

U.S. Department of Justice
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Community Justice: Striving for Safe, Secure, and Just Communities

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National Institute of Corrections

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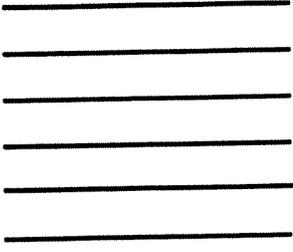
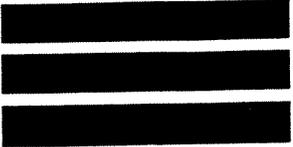
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Community Justice: Striving for Safe, Secure, and Just Communities

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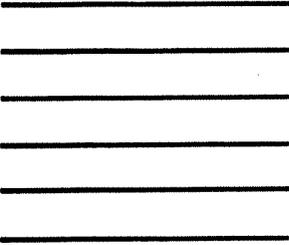
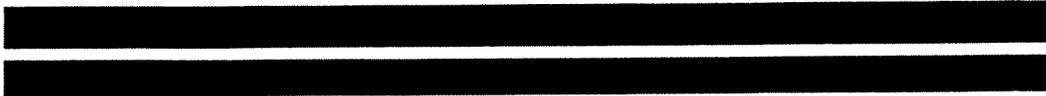
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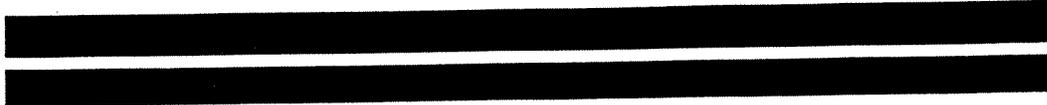
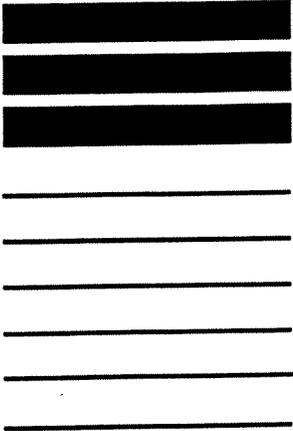
FOREWORD

This publication first appeared as the 1995 annual issue of *Topics in Community Corrections*, which is a collaborative effort of the NIC Community Corrections Division and the NIC Information Center. Based on the very positive response to this issue and on the recommendation of the NIC Advisory Board, broader distribution of the material seems warranted.

Changes occurring in criminal justice are transforming the nature of the work. We believe these changes fit under the general theme of Community Justice. Individual elements of this theme, such as community policing and restorative justice, have been taking shape in various jurisdictions. Major components within the criminal justice system—the courts, prosecutors, and corrections—have begun to embrace many of the basic principles of Community Justice.

This publication defines the term Community Justice and gives examples of its practical and potential application. We hope it is helpful and thought-provoking, and we welcome any comments.

Morris L. Thigpen
Director
National Institute of Corrections



MOVING TOWARD COMMUNITY JUSTICE

by Eduardo Barajas, Jr., Correctional Program Specialist, National Institute of Corrections, Washington, D.C.

A revolution is occurring in criminal justice. A quiet, grassroots, seemingly unobtrusive, but truly revolutionary movement is changing the nature, the very fabric of our work. Many theories on crime and criminal behavior have been advanced throughout the history of criminal justice. The criminal justice system has in turn developed and implemented changes based on some of those theories. Although these changes have led to creative innovations, they have seldom changed the basic nature of the business of criminal justice. What is occurring now is more than innovative, it is truly inventive. A "paradigm shift" is changing the focus of the work of criminal justice away from the offender and toward the community and victims of crime.

Because crime continues to plague our society, we need something beyond the scope of a new theory—we need a new paradigm. As John Dilulio states:

" . . . a paradigm is broader than a theory. A theory is a statement about a relationship between two or more variables that is supposed to hold under specific conditions. A new paradigm orients general understanding to historical, empirical, or normative realities that a prevailing paradigm has arguably de-emphasized, devalued, or simply ignored. In essence, to call for a new paradigm is to appeal for new concepts and categories of thinking about a given subject."

The call for a new paradigm is being spearheaded by citizens and victims who feel left out of the criminal justice process. Citizens might not articulate their frustration in terms of a need for a "paradigm shift," but at the heart of their anger and dissatisfaction is the feeling that the criminal justice system does not represent their interests.

Criminal justice professionals often express an equal frustration with the public's "hysteria" that has resulted in "get tough" legislation related to crime control. The public is often viewed as an outside obstruction that must be "sold" on new policies by criminal justice "experts." When the public fails to buy into such policies, the rift between the public and criminal justice increases.

The rift exists not only between the public and the criminal justice system, but also within the criminal justice profession. We must address these issues in order to move forward, rather than remaining in a "system" that is fragmented, lacks a clear mission, and seems to provide little value to the public it is sworn to protect. In order to solve the problem, we should understand its nature and source.

Toward a new paradigm of justice

The current paradigm of criminal justice is focused on the offender. Multiple, contradictory, and competing purposes of the work are each expressed in terms of things to be done *to* or *for* offenders. This offender focus is at the core of the public's frustration. The frustration is manifested in statements that the criminal justice system is aptly named, because it represents the interests of the criminal rather than the public or victim. Unfortunately, the present design and operation of the system lend credence to this perception.

The following model (Figure A) illustrates the current criminal justice paradigm. It is based on the traditional purposes of punishment, deterrence, incapacitation, and rehabilitation, each of which is focused on the offender. In this model, these purposes compete for prominence as politicians posture in response to the public's mood shifts.

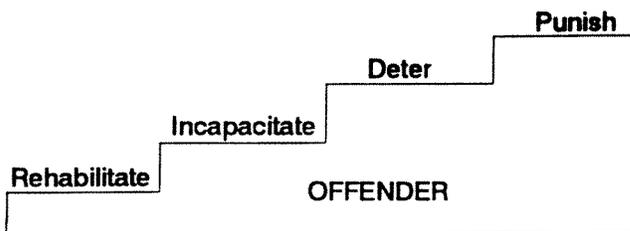


Figure A. The focus of this model is the offender. Progress emphasizes rationality.

The confusion created by such competitive and contradictory purposes, in the context of a fickle public and political climate, has resulted in calls for reform based on rationality. We speak of creating a “rational” system of sanctions, making “rational” policy decisions to determine a scale of sanctions within a jurisdiction, and “rationally” choosing the sanctions to be imposed on an individual offender.

In addition, the pressure of results-oriented work creates a sense of urgency to determine what works in corrections/criminal justice. Recidivism is the primary measure of success. The overwhelming majority of research in the “what works” area is firmly rooted in the traditional criminal justice model, rather than a community justice model, and is focused almost exclusively on rehabilitation. The emphasis is on long-term behavioral changes in individual offenders through effective treatment.

Competition between rehabilitation and other work purposes is intense. “What works” advocates bemoan the fact that rehabilitation has been relegated to the lowest rung of the ladder and punishment is at the top. A primary task, in their view, is to convince policymakers, practitioners, and the public that rehabilitation should receive new priority because of better results in terms of recidivism. Those who advocate punishment, incapacitation, or deterrence are equally adamant that their views should prevail.

What is needed is a paradigm that is non-competitive and non-contradictory, that strives primarily for harmony among the aims of the criminal justice system. The way to achieve harmony in the system is to focus on the community, rather than the offender, as the center of our efforts. Rather than asking what to do *to* or *for*

offenders, we must ask, "How can we best protect and serve the community?" Once we have asked that fundamental question, we find that the traditional purposes of criminal justice work become equally worthy *means* to an end rather than independent ends competing for prominence.

As illustrated in the following model (Figure B), this community focus is at the core of the community justice paradigm.



Figure B. The focus of this model is the community. Progress emphasizes harmony.

In this model, the criminal justice system derives its identity in terms of the *value* of the work it performs rather than the *purpose* of the work. More specifically, the model identifies four civic ideals or values that drive the work. These ideals, which were formulated by the BJS-Princeton Study Project, are:

- Doing justice,
- Promoting secure communities,
- Restoring crime victims, and
- Promoting non-criminal options.

The traditional purposes of punishment, rehabilitation, and so on operate in conjunction to move the work forward. The community is the focus of the work, rather than being left out of the process and in an adversarial position with the system. The community is viewed as the ultimate customer, and its citizens are recognized as "co-producers of justice." The system, in turn, provides value to the community in return for its investment.

What this means in terms of policy

The traditional criminal justice model is reactive and adversarial. It responds after a crime occurs, and corrections reacts with a series of punitive and/or therapeutic interventions directed at offenders after they are in custody. The offender is the primary

client or customer of services provided by the agency. The community may benefit, but only as an indirect consequence of the services provided to offenders. In response to political pressure from victims and other groups, agencies may develop one or more specialized programs emphasizing restitution or victim service. Merely creating programs does not constitute real change, however, if the focus of the agency's work and mission remains unchanged. Victims continue to lose if an agency's ultimate customer is the offender.

