

The role of community in securing peace and delivering justice

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1. Introduction

Issues of crime and justice have risen to the top of the list for public concern in the United States (Holmes, 1995; Bulletin of Canadian Criminal Justice Association, 1996) and elsewhere in the industrial world. The concern seems driven more by perception and media attention than reality, since victimization rates (in the US at least) have been relatively stable, with some categories dropping (Criminal Victimization, 1993). It must also be noted that violent juvenile crime does show a true increase (with most of their victims also being juveniles) and that the level of crime is and has been too high in any case.

This heightened attention has led to elevated levels of punishment — more offenders incarcerated for longer periods of time. It seems that for many citizens, ‘justice’ and ‘punishment’ have become synonymous; if we just punish often enough and long enough, crime will cease.

Unfortunately, experience has not born out that hope. Indeed, in the United States some states reported an increase in incarceration rates and a decrease in reported offences, while other states increased rates of incarceration and increases in reported offences; while some decreased incarceration and still reported fewer offences (Fabelo, 1995).

One of the complications with this kind of ‘statistical analysis’ is that it presumes too much power and influence of the justice system in affecting crime rates. Most crimes are not even reported to police. Of those that are, only some result in arrest and even fewer are successfully prosecuted (Bureau of Justice

Statistics, 1988). Incarceration may deter offenders, but it also exposes them to other knowledgeable criminals, often releasing them to the community more likely to re-offend than before.

The traditional criminal justice agencies become involved only after a crime has been committed; the offender is then dealt with as we debate whether to rehabilitate or punish and attend to procedural details that define the justice process. While there is good reason for the process, which emerged from decades and centuries of case law and experience, it is also true that the process has become largely a contest among professional surrogates — attorneys usually — while leaving the principals involved (the victim, the offender and the community) on the sideline. The offender rarely faces the victim to understand the impact of the crime, nor is there opportunity to make amends for the disruption to the community. Instead, the state exerts its power to control and punish the offender and the offender rationalizes away the impact of his crime and perceives himself as the victim of an unfair sentence.

Public dissatisfaction with our existing justice system is likely to be exacerbated, as demographic and caseload trends across the United States pile more cases on already overburdened agencies of justice. With concerns over fiscal deficits, the resources to continue current approaches are not likely to be forthcoming.

This increase in cases will greet us as we are already trying to pay to operate the new prison beds constructed over the last decade. According to the National Center for State Legislatures, the corrections budgets of the states increased an average of 9.7% in FY 1994, more than any other category and limiting growth in other areas, such as higher educa-

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tion. This combination of growing caseload and fiscal pressure will combine to foster more creative and constructive solutions to crime and justice.

Fortunately, there are other trends that may indicate a way out of this dilemma. There is a general movement in both the public and private sectors to deliver services closer to the client, exemplified in *Reinventing Government* (Gaebler and Osborne, 1992). These principles call for more flexibility, decentralized decision making, less bureaucracy and greater use of interdisciplinary solutions.

These are the principles embraced by a philosophy known as restorative justice, sometimes called community justice. In this model, the victim is the paramount concern and the process geared to making the victim whole, using the offender as the vehicle where possible.

2. History of restorative justice

According to Van Ness, this is a return to ancient cultures, the legal systems which form the foundation of Western law, which viewed crime as an intensely personal event. Although crime breached the common welfare so that the community had an interest and responsibility in addressing the wrong and punishing the offender, the offense was not considered primarily a crime against the state as it is today. The offense was considered principally a violation against the victim and the victim's family. Thus, ancient cultures held offenders and their families responsible to settle accounts with victims and their families as evidenced in ancient legal codes, such as the Babylonian Code of Hammurabi (approx 1700 BC); the Sumerian Code of Ur-Nammu (approx. 2050 BC); the Roman Law of the Twelve Tables (449 BC); the earliest surviving collection of Germanic tribal laws (the Lex Salica, promulgated by King Clovis soon after his conversion to Christianity in AD 496); and, the Laws of Ethelbert in Kent, England (approx. AD 600). Crime was understood to break the peace, destroying good relationships within a community and creating harmful ones. Justice, then, aimed to restore relationships to wholeness (Van Ness et al., 1989).

