult on community policing issues with groups such as the Community Policing Consortium, the Police Executive Research Forum, and the National Organization of Black Law Enforcement Executives, through her private consulting firm [Policing.com](http://www.policing.com).

For the past eight years, Bucqueroux has been part of the restorative justice movement, working closely with crime victims, including as coordinator of the Victims and the Media Program at MSU's School of Journalism. She also serves as executive director for the national victim advocate group [Crime Victims for a Just Society](http://www.crvictims.org).

Since 1995, Bucqueroux has been building informational websites and developing online training and cyber-institutes for police, juvenile justice professionals, and victim advocates. Please visit some of her latest efforts:

- ❑ The Michigan Balanced and Restorative Justice Website (<http://www.mibarj.org>)
- ❑ Building Restorative Communities (<http://www.mibrc.org>)
- ❑ Victims and the Media Program (<http://www.victims.jrn.msu.edu>)
- ❑ The Online Journal of Urban Youth Culture (<http://www.juyc.org>) edited by Dr. Carl Taylor

A PERSONAL NOTE

I have spent many years thinking about crime and violence in our culture, trying to envision what more could be done. This article is the culmination of almost two decades spent discussing these issues with some of the best people in the field.

*No one has shaped my thinking throughout the years more than author, scholar, and educator **Dr. Carl S. Taylor**. A man of great compassion and concern, Carl has spent his academic career at Michigan State University's Institute for Children, Youth, and Families trying to find ways to persuade the broader culture to invest in ensuring that all kids, including those at greatest risk, will get their rightful chance at the American dream.*

*In police circles, I was privileged to spend many years working closely with the late **Dr. Robert Trojanowicz**, as he conceptualized a new role for police as the catalyst to unleash the community's power of informal social control. Thanks also to **Drew Diamond**, deputy director of the Police Executive Research Center, who had the courage of his convictions and led the way by implementing community policing in Tulsa, Oklahoma. Drew deserves special recognition for providing the ethical foundation for community policing that requires embracing the community as an equal partner. My thoughts on police leadership were shaped significantly by **Robert Lunney**, the former chief of Edmonton who is often credited as the father of community policing in Canada. **Chief Tony Kleibecker** of Muskegon, Michigan, provided his personal example of how a new chief can handle the challenges that come at him without flinching. **Chief Harry Dolan** of Grand Rapids inspires by channeling the spirit of Bob Trojanowicz and his dedication to line-level officers and to the principles of decentralized and personalized police service. **Dr. Donald Keith** of the Mississippi Police Corps not only gave me feedback on this article, but he cares passionately about defining the soul of policing.*

*My admiration for crime victims knows no bounds. **Sue Young**, who has spent the years since her daughter's Martha Sue's murder on efforts to ensure that other mothers never face the same pain, remains an inspiration. **Muriel Kirby**, founder of the local chapter of Parents of Murdered Children, reminds us what we can achieve by being relentless. Rape survivor **Heather Boyer** stands as a testament to what humans can endure and remain compassionate.*

*I am also thankful for the wisdom shared by fellow members of the Building Restorative Communities consultant team, especially **Ralph Monsma** of the Michigan Bureau of Juvenile Justice, who has forgotten more than the rest of us will ever know about making the system work for youngsters in Michigan; **Sue Yeres** of the National Center for Crime and Delinquency who can make even the most complex concepts seem simple; **Roxanna Hartline**, who unstintingly shares her expertise in finding the resources communities need to make a positive difference; and last but certainly not least **Jennifer Juras** of the Michigan Council on Crime and Delinquency who represents the best of what the future will hold.*

*Most of all, however, I want to acknowledge the incredible contribution of **Marlyce Nuzum**. A true soul sister, Marlyce and I have spent hours talking about these issues while driving around Michigan on various initiatives. Marlyce knows firsthand the pain that poverty can inflict on children and the chaos it wreaks on their families.*

Once out on her own, Marlyce earned her degree, raised her daughter well, and spent her working life trying to make a positive difference. She worked directly with troubled youth for many years before becoming Michigan's first BARJ specialist. The capstone to her career has been developing victim services for the victims of juvenile crime by creating the Michigan Crime Victims Advocacy Council. Life has not always dealt Marlyce the kindest hand, but she has worked through adversity to make other people's lives better.

Personal thanks to Drew Howard, the world's best husband, and Tina Sarkey, the world's best sister.

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