Within the criminal justice system there is an adversarial and competitive atmosphere among groups of policymakers and consultants regarding the primary purpose of the system. The long-standing debate is between those who favor punishment versus those who favor rehabilitation. The debate is focused on imprisonment as a *solution* to crime, and whether imprisonment is effective or ineffective. Ironically, the debate is between two sides of the same coin. Both sides attempt to demonstrate effective offender-focused interventions, whether they are based on imprisonment or "alternatives."

This conflict within the system creates disunity and a vague sense of mission, and it is ultimately counter-productive. Nowhere is this better illustrated than in the public relations attempts of some criminal justice "progressives." According to Philip Harris and Stephen Smith:

" . . . the problem over the past two decades for those seeking to reduce America's dependency on imprisonment has been a reliance on strategies that are based on a reaction *against* something, namely prisons . . . Unfortunately this reactive view cannot be translated into a comprehensive picture of corrections around which key system actors can rally."

When crime rates were rising, a case was made for "alternatives" based on the fact that increased imprisonment had failed to stem rising crime rates. As crime rates fell or stabilized, the argument became that we didn't need more imprisonment in view of falling crime rates. Is it any wonder that the public is confused and holds in low regard a system suffering from such an identity crisis? True progressive change requires an internal shift of mind, rather than reactions that try to change the external environment.

The community justice model is proactive and emphasizes crime prevention and collaboration. Community justice begins with the premise that the community is the ultimate customer of the system. This is not to say that the community is the only customer or even the primary customer. An agency's primary customer, for example, may be the district's chief judge—approval from this person is of primary importance to that agency. The agency's work, however, must *ultimately* have a positive impact on and provide value to the broader community in terms of safety and well-being.

Community safety and well-being can be improved through a variety of efforts. In the community justice paradigm, imprisonment (or any other sanction) is not viewed as a *solution* to crime but as one of several equally worthy and legitimate *responses* to crime. The idea is that each component of the system holds a piece of the solution. By coordinating actions within a problem-oriented strategy, solutions can be achieved. This opens up possibilities for agencies to expand the boundaries of their practice and break down the barriers separating them from other components and organizations within and outside the criminal justice system.

New viewpoints, frameworks, and practices in turn require new measures of success. Recidivism, as the primary measure of success, compels the system to validate its efforts to address the universal problem of crime in terms of the success or failure of individuals. In traditional thinking, if a batterer is caught and revoked after violating a "no contact" order, the case is considered a failure because of the offender's recidivism. This is so despite the fact that, through the revocation, a life may have been saved or the cycle of abuse broken.

Community justice addresses a universal problem by investing its efforts in what is best for the safety and well-being of that "universe"—the community and victims. This involves balancing short- and long-term interventions and strategies, as well as focusing on prevention. Short-term interventions, such as imprisonment or surveillance, focus on *controlling* offender behavior and activities. Long-term interventions, such as substance abuse treatment or cognitive restructuring, focus on *changing* offender behavior.

Prevention is a major effort of community justice work. In 1990, the Crime Prevention Coalition formulated the following definition of crime prevention:

"A pattern of attitudes and behaviors directed at both reducing the threat of crime and enhancing the sense of safety and security, to positively influence the quality of life in our society and to develop environments where crime cannot flourish."

This definition clarifies the importance of community as a base for prevention. It also recognizes that there is a dual task: reducing crime's threats to the community, and developing communities that discourage crime.

For several years, corrections has had a practical working model that uses these principles of crime prevention: the direct supervision jail. The direct supervision jail focuses its efforts on the "community" environment of the jail rather than on the inmates. This focus in turn influences the quality of life in the jail and creates an atmosphere in which violence and other disorders cannot flourish. Such a climate enhances the chance that other correctional goals, such as rehabilitation, will be met.

The principles of prevention can and should be translated into community supervision strategies. Jeffrey Roth describes a diversified problem-solving method of violence prevention in the community that calls for:

"... problem-solving initiatives aimed at sources of violence in several areas: childhood development; 'hot spot' locations, routine activities, and situations; illegal markets, especially for drugs, guns and prostitution; firearms, alcohol, and drugs; bias crimes, gang activities, and community transitions; and relationships between intimate partners."

Such an approach would require community corrections officers to work collaboratively with police, community organizations, and social service agencies. They would proactively address various social disorders and illegal activities. How these efforts affect the quality of life in the community would become the basis for new measures of success.

Some practical examples

Community policing, community prosecution, and community courts are three examples of the elements of community justice. Community corrections, in the non-traditional sense, is a fourth example. Traditionally, community corrections is corrections as practiced in the community rather than in a corrections facility. The non-tradi-

tional view of community corrections is corrections that is practiced *with* and *for* the community.

Community justice practice has two primary components. The first is problem solving. Staff are trained and encouraged to be problem-oriented—for example, to get city agencies to remove abandoned cars or to close down bars that sell to intoxicated customers or minors. They try to rescue people from abusive domestic relationships in order to break the cycle of abuse.

The second component of community justice is creating community partnerships. Staff are trained to work with other agencies and with the community to identify and solve problems that cause social disorder, such as public intoxication, prostitution, and open air drug markets. For example, the establishment of community courts makes it possible to arrest, prosecute, and sentence an offender, all within the same neighborhood. While the sentence may be determined by the court, in some cases it falls to a citizen board to determine the specifics of the sanction. Further, the sanction is reparative in nature—it is designed to restore the victim and the community.

Such problem solving partnerships are already being formed in this country:

- Vermont's new Reparative Probation system puts low-risk probationers directly under control of a board of community members. This is contrary to the practice in many agencies of reserving resources solely or primarily for high-risk offenders. The board determines reparations to the community and to the victim. Offenders may be ordered to pay restitution, work in community service, or participate in other reparative projects. Offenders and victims may also participate in victim-offender mediation. Violations are reported to the court for further action.
- The probation department in Quincy, Massachusetts regards domestic violence victims as important customers. The agency's domestic violence program is dedicated to breaking the cycle of violence and protecting the victim. Domestic violence is considered not only a crime against a specific victim, but a crime against the community. Batterers may be sentenced to community work service and to batterer-specific treatment. Probation works collaboratively with the police and other agencies to identify and respond to instances of domestic violence. Probation officers do not hesitate to revoke batterers who violate "no contact" orders, even for the slightest infraction. This helps to guarantee that the batterer will not manipulate or intimidate his way back into the home to repeat the cycle of violence.
- Operation Nitelite, in the Roxbury section of Boston, MA, is a joint venture of the Boston Police Department and the Probation Department of the Dorchester Court. Police and probation officers work jointly to address community concerns related to youth violence. Joint patrols check for curfew and other violations of probation. Officers work with parents to help them reassert parental control. Schools, churches, and other community institutions also help to supervise juvenile offenders.

These are only three examples of agencies that have focused their efforts on the community and victims of crime. Many other agencies in the country are turning toward such community-focused missions and work practices. At this time, however, there are no examples of jurisdictions transforming their entire system into

a community justice model. For the sake of a more prosperous future for criminal justice, the time is right to consider making such bold and expansive changes.

The importance of systems thinking

In his book, *The Fifth Discipline*, Peter Senge describes the "systems thinking" that is vital to what he calls "the learning organization." This type of thinking requires:

"... a shift of mind from seeing parts to seeing wholes, from seeing people as helpless reactors to seeing them as active participants in shaping their reality, from reacting to the present to creating the future. Without systems thinking, there is neither the incentive nor the means to integrate the learning disciplines once they have come into practice."

An old Hindu parable tells of some blind men touching an elephant. Each touched a particular body part and perceived the elephant according to that part of the whole. For one man, the elephant was like a rope (tail). Another declared the elephant was like a snake (trunk). Another disagreed, stating the elephant was like a tree (leg). Each man was correct, yet none perceived the entire creature.

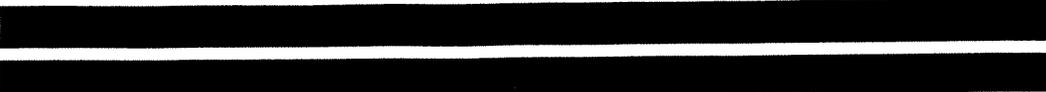
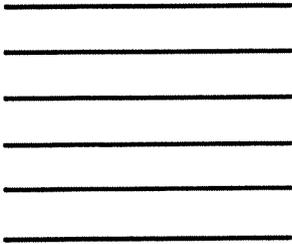
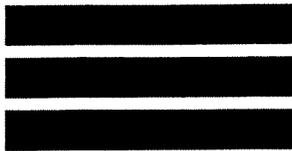
For too long, our perception of criminal justice and corrections has been like the parable of the blind men touching an elephant. We tend to view the individual components as independent of the others and serving different, competing purposes. We need to learn to see the overall system. "Systems thinking" lets us see that we are all interconnected, interdependent parts of the whole, working for a common, greater good. No one component of the system is better or worse than the others, but each serves a specific function.

We in community corrections have continued to play "ain't it awful" as we face declining prestige in the eyes of a dissatisfied public. As victims may, we tend to see the problem as "out there" rather than within ourselves. Our continual failure to change the external environment has made some of us increasingly frustrated and reactive.