The Norman invasion of Britain in 1066 marked the beginning of a 'paradigm shift', a turning away from the understanding of crime as a victim-offender conflict within the context of community. William the Conqueror and his descendants found the legal process an effective tool for centralizing their own political authority. They competed with the church's influence over secular matters and effectively replaced local systems of dispute resolution (Berman, 1983).

In 1116, William's son Henry I issued the *Legis*

Henrici, securing royal jurisdiction over 'certain offenses against the king's peace, arson, robbery, murder, false coinage and crimes of violence' (Day and Gallati, 1978). Anything that violated this peace was interpreted as an offense against the king and offenders were thus subject to royal authority. Under this new approach, the king became the paramount victim and the actual victim was denied any meaningful place in the justice process.

The purpose of criminal justice underwent a parallel shift. Rather than centering on making the victim whole, the system now focused on upholding the authority of the state. Instead of addressing the past harm, criminal justice became future-oriented, attempting to make offenders and potential offenders law-abiding. Punishment in the forms of fines and corporal punishment took its place. Since these punishments were administered in public (in hopes of deterring would-be criminals), they caused great humiliation as well (Cullen and Gilbert, 1982).

In reaction to the increasingly brutal treatment of offenders, the rehabilitation model and its principal tool, the prison, evolved. Prior to 1790, prisons were used primarily to hold offenders until trial, but the Quakers in Philadelphia converted the local jail into what they called the 'penitentiary'. They aimed not only to save offenders from dehumanizing punishment, but also to rehabilitate them. Unfortunately, many of the prisoners, completely deprived of contact with their loved ones and the outside world, went mad. The cure proved worse than the disease.

However, this did not discourage prison advocates. If isolation did not achieve the goals of repentance and rehabilitation, then perhaps other measures would work.

Succeeding generations moved from theories of repentance to theories of hard work, then to discipline and training and eventually to medical and psychological treatment. But this search for an approach that guaranteed that governments would 'graduate' all offenders as law-abiding citizens from their prisons has met with disappointing results. In the last 20 years, many criminal justice policy makers have concluded that rehabilitation is simply an impossible goal, a failed policy (Van Ness et al., 1989).

Unfortunately, the failure of the rehabilitation model has not yet led to a rejection of the current paradigm: that crime is only an offense against the state. Instead, it has prompted governments to impose increasingly repressive and punitive sanctions against those who commit crimes. The goal has become incapacitation. The wave of 'get tough' measures has been no more successful than the rehabilitation model in controlling crime and they are actually contributing to the breakdown of the criminal justice system itself.

3. Re-emergence of restorative justice

Changing the goal of the justice system from rehabilitation to retribution and incapacitation has not solved the crisis in criminal justice, nor will it. Crime is not merely an offense against the state and justice is more than punishment. Van Ness argues that if we are going to find solutions to this crisis in criminal justice, we will have to start over, beginning with the very foundation.

In the past 20 years proposals have evolved which: (1) define crime as injury to victims; (2) include all parties in the response to crimes; and (3) address the injuries experienced by all parties as well as the legal obligations of offenders. In his 1977 paper, 'Beyond Restitution: Creative Restitution', psychologist Eglash (1977) identified three types of criminal justice: retributive justice based on punishment, distributive justice based on therapeutic treatment of offenders and restorative justice. Both the punishment and treatment models, he noted, focus on the actions of offenders, deny victim participation in the justice process and require merely passive participation by the offender. Restorative justice on the other hand focuses on the harmful effects of offenders' actions and actively involves victims and offenders in the process.

Zehr, a pioneer in the victim-offender reconciliation movement, has been a highly influential advocate for a restorative justice paradigm shift. He notes that retributive justice focuses on establishing the guilt of offenders; restorative justice focuses on solving the problems created by crime. Restorative justice requires the participation of all the parties. Furthermore, retributive justice holds offenders accountable for their crimes by punishing them. In restorative justice, according to Zehr (1985), offender accountability is defined as 'understanding [the] impact of [the offender's] action and helping decide how to make things right'. The process empowers the victim to play a meaningful role in determining the outcome.