Yet only by changing ourselves can we hope to grow as a profession and increase our esteem among ourselves and among those who should support us. Community justice should give us an optimistic path into the next millennium and a new framework for our profession.

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COMMUNITY CRIMINAL JUSTICE: Building on the Lessons That Community Policing Teaches

by Bonnie Bucqueroux, Michigan State University, East Lansing, Michigan

Proponents of community policing, including this author, sincerely believe that this new paradigm has the potential to serve as the model for dramatic reform of the entire criminal justice system. Community policing's successes inspire optimism that the criminal justice system could begin to function as a seamless whole, with all elements working as partners with the people who have the most to gain or lose in making their neighborhoods better, safer places in which to live and work.

At the same time, however, the controversial and complicated history of community policing also teaches object lessons about the problems involved in implementing a *community criminal justice system*. The purpose of this article is to explore both the opportunities and the obstacles, in the hope of encouraging experiment and innovation and avoiding mistakes.

Traditional policing and its limitations

Community policing gathered momentum in the early 1980s, when a group of progressive police executives and visionary academics began working together because of their concern that the prevailing system was failing. That system—what we now call traditional policing—was based on the reform model of “modern” or “professional” policing launched in the 1930s. It stressed the efficiency of rapid response as the primary means of addressing serious crime.

At the time, the logic behind traditional policing seemed irrefutable: the solution to serious crime was simply to identify, arrest, and then lock up all the bad guys. Spawned in the era of master criminals such as John Dillinger, the focus on the bad guy clearly made sense. The mission of the police was to hurry to the scene, hoping to catch the culprits on the spot, or at least to gather evidence that would lead to an arrest. Modern policing also had the virtues of upgrading the education, training, and pay of police officers and, at the same time, uprooting the tangled web of corruption associated with old-fashioned beat cops.

In recent years, however, it has become clear that contemporary problems require a different approach. Of course, the police must always maintain their ability to streak to a crime in progress. However, research shows that only one in three crimes and only two in five violent crimes are ever reported to police, and crimes in progress typically constitute fewer than 5 percent of all calls for police service. The infamous Kitty Genovese case in New York City underscores the dilemma that police face when citizens watch someone slaughtered outside their windows, yet they do not call police—often because they do not know the victim and do not want to “get

involved." As a society, we have also become more aware of the cycle of violence spawned by the hidden crimes of child abuse and domestic violence, and the role that abuse of legal and illegal substances play in the undercurrent of crime and violence in the community.

Lessons taught by the medical model

The medical model offers a parallel to law enforcement. In medicine, we have moved from an era in which we expected the experts to save us to one in which we recognize the role that patients must play in their own well-being. Medicine once held out the promise of the magic bullet, the hope that serious illnesses such as cancer and heart disease could be cured by a new pill or operation. As we begin to understand the actual dynamics of disease, it has become clear that the best cure is for doctors and patients to develop individualized plans that promote not only freedom from disease but good health. Patients have good reason to prefer an approach that involves quitting smoking, establishing regular exercise, and following a healthy diet to one that relies on being rescued in the emergency room.

A similar model holds true for crime-riddled communities. The police must always have the capacity to respond immediately to a crisis, but a holistic community criminal justice approach recognizes the contribution of both prevention and intervention. With medical problems, the patient must take the pills and also do the aerobics. In dealing with crime in the community, we must arrest those who have lost their right to live among us, but we must also address the underlying problems that allow crime to flourish, ranging from domestic violence to substance abuse to illiteracy and even to boredom on the part of young people. Especially in light of the current crisis of youth violence, we must do a better job of intervening with troubled youth, since we have so few good answers about how to turn around hardened adult career criminals.

The principles of community policing

The late Professor Robert Trojanowicz, who founded the National Center for Community Policing in 1983, identified ten principles that inform community policing. In his view, the overarching goal should be for the police to become partners with the community, empowering community members so that they can shoulder their share of the responsibility and tough work of making their neighborhoods safer.

One of the most potent means of involving the community in creative ways to enhance public safety is to provide them a Community Policing Officer, who acts as a problem solver and as an ombudsman to other public and private agencies. Without pushing the analogy too far, patrol officers who provide rapid response serve as society's emergency room physicians, while Community Policing Officers serve as family doctors, who have the time, opportunity, and continuity not only to treat illness but to prevent disease and promote good health. Experience shows that, to recover and to heal, sick communities require the services of both kinds of officers.

To the Trojanowicz model of decentralized and personalized services, Professor Herman Goldstein of the University of Wisconsin contributed the S.A.R.A. model of problem solving—Scanning, Analysis, Response, and Assessment. In the hands of dedicated police innovators in the field, such as Lee Brown and Drew Diamond,

both models began to demonstrate results. They proved particularly effective in the face of the explosion of street violence produced by the invention of crack, which brought cocaine within the reach of the young and the poor.

Defining success in terms of solving problems. Crack clearly demonstrated the limits of a criminal justice system that focuses on catching and incarcerating the bad guy. The wave after wave of new arrests caused bottlenecks in the system, which often resulted in dealers making it back to the community before the police had finished the paperwork. Moreover, neighborhoods without jobs and without hope proved that they could keep producing an infinite number of new “bad boys” willing to gun their way into the slots left by those put behind bars.

A community criminal justice system, on the other hand, would view incarceration as a means and not an end. Success would be determined by asking the question, “Is the problem solved?”—not by asking how many dealers were taken off the street.

Community criminal justice tactics can include a wide range of responses, including arresting street dealers, creating diversion programs, instituting drug courts, organizing citizen patrols, changing environmental design to reduce anonymity, and developing educational, social, athletic, and cultural activities for young people. Solutions are limited only by the imagination of those involved and by the resources of the local community.

Envisioning a community criminal justice system

Glimmers of what a community criminal justice system might look like are beginning to appear. In places such as Montgomery County, Maryland, prosecutors have become generalists, operating out of decentralized offices in the community, so that they can work closely with police and the community on issues that matter most to local residents. In this era when people from all walks of life feel angry and alienated from government and its representatives, moving closer to the people fulfills community policing’s mandate to build trust with the consumers of their services.

Cities such as New York are also experimenting with neighborhood courts, which not only dispense sanctions but also offer “one-stop shopping” for a variety of social services, including drug treatment, aimed at solving underlying problems. The proliferation of drug courts nationwide also reflects growing appreciation of the value of tailoring sanctions to local concerns, another hallmark of community policing.

Like community policing, such efforts represent a watershed because they allow the community an opportunity to hold public institutions and their representatives directly accountable. In the post-Rodney King era, it is clear that there must be changes so that rogue elements within the system can no longer rely on anonymity. Moreover, community policing is a results-oriented system, in which Community Policing Officers must face residents every day until the problem is solved. It is time for the same posture to be required of prosecutors, judges, and probation and parole officers.

Considering the enormity of the challenge, this smattering of worthy new efforts seems spotty and piecemeal. What is needed is a vision of the future that captures the full potential of a community criminal justice system—based on the community policing principles of collaboration and community-based problem solving.

Let us imagine a system in which police, prosecutors, courts, and corrections begin to work with each other, identifying ways to become a fully integrated system that shares both resources and responsibility. At the same time, this community criminal justice system would reach out to the communities it serves, involving them directly in identifying, prioritizing, and solving problems. Think of the power in harnessing all this energy toward making the community a better and safer place.

A holistic approach

In place of punishment and deterrence, we could begin to craft a system based on combining community-based problem solving with the concept of restorative justice. An African proverb says that it takes an entire village to raise a child; it is time for the criminal justice system to use both the carrot and the stick in helping to keep youngsters on the right track. If only because of their cost, jail and prison space must be treated as precious resources that should not be squandered when other solutions would not only cost less, but work better.

If we again use the example of youthful street-corner drug dealing, consider the virtues of developing a credible program of restorative community service, in which the work required would help undo the damage that drug dealing causes. Neighborhoods on their way down act like a magnet for crime and drug problems, so sanctions might include having a squad of young offenders on duty to eradicate graffiti within twenty-four hours after it appears, under the close supervision of the Community Policing Officer and neighborhood groups. The interaction would allow the officer to serve as a role model at the same time he or she would have the opportunity to learn first-hand which kids to give a pat on the back and which to keep an eye on. Heretical as it may seem, there might also be a rationale for paying the kids for their work. Not only would this be cheaper than incarceration, it would also give youngsters a chance to experience the benefits of hard work.

Think of the potential that could be harnessed by assembling a community-based, problem-solving team comprised of police, prosecutors, judges, probation and parole officers, as well as community residents, school and church leaders, and a shifting and expanding roster of other community leaders. Put a hospital administrator on the team, for example, and creative solutions to youthful drug dealing might require that young offenders work at the hospital on those horrific weekend nights when drug violence escalates. Consider the impact of having them work with crack babies.

A community criminal justice system would mirror community policing by directly involving the community as partners in identifying and prioritizing problems, as well as in solving them. A public debate about setting priorities has yet to take place. Taxpayers are beginning to see that, because of mandatory sentencing, they are paying millions of dollars to build new prison cells to keep relatively low-level "drug mules" behind bars for a decade or more. What they may not grasp is the relationship of this trend to the fact that third-time felony rapists typically serve about seven years. Is this what the community truly wants? How do we involve the community in discussions about the real trade-offs and priorities? What must change to enable average citizens to take their place at the table when decisions are made about the best use of the finite number of jail and prison beds?