Adapting Zehr's contrast of retributive and restorative models:

It is clear that the two systems are quite different in process and in outcomes sought. It turns out that viewing justice through this 'different lens', as Zehr suggests, is appealing to much of the public and has existed in various forms in many cultures.

4. Public and pan-cultural views on restorative justice

Concepts of justice and morality may be found in the earliest writings of civilization. Now it appears that these precepts may even precede that era, as one noted scientist has observed conflict resolution activities among non-human primates, indicating a possible

Table 1

Retributive justice	Restorative justice
Crime is an act vs. the State	Crime is an act vs. a person or the community
The CJS controls crime	Crime control lies in the community
Offender accountability = taking punishment	Accountability = taking responsibility and repairing the harm
Punishment is effective	Punishment alone is not effective; it can disrupt relationships and community
Victims are peripheral to the process	Victims are central to the process
Offender is defined by deficits	Offender defined by capacity to make reparation
Focus on establishing blame, guilt, past (did he do it?)	Focus on problem solving, future (what should be done?)
Emphasis on adversarial	Emphasis on dialogue, negotiation
Impose pain to deter, punish	Restitution and restoration
Community on sideline, represented abstractly by the state	Community as facilitator in restorative process
Response focused on offender's past behavior	Response focused on harmful consequences of offender's behavior; emphasis on future
Depend on proxy professionals	Direct involvement by participants

biological tendency toward peacemaking to accompany our well-documented inclination toward aggression (De Waal, 1989). According to De Waal, without sympathy and empathy, moral behavior is impossible, but 'when animals feel they owe someone else something, the concept of fairness is not far behind'. Common observation of human criminals tells us that many fail the sympathy/empathy test; restorative justice processes help create — or at least allow — that empathy to occur.

For those seeking religious justification, the Bible supports a restorative justice philosophy. While 'an eye for an eye...' is often thought of as rationale for revenge, some scholars cite its limiting and restorative aspects that there should be some proportionality in punishment, not over sanctioning; and that the victim should be made whole. A reading of Leviticus 24 supports this interpretation:

...he that killeth a beast, shall provide a beast.....eye for an eye, tooth for tooth, shall be restored...

The Muslim religion for some categories of crime similarly emphasizes repayment as a central tenet of justice.

A growing body of literature from and about in-

indigenous populations is informing and influencing this movement, citing examples of practices that have remained community based and restorative. American Indian justice has been viewed as part of the life process, with crime and its impact viewed in its full context (Pecos Melton, 1995). The Hawaiian native justice process has been similarly oriented toward 'peacemaking' as a goal (Meyer, 1995) and other models in New Zealand, Japan and elsewhere have been considered restorative in principle (Accord, 1995).

LaPrarie (1995) notes this social context is a common thread among many of the indigenous/restorative approaches, with a recognition that offenders are a part of the community and need to be reintegrated into it. She notes that in the goal of 'transforming' individuals and relationships, the justice system itself may be transformed, as new community and family-based processes become part of a changing approach to justice.

Perhaps surprisingly, given the harsh punishment oriented policies evident in many jurisdictions, the public greatly supports community service and restitution programs, as long as the offenders are held accountable. Doble conducted focus groups in Delaware (Doble et al., 1991), Oregon (Doble Research Associates Inc., 1995) and Vermont (Ibid, 1994) and found a consistent desire on the part of the public for offenders to work to repay the community, instead of just sitting idle in jail. Of course, violent predators are viewed as belonging in prison for public safety reasons. These findings are consistent with those of other surveys.

5. Applying restorative justice principles and research results

Restorative justice is a philosophy, a set of principles. To infuse it into today's justice process, with its focus on case law, tradition and legal procedure will not be an easy or brisk endeavor. There are, however, numerous examples of programs that apply these principles and we have much to learn about the potential and the limits of restorative justice from the experience of those pioneers and researchers.