Other lessons community policing teaches

While community policing serves as a model for imagining our way to a fully realized system of community criminal justice, the history of community policing also provides a cautionary tale of the pitfalls likely to occur along the way.

Denial. The first problem that must be confronted is denial, the refusal to see that the existing system's failures demand more than minor reforms. I am reminded of the time when, in response to complaints that youth violence was making the area increasingly unlivable, the chief and top brass of a major metropolitan police department grudgingly consented to appear at a neighborhood meeting. The department put on an impressive show with graphs and charts to prove how hard they were working and how many arrests they were making. It was clear that the department was more interested in telling than in listening. Finally, a woman rose slowly and asked, "Chief, if you guys are doing such a great job, would you be willing to have your family spend one night at my house?"

Internal backlash. Another lesson that the history of community policing teaches is to expect a virulent internal backlash. For some within the system, so massive a change implies a total rejection of their life's work. Others resist—and resent—being asked to do a different job than the one for which they were hired. Some have philosophical disagreements with a problem-solving approach that assesses success and failure on the basis of community satisfaction. Others rankle at the thought of working directly with people who live in troubled neighborhoods. Their resistance may be based on elitism, outright racism, or an "us-versus-them" attitude grounded in the belief that everyone who lives in such neighborhoods either commits or condones the crime and violence.

Some police agencies have attempted to avoid such internal backlash by embracing all the ideas and principles associated with community policing—except for direct involvement of the community. Research conducted by the National Center for Community Policing in conjunction with the FBI's Behavioral Science Section showed that only one out of four police agencies that claimed to be doing community policing actually involved the community in identifying, prioritizing, and solving problems. Some would argue that this means community policing can be done without the community, but those who have seen what community participation can do recognize that this is not true.

Although community policing has had a checkered record of success in dealing with internal backlash, experience suggests that agencies must develop a comprehensive plan to confront it. Leadership means educating everyone about the reasons for the change. It is important to practice the principles internally, to involve key stakeholders in all phases of decision-making, and to adopt a policy of open discussion about questions and concerns. Such a policy can be implemented in phases, a series of baby steps. As Bob Trojanowicz would say, "The key is to keep enough tension on the line without yanking so hard that it snaps." Ultimately, however, the commitment must be so clear that the resisters get the message—either they embrace the change or they go.

When we reflect on the internal dissension that community policing inevitably engenders, the challenge of implementing a fully integrated system of community criminal justice seems daunting. How many judges will spend the time to listen to community complaints? What about the inevitable turf battles? How can such a

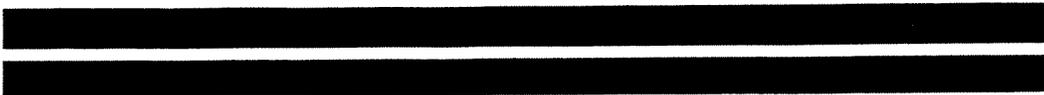
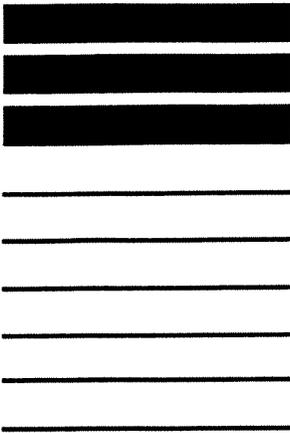
disparate problem-solving group ever reach consensus? How do we ensure that the voice of the community will be heard? Can community justice be accomplished within existing resources?

External backlash. The potential for problems multiplies exponentially when we add the threat of external backlash. Will the impetus be undone by politicians who promise voters a quick fix? Will legislators be willing to become part of the team? With a media addicted to ten-second soundbites, how will average citizens learn about the trade-offs? Will affluent citizens, living in walled communities with private security guards, support a system that promotes risk-taking and innovation in low-income and minority neighborhoods? As a society, have we matured to the point where we understand that sending people to prison does not mean throwing them away—that we must find better ways to reclaim and reintegrate those who will again live among us?

Even this cursory list of questions would inspire pessimism, if not for the fact that the existing system clearly requires more than tinkering at the margins. On the one hand is the ugly vision of a repressive police state, with ever-increasing numbers of its citizens behind bars—and the inevitable specter of civil unrest. On the other is a democratic, community criminal justice system, where the people with the most to gain or lose accept the rights and responsibilities of collaborative decision-making.

Like democracy, community criminal justice is likely to be a slower and sloppier system, with obvious drawbacks—but it is better than any other. The choice is clear. And the time grows short. ■

The author gives special thanks to Drew Diamond of the Police Executive Research Forum and Bill Matthews of the Police Foundation (the former and current directors of the Community Policing Consortium, respectively) for their input, analysis, and advice in conceptualizing what a community criminal justice system would look like and what it could mean in building a safer society.



CORRECTIONS AND RESTORATIVE JUSTICE

by Thomas J. Quinn, Visiting Fellow, National Institute of Justice, Washington, D.C.

The field of corrections is at a crossroads . . . again. Sentencing and sanctioning policies have been swept along by tidal forces with incredible potency. It is difficult for corrections policymakers to defend past practice as, over the past two decades, America has built an increasingly punitive and expensive system while the public remains dissatisfied. Sixty to 70 percent of the public believes that corrections is doing only a fair or poor job.¹ Probation is viewed as too lenient, and prison populations have tripled since 1980. According to the National Conference of State Legislatures, corrections budgets increased an average of 9.7 percent in FY '94, more than any other state budget category. However, with an average cost of \$20,000 per inmate-year and unacceptably high recidivism rates, there is growing pressure for new solutions.

Restorative justice

Emerging philosophies call for corrections professionals to work in collaboration with victim and community advocates. By forging new alliances that are mutually constructive and fiscally prudent, we can help to set a future path that makes more sense than the road we are now traveling. We need not cross the victims' advocates' road; we can wind alongside it.

The restorative justice concept is gaining increasing impetus in many quarters. Proponents argue that the contrasting goals of "rehabilitation" and "retribution" are both wanting; Daniel Van Ness² notes that both are too focused on the offender and not enough on the crime or on the harm caused by the criminal act. Our current system discourages contact between victims and offenders, leaving the major responsibilities to surrogate professionals. No wonder the public is dissatisfied: the process lacks humanity and denies any substantial role to the parties who are most concerned and have the most to gain or lose.

Van Ness notes that restorative justice is actually a return to the justice of old, before the Norman conquest at the Battle of Hastings in 1066. For centuries in England, the local villages had delivered justice by making the offender repay the victim. This practice was based on the Laws of Ethelbert (circa 600 A.D.) and continued traditions established by earlier cultures, such as Germanic tribal law, the Roman Law of the Twelve Tables, and even the first written laws, the Code of Hammurabi, 2000 years B.C. To centralize power and replenish his treasury, William the Conqueror made crimes a disruption "of the King's peace." Offenders were fined in the King's Courts instead of being ordered by village authorities to pay restitution. By requiring citizens to come to his courts for justice, the king gained power; by taking fines that would have gone to victims, he gained wealth. Our system today carries some of these same unfortunate traits.

Restorative justice advocates note that the obligation to repay should be an integral part of justice, and that this obligation extends beyond the individual victim to the broader community that has been disrupted. Adopting this vision should be a paramount goal for all criminal justice professionals; corrections officials can play a leadership role in making it happen.

The re-emergence of restorative justice

Since 1978, when Mennonites in Elkhart, Indiana, started a Community Justice Center, hundreds of programs have been established to provide community-based mediation, one example of a program rooted in the restorative justice philosophy. These programs have met with varying degrees of success, but most report increased satisfaction on the part of the victim.

It is also evident that the public strongly supports community service and restitution programs, as long as the offenders are held accountable. John Doble's focus groups in Delaware, Oregon, and Vermont consistently expressed approval for offenders working to repay the community, rather than just sitting idle in jail. Of course, consistent with other surveys, violent predators were viewed as belonging in prison for public safety reasons.

One program in New Zealand³ has seen dramatic results. For largely fiscal reasons, the conservative New Zealand government passed a juvenile justice statute in 1989 designed to ensure diversion, accountability, due process, family involvement, delay reduction, victim involvement, consensus decisions, and cultural appropriateness. In place of formal prosecution was a "family group conference" based on a Maori tradition that involves the families 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 his way back into the good graces of the community. The program was successful in diverting cases; prosecutions of seventeen- to nineteen-year-old offenders dropped 27 percent. John Braithwaite of Australia refers to this approach as "reintegrative shaming."⁴

The family group conferences did more than reduce prosecutions. According to Russ Immarigeon,⁵ they substantially reduced commitments to youth prison. New Zealand subsequently closed several of its training schools, and the new approach has been praised by the Maori people, who have traditionally been over-represented in the institutions. A number of Australian towns have adopted a version of this process; one reported a 23 percent drop in juvenile crime. Several U.S. cities are also exploring this approach.