Restorative justice is not going to eliminate retribution, incapacitation, rehabilitation, or deterrence — the traditional purposes of sentencing. Some cases may legitimately require those elements to surface, but they can exist side-by-side with restorative justice. With a system oriented toward restoration, every sentence, every action in the process, the end result would consider the victim and the community.

A comprehensive community justice model might look like this:

- Community — conflict resolution would be taught in the schools and workplaces and institutions would have mediation staff available to resolve disputes, act as diversion options to the formal justice process and deal with offenders sanctioned in or returning to the community.
- Law enforcement — all officers would be trained in conflict resolution and family group conferencing and policies would be established to identify and refer to mediation or conferencing those cases that can be resolved more quickly and satisfactorily than the justice process; victims would be given assistance and choices, whether or not the perpetrator was caught; this would include immediate repairs by supervised inmate work crews for damage to houses, such as broken doors, that create safety concerns.
- Prosecution — prosecutors would be assigned geographically to stay informed about and familiar with neighborhood issues; victim needs would be identified and services that could be provided would be; restitution amounts would be listed; and opportunity to confront the offender in a mediated or conference setting — pre- or post-trial — would be offered; victims would be kept informed of the case and consulted before major decisions.
- Court — judges would be in community courts, convenient in location and hours to the public; like prosecutors, they would be familiar with the community people and issues and offer victims opportunities to address the court concerning the impact of the crime; the community impact of the sentence or conditions of bail release on the community would be considered; restitution would be routinely ordered and a professional system for assessing, tracking, collecting and disbursing restitution would be in place; community service would be a frequent sanction, where possible restoring the area blighted by the offender.
- Corrections — the victim would be kept informed; restitution would be a priority; community service projects would be solicited; offenders would be exposed to victim impact education and victim impact panels; offenders would be given an opportunity to repay the harm and be reintegrated into the community; willing victims and offenders would be given an opportunity for a mediated dialogue.

This scenario certainly needs further refinement and development and the reader is invited to suggest those improvements for next drafts of an emerging model. While no jurisdiction encompasses all these activities, there is available documentation and research on most operations cited.

Perhaps best known as an application of restorative

justice is victim–offender mediation (also sometimes called victim–offender reconciliation or VORP). In modern times in traditional Western justice systems it began in 1974 in a Kitchener, Ontario program, founded by two Mennonite church members (one a probation officer) who were seeking better means of dealing with young criminal offenders. The first program in the United States was in Elkhart, Indiana in 1978, through the leadership of the Mennonite church there, acting with a local judge, probation officers and a local community corrections organization. By 1989, there were at least 171 such programs in the United States (Umbreit, 1993).

In this approach, a referred case is screened for acceptance; it may be rejected, for example, if there is overt hostility between the parties or there is no need for reconciliation or restitution. If accepted, the case is referred to mediation, which may be conducted by a single mediator or a pair of co-mediators. Mediators usually are trained, unpaid volunteers; in difficult cases a paid staff member may take over the mediation or assist the volunteer (Hughes and Schneider, 1989).

In the victim–offender mediation meeting, the mediator explains the process and then encourages each party to relate the facts of the crime from his or her point of view. This is meant to help the victim to understand the offender's motivation and the offender to understand the crime's hurtfulness to the victim, including the victim's physical losses, fear, suspicion and anger (Clarke, 1993). The formal adversarial court system does not allow this level of interaction, this depth of discussion. This basic mediation can be applied at a number of stages of the justice process.

5.1. Community

Numerous community-based dispute resolution programs exist, serving walk-ins and referrals from various institutions, training others in conflict resolution and acting as a link to the formal justice agencies. While some operate in traditional victim–offender style with a single mediator, one of the largest and oldest models — the San Francisco Community Boards program — uses a board of several citizens who sit as a panel to recommend resolution to the disputes. About half of the cases are referred from the justice system.

5.2. Law enforcement

There would seem to be a natural link between community policing and programs practicing restorative justice philosophy, but they rarely operate in tandem. One which does is in Harrisburg, Pennsylva-

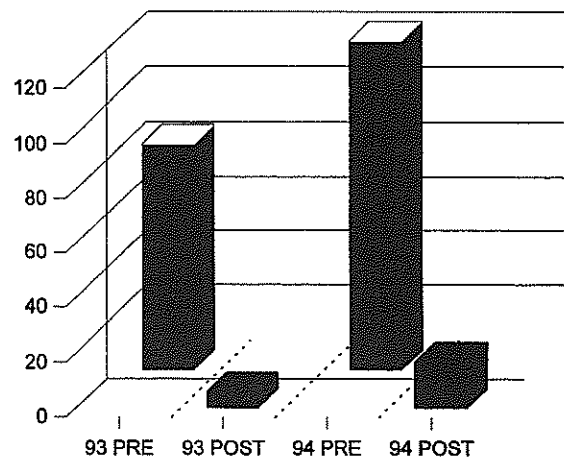


Fig. 1. Fixed Graphic.

nia, recently evaluated by Dr. Roosevelt Shepherd of Shippensburg State University (Shepherd, 1995). The police referred cases with a history of calls at the same address to a Citizen Dispute Settlement program, which met with the parties and tried to resolve the underlying problem. The results are impressive, as countless hours of patrol time were freed up while fewer return calls were needed at the problem addresses in two separate test periods. Fig. 1 shows the reduction in number of calls at the problem addresses during the 6-month period before the referral. This warrants emulation in other sites to see if this can be replicated, for it gives a better result than the criminal justice process was able to provide, while at the same time putting police officers on the street more quickly with less time in court.

5.3. Prosecution

There are many programs operating at the prosecution stage, but few are evaluated. One evaluation in 1992 by Clarke et al. (1992) in North Carolina reviewed three of 19 counties which had a victim–offender mediation program as an alternative to court process. The evaluators selected three similar counties without a mediation option as a control group, then interviewed complainants, offenders and reviewed data. The main findings were:

- Too few eligible cases were referred, although of those referred almost 60% did go to mediation and 92% of those reached a successful conclusion.
- For those mediated, a high percentage (92%) were satisfied that the problem was solved (compared to 69% who went through the court process).
- Fewer in the mediated group had new charges, although both were low (2% vs. 4%).
- Compliance with the agreement by the offender was approximately 95%.

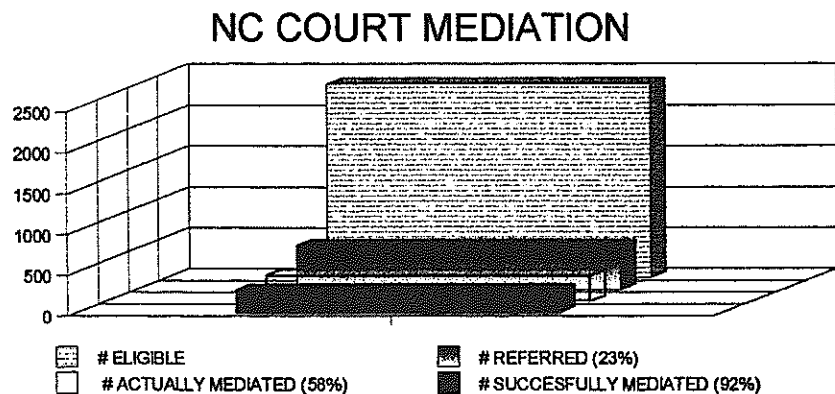


Fig. 2. Fixed Graphic.

- Due to the referral problem noted above, in only one of the three counties with mediation was there evidence that trials were reduced. The authors urge more diligent and effective procedures to insure referral of all eligible cases.

Some states have systematically attempted to divert cases from the formal court process. In 1981, the New York State Legislature unanimously passed Chapter 847, Laws of 1981 establishing the Community Dispute Resolution Centers Program (CDRCP). In the first year, 17 private not-for-profit agencies serving 15 counties were awarded grants. Now, there are dispute resolution centers in all 62 New York counties, which mediate both misdemeanors and felonies.