A 1985 review of three programs in Indiana and Ohio identified a different but also dramatic effect.⁶ Offenders who went through a victim offender reconciliation program (VORP) were about as likely to be incarcerated as those in the control group, but their length of stay was substantially shorter. Robert Coates estimated that the reduced incarceration time resulting from the VORP process led to a cost savings of more than \$84,000. While offenders reported fear and tension at having to face the person they victimized, victims expressed satisfaction with the process. In essence, VORP humanized the criminal justice system for all parties. Available on a widespread scale, this approach could save jail beds for borderline offenders. Genesee County, New York, which has an extensive set of programs built around

restorative justice concepts, took in \$700,000 from other counties and states in 1993 by renting out jail cells.

Benefits to victims

Perhaps the strongest evidence supporting the restorative justice philosophy is its effect on victims. This is not surprising, because victims are the heart of the process. Some victims' organizations have looked with suspicion at proposals that call for restorative justice, fearing that the "victim angle" is really a cover for more rehabilitation services for the offender. However, there is now some notable support for these programs among the victims' community. For example, Dr. Marlene Young, Executive Director of the National Organization for Victim Assistance, in a paper entitled "Community Restorative Justice,"⁷ points out 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 the development of offender competency. Being "for victims" is no longer necessarily being "against offenders." We should make it clear that advocating offender programs need not be at the expense of victims.

Victim involvement is central to another model, known as the "Balanced and Restorative Justice Project," operating in some twenty sites with support from the 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 have been documented; they include increased payment of restitution, a feeling of involvement, opportunity for choices, having questions answered, and reduction of fear. This final factor was demonstrated by Dr. Mark Umbreit in a study of four victim-offender mediation programs involving juveniles.⁸ Before mediation, victims in 25 percent of the cases feared being re-victimized; after mediation, only 10 percent feared re-victimization.

Canada has a number of restorative programs, including one program in British Columbia that deals with more serious cases including robbery, rape, and homicide. Obviously with a very serious case, some of the advantages mediation offers at earlier stages of the process—such as court resource savings—are moot. However, if a system is to be truly restorative, victims of serious crimes have much to gain from such programs. The desire to know "why" is more intense with serious cases. These cases take more preparatory time and require a higher level of staff training, but Tim Roberts' evaluation of the British Columbia program and anecdotal evidence from Texas, New York, and Minnesota indicate that victims and offenders both feel the process is valuable—for victims a sense of closure and for offenders a feeling of personal growth.

A British Columbia jurisdiction has instituted a victim-sensitive adaptation to the face-to-face meeting. Less direct exchanges—such as correspondence, videos of victims telling the offender the impact of the crime, or videos of the offender answering questions posed by victim or the victim's proxy—are being offered as alternatives to face-to-face mediation.

A challenge to the justice system

We must do all we can to prevent crime and to react decisively once it occurs. In terms of violent predators, the risk may be too great to do anything but lock the

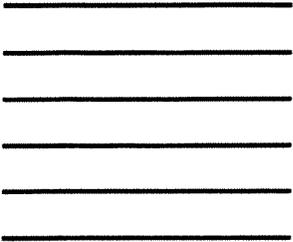
offender away for a long time. But offenders who are returning to society—and almost all do—or who are now being punished in the community—about 75 percent in most jurisdictions—should be held accountable to right the wrongs they have caused. The restorative model can balance and humanize the justice process. Increasingly, it will be important to involve the community in ways that will increase their confidence in our justice process.

Some correctional agencies are taking action. The Minnesota Department of Correction has a restorative justice planner to work with interested communities. Vermont has established a “reparative track” for low-level probationers whose sanctions are determined by trained community boards.

We should redouble our efforts to improve victims’ access to information, give them choices, and improve restitution. It would be a step forward if corrections agencies expended as much effort improving restitution mechanisms as they now do on classifying offenders. Taken to a systemic level, the challenge will be for those now administering justice to learn new skills, develop different measures of success, and fashion partnerships with victims and community members that will restore to them some of the power now held by professionals. Before long, any system of justice that does not include restorative elements will be viewed as incomplete and insufficient. And it will be.

Notes

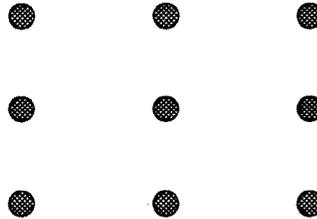
1. See, for example, John Doble, Stephen Immerwahr, and Amy Richardson, *Punishing Criminals: The People of Delaware Consider the Options* (New York: The Public Agenda Foundation, 1991); Doble Research Associates, Inc., *Crime and Corrections: The Views of the People of Oregon* (New York: The Edna McConnell Clark Foundation, 1995); and Doble Research Associates, Inc., *Crime and Corrections: The Views of the People of Vermont* (New York: The Edna McConnell Clark Foundation, 1994).
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3. F. W. M. McElrea, “Restorative Justice—The New Zealand Youth Court: A Model for Development in Other Courts?” *Journal of Judicial Administration* 4 (1994).
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7. Marlene Young, “Restorative Community Justice: A Call to Action” (Discussion draft). (Washington, D.C.: National Organization for Victim Assistance, 1995).
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WORKING OUTSIDE THE BOX: Thinking Differently About Justice

by Gary Hinzman, Director, Sixth Judicial District Department of Correctional Services, Cedar Rapids, Iowa

How many of you have seen this exercise before? Using the box below, connect all the dots with one continuous line and without taking the point of the pencil from the page:



If you have worked this puzzle as part of the visioning process or if you are struggling with it for the first time, you know or will soon figure out that you must work outside the box. The point of any good visioning process is to get staff thinking about doing things differently.

Thinking differently is just what those in Iowa's Sixth Judicial District Department of Correctional Services did when they created the Community Corrections Improvement Association (CCIA) as a private, non-profit, bootstrap foundation. CCIA was established as a working foundation to develop new programs and to seek funding alternatives not always available to public agencies. The Board of Directors consists of corporate and civic leaders from the community. The Sixth Judicial District Department of Correctional Services is represented on the CCIA Board but does not have a controlling vote; the department's director serves as the registered agent to conduct business for the CCIA.

The CCIA is an IRC 501(c)(3) Charitable Organization, a public charity. As such, it receives the most favorable tax treatment available to charitable gifts. Individuals, corporations, foundations, and service organizations have given time and money to CCIA for a wide variety of programs. Additionally, the CCIA has applied for and received public grants available only to non-profits, or not generally available to correctional agencies, to support community corrections in Iowa. Beginning in August 1991 with \$250 and nearly \$1,000 in debts, CCIA now operates programs that expend more than \$1,000,000 annually. CCIA is a working foundation whose purpose is to develop and implement programs that have a positive impact on

community corrections. This purpose generally requires that CCIA build strong collaborations within neighborhoods of the community.

Mission

The mission of the CCIA is "to support community based corrections with community input, acceptance and financial resources to establish and support pro-active programs to break the cycle of dysfunction of the family." This mission "shall be facilitated by" three specific approaches:

- "*Capacity building in the community*"—looking at the strengths or assets of the individual person, agency, or the community rather than its weaknesses or frailties.
- "*Redefining critical issues*"—helping the community at large to understand that social/criminal justice issues are their concern and that criminal justice agencies exist to help address/solve the problems.
- "*Community mobilization*"—using the community's grassroots groups, neighborhood associations, and private and public agencies to identify specific issues to address collaboratively.

CCIA's coordinating role

The purpose of the CCIA is to maintain, develop, increase, and extend the facilities and services of community-based corrections agencies in the State of Iowa. Beginning in August 1991 as the first foundation of its kind in the nation, the CCIA has been a leader in national, state, and local corrections issues. The CCIA helps the Sixth Judicial District Department of Correctional Services work outside the box in creating new, innovative, and critical services for the state of Iowa.

In reaching out to meet the varied needs of Iowa's communities, the CCIA has engaged in the following programs or activities:

- CCIA purchased the "WINGS" Personal Learning System to furnish a classroom at the Correctional Services Complex in Cedar Rapids to assist offenders who are parents in meeting the educational development needs of their young children. This program also teaches parenting skills.
- In a collaborative effort with Kirkwood Community College and the Sixth Judicial District Department of Correctional Services, CCIA obtained a \$500,000 grant from the Bureau of Justice Assistance to design, implement, and evaluate a national telecommunications network to support correctional options.
- CCIA developed the Batterers Education Program in Cedar Rapids, which operates under the direction of a community advisory board, employing twenty-four group facilitators.
- CCIA pursued and received funding for the Youth Leadership Program, which helps selected preteen youth to choose positive opportunities and activities that promote personal growth and community leadership.
- CCIA developed a group known as NEIGHBORS to help establish, fund, and meet the needs of neighborhood associations.