In the fiscal year 1992-1993, the Centers served 106388 people involved in 43688 cases which were screened as appropriate for direct services by the Centers. Indirect services in the form of assistance, referrals to appropriate resources and other helpful information are also provided by the Centers each day. In 83% of the matters that reached mediation stage, a voluntary agreement was achieved by the parties. The Centers reported \$2543692 awarded in the form of restitution and mutual agreements to New York State citizens; the average award was \$680. Forty-seven percent (47%) of the referrals to the Centers were from the courts, 44% of a criminal nature, 51% civil and 5% juvenile problems. Two-hundred and seven (207) felony cases were mediated.

It took 15 days from intake to final disposition for the average single-hearing dispute resolution case taking an average time per mediation of 1 h and 12 min. The average state cost per individual directly served through the intervention of the mediation program was \$26. The Centers are now teaching conflict management skills to young people in many schools across the state.

Tennessee has also recently attempted to institutionalize community-based mediation. The Victim-Offender Mediation Center Act of 1993 makes appropri-

ate for victim-offender mediation centers in which persons may voluntarily participate in an informal and less adversarial atmosphere. The grant from the state of Tennessee may not exceed 50% of the approved estimated cost of the program.

Another example from New Zealand (McElrea, 1994), elicits dramatic results. For largely fiscal reasons the conservative New Zealand government passed a juvenile justice statute in 1989 intended to insure diversion; accountability; due process; family involvement; delay reduction; victim involvement; consensus decisions; and cultural appropriateness. Evidence is apparent that diversion occurred, as prosecutions of 17-19-year-old offenders dropped 27%. In place of formal prosecution was a 'family group conference' based on a Maori tradition that involves family of both offenders and victims. The purpose is to shame the deed and explain the full impact of the crime on the victim and the community while allowing the offender to earn their way back into the good graces of the community. Of course at the same time if cases are diverted, court time and resources are saved. On the downside, at least initially in New Zealand the process took longer than the brief court hearing; supporters claim the extra time is worth it for the impact on the victim and offender.

Braithwaite (1989) of Australia refers to this as 'reintegrative shaming'. A number of Australian towns have adopted a version of it and one reported a 23% drop in juvenile crime; several cities in the US are exploring this approach also.

5.4. Court

A number of programs operate from the court. The Midtown Community Court in Manhattan was designed to deal more effectively with nuisance crimes that affected the quality of life in the area and a review by Sviridoff (1994) found a number of beneficial results:

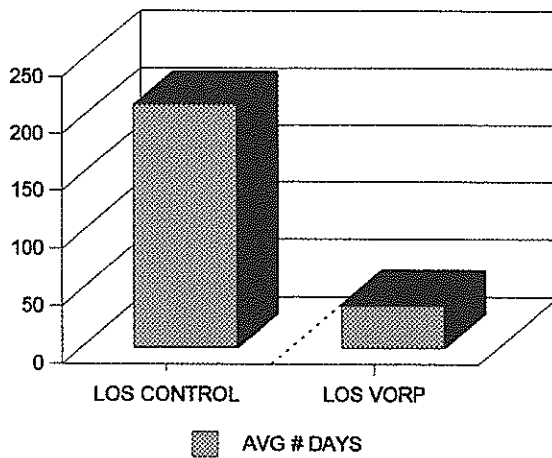


Fig. 3. Fixed Graphic.

- More defendants got community service sentences (64% vs. 26%).
- Higher completion rates (75% vs. 50%).
- Quicker arraignment (18 h vs. 35 h).
- Community satisfaction; demand for expansion.
- Reduction in targeted crimes (street prostitution and unlicensed vending).

5.5. Impact on sentencing

The impact on sentencing can be found in several research reports. Returning to New Zealand, the family group conferencing did more than reduce prosecutions. According to Immarigeon (1994) it substantially reduced commitments to youth prison. New Zealand subsequently closed several of its training schools and the new approach has been touted by the Maori populace who have traditionally been over represented in the institutions.

A review of three programs in Indiana and Ohio by Coates (1985) found a different but dramatic effect also. Those who went through a victim-offender mediation program (VORP) were about as likely to be incarcerated as those in the control group, but the length of stay was substantially shorter. Coates estimated that the combined days saved by the VORP process equated to more than \$84 000. There was also evidence that victims were satisfied with the process and that it humanized the criminal justice system for all parties. As with most other reviews, subsequent restitution collection was high and offenders reported fear and tension at having to face the person they victimized.