- CCIA obtained approval for five VISTA volunteers to work with NEIGHBORS and the Youth Leadership Programs in the Cedar Rapids and Iowa City communities. This grant and matching funds total approximately \$150,000 annually.
- CCIA funds Crossroads educational programs for offenders in the Sixth Judicial District Department of Correctional Services.
- CCIA obtained funding to place twenty-four Americorps members in the Cedar Rapids community to work with various non-profit agencies and organizations, working to make the community a better place to live. This grant and matching fund activities total approximately \$450,000 annually.
- CCIA also serves as the lead agency for an annual \$200,000 "Communities That Care Model" prevention grant from the Iowa Criminal and Juvenile Justice Planning Agency.
- CCIA serves as the grantee for NIC funding for the Iowa community-based corrections visioning process now underway.

Community program specifics

Following are more detailed descriptions of three of the programs set in place through CCIA activities:

NEIGHBORS program. NEIGHBORS is an inclusive coalition of neighborhood associations, community organizations, governmental departments, communities of faith, and private citizens. Using a CCIA-established annual discretionary fund of \$30,000, the coalition assists citizens in their efforts to effect positive change and establish neighborhood stability.

The three main goals of NEIGHBORS are to:

- *Identify and address community needs.* This goal is accomplished through biweekly meetings of the NEIGHBORS Coalition where concerns and information that affect a specific neighborhood or the entire community are shared, and speakers are invited to address specific issues. In cooperation with the City Water Department, NEIGHBORS also conducted a mail survey of residents of the Cedar Rapids community.
- *Promote collaborative projects to support the mission of "working together" to effect positive change and establish neighborhood stability in the community.* The projects include an annual Breakfast of Thanksgiving prepared by volunteers and offered free from several sites in the community; and NeighborFest, a citywide festival and conference promoting neighborhood associations.
- *Support and enhance the development of neighborhood associations.* NEIGHBORS has provided support and resources to the formalization of two new neighborhood associations: TANA (Taylor Area Neighborhood Association) and Northwest Neighbors. Under the sponsorship of the CCIA, NEIGHBORS was awarded funding from the Iowa Juvenile Crime Prevention Community Grant Program. These funds have been allocated for youth and community programs, as well as start-up costs for neighborhood associations.

Youth Leadership Program. The Youth Leadership Program (YLP) is a comprehensive, six-year program that identifies "potentially high benefit" youth and provides them with positive opportunities, role models, and leadership skills to help them to become productive members of the community. The ultimate goal is to develop intellectually, personally, and socially competent youth.

The working mission statement of the program is "to enable selected pre-teen youth to choose positive opportunities and activities that promote personal growth and community leadership." On the basis of the Carnegie Corporation's report, "A Matter of Time," and the "8% Project Report" from Orange County, California, CCIA has developed a model to provide structured time and service learning.

The goal of the YLP is to take a proactive approach to direct youth towards a lifetime of meaningful work and responsible citizenship. The program provides positive opportunities for youth through skill building, community stewardship, strengthening the family, ongoing support/follow up for six years, and mentoring.

The YLP is operating in six school districts in eastern Iowa. Participants are selected by teachers and guidance counselors in the schools. YLP counselors are student athletes from the University of Iowa, who are selected and trained as a service learning component of their career development. The CCIA has received a grant for five VISTA volunteers to work with the full-time staff of the YLP.

AmeriCorps program. AmeriCorps is a national network of community-based programs that engage Americans of all ages in results-driven service. In exchange for a year or two of service, AmeriCorps members earn education awards to finance college, graduate school, vocational training, or to help repay student loans. The CCIA has received a grant from the Corporation for National Service to provide funding for an AmeriCorps initiative in Cedar Rapids. This initiative, known as NEIGHBORS in Action, is briefly defined as follows:

- *Vision*—NEIGHBORS in Action envisions neighborhoods in the Cedar Rapids area as safe and nurturing environments for all residents.
- *Mission*—The mission of NEIGHBORS in Action is to build partnerships of area residents, community based agencies, and governmental departments, which will empower citizens to make positive changes in their neighborhoods.
- *Concept*—Neighborhoods, like individual people, are complex combinations of dynamically interrelated systems. To achieve optimal health, they need to be viewed and treated holistically.

Building on the base of collaborative relationships already established through the NEIGHBORS program, NEIGHBORS in Action enlists the services of twenty-four AmeriCorps members to help strengthen the relationships of individual members of the community to the organizations, agencies, and governmental departments that exist to serve them. Activities are focused within the boundaries of the five recognized Neighborhood Associations, which encompass most of the territory defined by the City of Cedar Rapids as Community Development Neighborhoods.

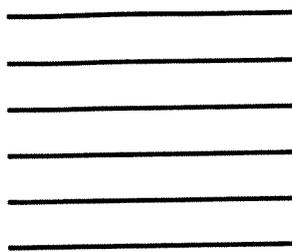
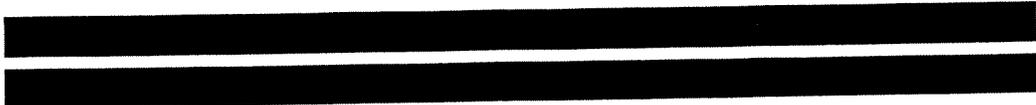
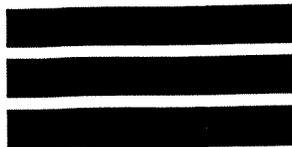
The partnerships seek to improve the health of the community by increasing the success of children in school, enhancing community policing, empowering victims of crime, expanding early childhood development programs, and improving neighborhood environments.

Members selected to serve are getting things done in the community:

- In *education*, members are helping children achieve success in school by tutoring and assisting with both after school and summer enrichment programs. One member is working with a drum and flag corps that also teaches pro-social values and responsibility.
- Other members are helping meet *human needs* in activities that focus on early childhood development, including working in preschools that serve special needs children, working in homes to help young families learn parenting skills, and working with families at neighborhood based Family Resource Centers.
- Some members are helping to improve *neighborhood environments* by establishing "Green Teams" of community volunteers to plant and care for trees and developing "pocket parks" on vacant lots. Others are working with young people to salvage useable building materials from houses that are being torn down or renovated, and still others are helping to form tenant organizations and teaching renters to be more successful tenants.
- To help improve *public safety*, members are working to increase the number of active neighborhood watch groups and encouraging participation in neighborhood association activities. Others are teaching collaborative conflict resolution skills to both young people and parents.
- Another member is helping expand a *victim-offender mediation* program, which brings together in a face-to-face meeting the victims of property-related crime and those who committed the offense to talk about the emotional impact of the crime and how to make things "right again."

The CCIA has been effective in developing preventive programming for targeted populations within the communities it serves in eastern Iowa. The programs it has fostered should have a positive impact on neighborhoods and the people that live in them. In creating the Community Corrections Improvement Association, the Sixth Judicial District Department of Correctional Services has acted on its belief that such programs are the key to having an impact on crime and ultimately reducing the rate of incarceration in the United States.

The question we must ask ourselves is, "When thinking of your children and grandchildren and the kind of world you want them to live in, do you want a society that responds quickly if they become a victim of crime, or do you prefer that they not become a victim of crime to begin with?" ■



COMMUNITY PROBATION: Acknowledging Probation's Multiple Clients

by Andrew Klein, Chief Probation Officer, Quincy County Court, Quincy, Massachusetts

Probation's single-minded focus on the offender has helped to make probation largely irrelevant to crime and justice in America. Some of the greatest challenges facing our society—victimization of children, violence in the family, slaughter on the highways, the ineffectiveness of the criminal justice system itself—rage around us while we probation officers sit behind our desks in our surreal world, largely unaffected. We do notice, though, that, slowly and steadily, our budgets get cut year after year. Our portion of the correctional dollar grows ever smaller.

While probation continues to serve as an inducement to facilitate plea bargaining, it fails to address the public's rage and frustration over its mounting fear of crime. Meanwhile, politicians' fear-mongering peaks every two or four years, depending on the election year cycle. And the crime rate continues to rise and fall largely in terms of the local community's demographics. And academics revise their ever-changing responses to the age-old debate about "what works."

First these academics tell us offenders need the positive role model of a middle class probation officer to show them the way. Then they tell us offenders need treatment. Then it is increased monitoring, based on risk assessment. Then, cognitive restructuring. Then they announce that probation does not work in any form and reinvent it by changing the name to "community control" or "community supervision," claiming that probation is a new "intermediate sanction." In many cases, probation's mission is unchanged; its personnel are simply "privatized," less well-paid employees who do the same thing as the officers they replace.

The reason probation is so susceptible to every trend and proposal or inducement to change is that probation's vision continues to be myopic. We have failed to see that our principal mission is seeing that justice is done, victims served, and the community protected. Instead, we have focused our sight solely on the offender. Ask any probation officer and he or she will tell you that our "client" is the probationer. Whether we want to rehabilitate him, limit the risk he presents to the public, or trail him, nail him, and jail him, our focus on the client is steadfast.

Experts have assisted us in this course. The National Institute of Corrections, for example, has provided resources nationwide to promote probation's risk classification of offenders. Through risk assessments, we can better and more scientifically separate out offenders who are more likely to re-offend from those who are not.