Available on a widespread scale, this approach can save jail beds for borderline offenders. Genessee County NY, which has an extensive set of programs built around restorative justice concepts, took in

\$700 000 from other counties and states by renting out jail cells in 1993.

5.6. Victims

Perhaps the strongest evidence supporting the restorative justice philosophy relates to victim impact, which is not surprising since victims are at the heart of the process. It should be noted here that some victim organizations look with suspicion at proposals that call for restorative justice. They fear that the victim angle is a cover for more rehabilitation services for the offender. At the same time, there is some notable movement in the victim community to push for these programs. For example, Young (1995), Executive Director of the National Organization for Victim Assistance, published a paper entitled '*Community restorative justice*' which recognizes that it is in the interest of victims and the general public alike for offenders who are returning to the community to be better prepared to contribute to society. She calls for victim and community involvement and offender competency development.

This approach is central to another model known as the 'Balanced and Restorative Justice Project' operating in some 20 sites under the sponsorship of the Federal Office of Juvenile Justice and Delinquency Prevention. Under this program every sentence must include elements of public safety, accountability to victim and community and offender competency.

The benefits to the victim are documented and include restitution; feeling involved; having choices; getting questions answered; and reduction of fear. This latter factor was demonstrated by Umbreit (1994) in a study of four victim offender mediation programs involving juveniles. Before mediation, victims feared re-victimization in 25% of the cases; afterward only 10%. In a time when fear of crime is high and driving public policy, this is a significant finding.

Canada has a number of restorative programs. One program in British Columbia was evaluated in 1995 by Tim Roberts and deals with more serious cases including robbery, rape and homicide. Obviously with a very serious case some of the advantages of restorative justice at earlier stages of the process, such as court resource savings, are moot. However, if a system is to be truly restorative, victims have a lot to gain from such programs in 'deep end' cases. The desire to know 'why' is more intense with cases involving serious injury or death. These cases take more preparatory time and a higher level of training for the staff involved, but the evaluation from British Columbia as well as anecdotal cases from Texas, New York and Minnesota indicate that victims and offenders both

FEAR OF RE-VICTIMIZATION

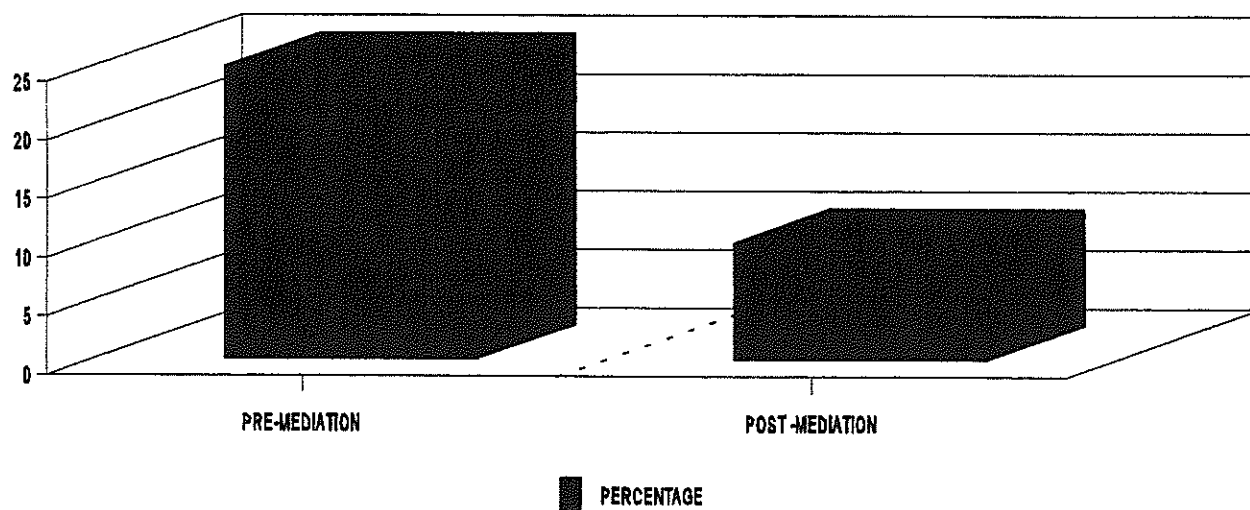


Fig. 4. Fixed Graphic.

feel the process is valuable; for victims a sense of closure and for offenders a feeling of self growth.

An interesting and victim sensitive adaptation to the face-to-face meeting is in place in the Canadian program reviewed. While they offer face-to-face dialogues, they also offer less direct exchanges, such as correspondence and video of victims telling the offender the impact of the crime, or of the offender answering questions posed by victim or the victim's proxy.

Conclusion

We must do all we can to prevent crime and to react decisively once it occurs. Much violence stems from frustration and inability to handle conflict. Insuring that every citizen is exposed to conflict resolution skills and that opportunities for mediation are facilitated will surely bring about a more peaceful society.

There will still be crime and for serious violent incidents, the risk is too great to do anything but lock the offender away. However, for those who are returning to society (and almost all do) or who are now being punished in the community (approx. 75% in most US jurisdictions), should they not be held accountable to right the wrong?

Demands to 'do something' about crime will face tomorrow's political leaders just as they do today. Perhaps the restorative model can supplement the punitive approach to balance and humanize the justice process. Of increasing importance will be the goal of involving the community in ways that will increase their confidence in our justice process. Small steps

can be taken by improving access of victims to information, giving them choices and improving restitution. Adding programs which allow for dialogue between victim and offender are documented to be of value on a number of measures. Any jurisdiction which adopts programs such as these would have to contract for or train staff in the mediation process; they would also have to decide at which stage or stages to offer this opportunity to victims.

Taken to a systemic level, the challenge will be for our communities, especially those now administering justice, to learn new skills, develop different measures of success and fashion partnerships with victims and community members that gives them some of the power now held by the professionals. Results thus far indicate it is a direction with promise.

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Restorative Justiceⁱ

For some time now there has been growing dissatisfaction with the justice system. Citizens feel disconnected, victims are dissatisfied, and those working in the system are frustrated. Policymakers are increasingly concerned about the burgeoning cost of justice in the face of this discontent and the high rates of recidivism that exist.

Over the past decades, there has been growing interest in new approaches to justice, which involve the community and focus on the victim.

The current system, in which crime is considered an act against the State, works on a premise that largely ignores the victim and the community that is hurt most by crime. Instead, it focuses on punishing offenders without forcing them to face the impact of their crimes.

Restorative justice principles offer more inclusive processes and reorient the goals of justice. Restorative justice has been finding a receptive audience, as it creates common ground which accommodates the goals of many constituencies and provides a collective focus. The guiding principles of restorative justice are: [1]

- Crime is an offense against human relationships.
- Victims and the community are central to justice processes.
- The first priority of justice processes is to assist victims.
- The second priority is to restore the community, to the degree possible.
- The offender has personal responsibility to victims and to the community for crimes committed.
- Stakeholders share responsibilities for restorative justice through partnerships for action.
- The offender will develop improved competency and understanding as a result of the restorative justice experience.

Promising Practices in Criminal Justiceⁱⁱ

Throughout the country, many communities are embracing the principles of restorative justice, resulting in the development of many promising practices. This section details a few of those practices.

- [Victim Impact Statements \(VIS\)](#)
- [Restitution](#)
- [Sentencing Circles](#)
- [Community Service](#)
- [Family Group Conferencing](#)
- [Victim Offender Mediation](#)
- [Victim Impact Panels](#)
- [Victim Impact Class](#)
- [Community Restorative Boards](#)

ⁱ <http://www.nij.gov/topics/courts/restorative-justice/Pages/welcome.aspx> (This page is archived material and is no longer updated. It may contain outdated information and broken links).

ⁱⁱ <http://www.nij.gov/topics/courts/restorative-justice/promising-practices/Pages/welcome.aspx>