It doesn't matter what the offender has done, who he has traumatized or hospitalized, or the impact of his crime on society at large. These are only incidentally relevant in determining the offender's risk for re-offending. If he is at high risk for

reoffending, we commit disproportionate resources to him. These may be strictly surveillance or rehabilitation resources, but they flow to the highest-risk offenders. Conversely, low-risk offenders are “banked” in large caseloads, safely ignored, regardless of what they did, whom they did it to, or what the impact of their crimes was on the community at large. Touted as a redemptive reform for probation, what risk classification has done—as probation programs before it have also done—is to continue our focus on the offender to the exclusion of everything else.

This concentration on the offender as probation’s principal “client” is simply wrong. Too often, it allows probation to become, in effect, a haven where offenders escape the negative consequences of their own criminal behavior. Like a child’s game of tag, once offenders reach the “home base” of probation, they are “safe,” not to be tagged by anyone else—not a vengeful victim, an outraged society, or distraught family members. It is not that they have secured a “get-out-of-jail-free card,” although many have. (Studies suggest that even when re-arrested, the vast majority of probationers are allowed to remain on probation.²) It is that they have secured an “ignore-the-consequences-of-your-crime-and-the-exigencies-of-justice card.” These offenders are indeed “home free.”

In our defense, probation officers can conveniently point the finger at the bench. “The judge wouldn’t do anything if I did bring the probationer back to court.” And the judge, when confronted in the media, points back. “If someone had only informed the court . . .” There is plenty of blame to share. In fact, probation and the court are a team, dysfunctional as we may be, but a team that should work together to make probation and court sentences relevant to the issues of crime and justice in our society.

Before probation, before risk management, before all this, offenders had to answer directly to their victims. What they did, they had to undo if possible, or pay dearly. Under Hammurabi’s Code, the world’s first written criminal code, for example, if a man stole a cow, he had to pay it back—with interest. He was obligated to his victim. The power relationship between victim and offender reversed, with the victim ascending to the top. Up until the Middle Ages, restorative justice predominated. Then, with the rise of the king, the state insisted on its share of the restitution pie, converting victim restitution to the state’s fine. The reasoning was that the state, too, deserved compensation for arresting, prosecuting, and holding the offender accountable. As the king’s share increased, the victim’s share diminished . . . until it eventually vanished. The victim had to pursue his or her claim without state assistance in civil court. He or she had to sue the offender.

Thanks to the victim rights movement of the 1970s and ’80s, we give lip service to victims’ rights, but we give little else. Victim witness advocates have proliferated in police and prosecutors’ offices. However, they often function, at best, as investigators and, at worst, as road blocks, to keep pesky victims away from busy officers and prosecutors. Probation hasn’t even pretended to offer any special attention or services to victims. After we monitor the offender’s payments of other supervision fees (which may come back to us) and fines (which go to the state), we often have to ask courts to remit restitution orders (to victims) as uncollectible. After all, how can we expect poor, drug-addicted, illiterate offenders to do anything but steal the money necessary to repay their victims—especially when most of their disposable income is being spent on their habits? Studies reveal that most felony probation

offices fail to test offenders under their supervision for drugs or to revoke those who are tested and fail.³

Sure, in the last two decades, judges have often ordered restitution to crime victims, but collection is usually another story.⁴ Sure, we revoke dangerous offenders, but we usually wait until they have done it again before we do.⁵

The victim as a principal client

One of probation's principal clients should, in fact, be the victim. One measurement we should be using to judge our service to the victim should be restitution ordered and collected. We are obviously failing on both counts.

One of our main concerns should be service to the victim. Most probation officers don't even know who the victim is, unless it is a name on the police officer's report or perhaps a nagging restitution claimant who doesn't understand that the judge's order of restitution was only so much window dressing, not to be taken seriously.

When restitution is paid, we have too often reduced it to the equivalent of other payments, such as fines or court costs. An impersonal check gets mailed from the central office to the victim. Except in a few jurisdictions, the offender has no direct confrontation with the victim. Offers no apologies. No recitation of lessons learned. No expression of remorse. No reconciliation, and often no peace or resolution for the victim. However, in cases where the money is paid, probation claims yet another success story, another debt paid—no matter that the lion's share of the debt was paid by the insurance company or that the victim, in effect, was made to give the offender an interest-free loan for the amount of time between crime and final repayment. No matter that all of us will also pay in terms of higher insurance premiums. Many states forbid payments to insurance companies that repay victims for their losses and injuries.⁶ So little is our regard for a principal probation client, the victim, that we rush to declare victory before the battle has even been joined.

Collection and payment of restitution are only the beginning. Every day, across the country, a woman gets murdered by her current or former husband or boyfriend. Every week thousands of abusers are placed on probation for injuring and terrorizing the victims they do not kill. Most are sentenced for simple misdemeanor assaults or violations of restraining orders. What do we probation officers do? We see the offender—except in jurisdictions that can't be bothered to supervise misdemeanants. We may also make the abuser go into treatment. And we set up a potential homicide because we ignore a primary probation client, the victim. How can we protect a victim if we don't even know who she is?

In his chronicle of his daughter's murder by a Massachusetts probationer, George Lardner Jr.'s indictment of probation makes this clear.⁷ In this as in most cases, the mission of probation was to make the offender go to treatment, not to protect Lardner's daughter or anyone else from the probationer. For example, when informed that the probationer was abusing a new victim, the probation department's response was to intensify its pressure to get him into treatment.

In cases such as this, if the probation officer has time to have periodic contact with anyone, it should be the victim, not the offender. The victim should be the focus—unless our goal is to provide further material for anguished fathers' indictments of the probation and criminal justice system.

The community as client

The community is also the victim of crime. To them, too, we owe "clienthood." It is fear of crime that makes our citizens prisoners in their homes and prey to every demagogue proposing an easy solution to crime. Probation must serve citizens by teaching them that crime must be confronted by the community. The solution to crime lies within the community. Like it or not, we must all be involved.

How does probation serve the community as a "client?" On a broad level, probation has a significant role in community crime prevention, a role that cannot be performed as well by police or other criminal justice agencies. For example:

- *Drunk driving.* Every year, tens of thousands of Americans are killed and more are injured by drunk drivers. After the damage is done, probation is typically charged with seeing the drunk drivers. We put them into treatment programs of varying competencies and make sure they attend. If they do attend and do not re-offend, we eventually terminate another successful case. Meanwhile the carnage goes on, and the community grieves more victims. If it would only recognize its legitimate client, probation could do much more. First, probation should examine its caseload of drunk drivers, most of whom were probably served at a licensed establishment before they got into their motor vehicles. If they had not been over-served, which is explicitly illegal in most state codes,⁸ they would not have been drunk when they drove. Probation can pinpoint the small minority of establishments that serve most of the drunk drivers.

We can either wait and pick up the pieces later or we can stop drunk driving at the source. It is a little like attacking yellow fever. We can either chase after the thousands of individual disease-carrying mosquitoes or we can dry up the swamps in which they breed. Unfortunately, probation has chosen the former strategy.

Probation agencies in Massachusetts have targeted certain bars and provide licensing boards the names of each bar that served a drunk driver before his or her arrest. Happy hours—which probation agencies documented as having generated disproportionate numbers of drunk drivers—have been abolished by state law.

- *Arrest warrants.* Local police everywhere are inundated by court and probation arrest warrants for everyone who fails to pay a fine or show up for the least serious complaint or revocation hearing. The police often make a valiant but necessarily short-lived effort to serve these warrants. As a result, in most cases, the warrant is served only after the offender has been arrested for still another offense. This system is rather effective in the long run. Most warrants are eventually served, especially if the offender is an active, chronic offender. The problem is that this system does nothing to protect the community at large from offenders and even less to protect especially vulnerable victims. It doesn't take much genius to guess, for example, where most domestic abusers on warrants will end up and what they will be doing when finally apprehended.

Probation is usually content to dump its warrants into this vast warrant pool. Few departments have the resources or trained staff to serve their own warrants. Even if they did, apprehending fugitives takes more than bullet-proof vests and special warrant teams—it takes community cooperation. In fact, however, probation is ideally suited to solicit that cooperation. All it takes is a commitment to the community and the victim as vital probation clients. It takes commitment and a photo or two.

In Quincy, Massachusetts, just south of Boston, all probation fugitives who represent a threat to a specific victim or to the community at large—this includes all sex offenders and domestic abusers—find a copy of their probation snapshot in the local newspaper. More than a year after the program was initiated, the apprehension rate tops 80 percent.⁹ Most probation violators are arrested as a result of information supplied by citizens to the probation department. Citizens now see a probation system committed to their safety. They also see, literally, the faces of crime in their community. As Pogo observed so many years ago, they “see the enemy and it is us.” It is not, as the TV news sometimes implies, only racial and ethnic minority drug addicts who commit crimes.

On a narrower level, probation agencies can see that offenders make up to the community for their conduct. The most obvious means is through community work service, putting offenders to work for the community through donation of their labor.

Community work service does not have to mean picking up papers in the park—though there is nothing wrong with this, either.

- In Bend, Oregon, Deschutes County probation officers have formed a comprehensive community work service program called the Restorative Justice Corps. Offenders in the corps have built seventy-bed shelters for the homeless, stocked firewood for the county’s impoverished elderly, and performed many other services. Rather than being seen as liabilities to the community, these offenders have become a substantial community asset. Not only has probation served the community, offenders see themselves as positively transformed. Reflecting the agency’s commitment to its community client, Deschutes County probation officers have renamed themselves “community correction officers.”¹⁰
- In Vermont, probation officers have abandoned their desks and joined with their fellow citizens to see that the community is also served in every probation disposition. The probation department has ensured community satisfaction by recruiting community members to serve on sentencing and probation panels that actually determine how the offender will restore the community that has been disrupted or threatened by his or her offense.¹¹ Ultimately, protecting the community begins with being part of it. In fact, probation officers who work with the citizen panels call themselves “reparation coordinators.”
- The juvenile probation department in Allegheny County, Pennsylvania, provides another sterling example of a real community-based probation program. Its Community Intensive Supervision Program (CISP) operates out of neighborhood centers located in five of Pittsburgh’s worst slums. High-risk juveniles report to the centers every day after school. At the center they are drug-tested. They complete their homework, assisted by computerized tutoring programs. They also perform substantial community service in their neighborhoods. Last summer, they cleared a vacant lot and planted a community garden that fed area shelters. They actually made money registering area voters, and victims were paid back with the profits. Each night the high-risk juveniles are escorted and monitored electronically until the cycle repeats itself the next day. The probation department has, in effect, built a “community cell” for some of its worst delinquents. Although these community cells protect the community as well as most jail cells, they don’t isolate the offenders at great public cost.¹²

Many agencies claim to be community-based, but more than a name change is required. For example, just because a police department claims it does community policing or has received COPS money from the Justice Department doesn't guarantee that it has changed the way it operates. Community probation, like community policing, requires officers to go out into the community, work with the community, and serve the community rather than their own bureaucratic and institutional needs.

Genuine community probation requires that we change the measurements we use to determine our success. The number of persons on supervision is not as important, for example, as the number of women enabled to leave or remain with their abusers in peace, or the hours of community service performed, or the restitution paid to victims of crime. The latter, not the former, more accurately measure probation's success with two of its primary clients, the victim and the community.

The offender: probation's third client

Finally, the offender, too, is our client. The three clients must be treated in balance.¹³ If one or two clients are served to the exclusion of the others, probation is out of balance.

Serving offenders requires us to hold them accountable to their victims and the community. We must see that they are better, more capable citizens when they leave probation than when they came to us. We force them to change criminogenic behaviors, such as alcoholism and other addictions. We insist on abstinence and test for it regularly and randomly. Every dirty specimen is a call to action. Probation cannot serve as a haven for drug users to continue their use insulated from its criminal consequences. After all, every probationer who tests positive for an illicit drug has violated the primary condition of probation, namely, not to commit new offenses. Even occasionally obtuse appellate court judges understand that to test positive for drugs is ample evidence of a crime—illegal drug possession.¹⁴

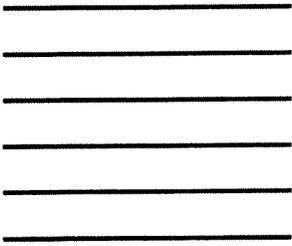
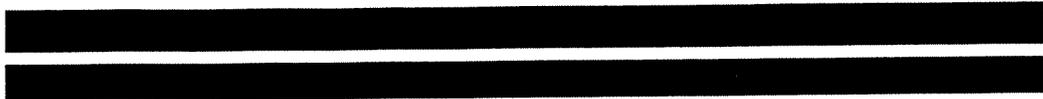
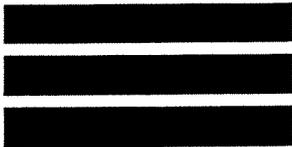
Too frequently, probation's supervision develops the wrong competencies in offenders. It teaches them how to manipulate and lie. By the end of his or her regimen of supervision by a probation officer and traditional mental health treatment, the probationer has learned how to look a probation officer in the eye and say sincerely that everything is fine since the last visit, blithely ignoring his or her arrest the night before for mayhem in another jurisdiction.

Meanwhile, the court-referred "therapists" work mightily to increase the probationer's low "self-esteem" and alleviate his or her "depression." What probation and the court fail to ask themselves is why we want criminals to have high self-esteem and not be depressed. If left alone, these conditions might at least motivate the offenders to change their ways.¹⁵

A balanced probation department, one that sheds its preoccupation with offenders to the exclusion of the community and the victim, will find that it serves more than offenders. It serves justice itself. At that point, probation can offer a real service to the community, victims, and offenders alike. Rather than simply offer a palliative to induce pleas, a probationary sentence can offer a superior alternative to other criminal sanctions for many offenders *and* a solution to the problem of crime and fear of crime in our communities.

Notes

1. In 1988, for every dollar spent on corrections, probation's share dropped to three cents. See Joan Petersilia, "Probation Reform," in Joseph E. Scott and Travis Hirschi (eds.), *Controversial Issues in Crime and Justice* (Beverly Hills, California: Sage, 1988).
2. Revocations typically do not occur upon arrest, but only after conviction. See Robyn L. Cohen, "Probation and Parole Violators in State Prison, 1991," *Bureau of Justice Statistics Special Report*, August 1995.
3. In the sample of more than 3,000,000 felon probationers and parolees who were revoked in 1991, only a tiny fraction were either drug tested or sent to prison for failure to abstain from drug use, even though 55 percent of the violators reported using drugs in the month before they committed new crimes while under supervision. In fact, 20 percent reported committing new crimes to secure drugs. *Ibid.*
4. See, e.g., J. Butts and H. Snyder, *Restitution and Juvenile Recidivism* (Washington D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1992); Patrick A. Langan and Mark A. Cunniff, "Recidivism of Felons on Probation, 1986-1989," *Bureau of Justice Statistics Special Report*, February 1992.
5. The vast majority of revocations to prison for felons were after new crimes had been committed and for which the defendants had been convicted, allowing for the commission of 13,200 murders, 12,900 rapes, 40,000 robberies and more committed by 300,000 probationers and parolee violators. See Robyn L. Cohen, "Probation and Parole Violators in State Prison, 1991," *Bureau of Justice Statistics Special Report*, August 1995.
6. See, e.g., Vermont Stat. Ann. tit. 13 7043; North Carolina Gen. Stat-15A-1343(d) (1983) (amended in 1985). "No third party shall benefit by way of restitution."
7. George Lardner, Jr., *The Stalking of Kristen* (New York: Atlantic Monthly Press, 1995).
8. See, e.g., Massachusetts Gen. Laws ch. 138, 93 (no service to intoxicated patrons).
9. D. Tatz, "Quincy Court Pleased with Most Wanted Program," *Patriot Ledger*, August 4-5, 1995.
10. Director Dennis Maloney's corps was featured in a *USA Today* editorial, "Answer to Kid Crime: Restorative Justice Corps," Feb. 22, 1995.
11. Interview with Herb Sinkinson, Reparations Coordinator, Chittendon County, Vermont (Oct. 25, 1995).
12. The name "community cell" was first proposed by the Hon. Albert L. Kramer, described in Andrew R. Klein, *Alternative Sentencing* (Cincinnati, Ohio: Anderson Publishing Co., 1988).
13. The "balanced approach" was originally developed and championed for juvenile corrections by D. Maloney, D. Romig, and T. Armstrong; see "Juvenile Probation: The Balanced Approach," *Juvenile and Family Court Journal* 39:3 (1988). The theory has been built upon and melded with victim-oriented advocacy by Gordon Bazemore and Mark Umbreit in *Balanced and Restorative Justice for Juveniles*, (Fort Lauderdale, Florida: The Balanced and Restorative Justice Project, Florida Atlantic University, 1995).
14. See, e.g., *Moore v. Commonwealth*, 530 A.2d 1011 (Pa. Commw. 1987); *United States v. Grunderson*, 969 F.2d 980 (11th Cir. 1992).
15. Characteristics of programs that do not work include targeting noncriminogenic needs such as anxiety, self-esteem, or depression; traditional psycho-dynamic and Rogerian non-directive therapies, etc. See, e.g., Paul Gendreau, Francis T. Cullen, and James Bonta, "Intensive Rehabilitation Supervision: The Next Generation in Community Corrections?" *Federal Probation*, 58:1 (March 1994):72-78.



RESTORATIVE JUSTICE IN VERMONT: A Work In Progress

by Michael Dooley, Director of Reparative Programs, Vermont Department of Corrections, Waterbury, Vermont

“In order to serve the changing needs of the criminal justice system and Vermonters, we have torn apart and virtually demolished our traditional organizational structure. The Vermont Department of Corrections has reinvented itself to offer more sentencing opportunities, and this new structure not only allows for increased community participation . . . it requires such participation.”

—from a recent progress report on department restructuring.

1994 and 1995 will not be forgotten for some time in the history of the Vermont Department of Corrections (VTDOC). “Vermont has embarked on a new course in corrections rooted in the belief that prisons frequently fail to serve society’s needs and that a vital component—the community—has been missing from our criminal sanctions” (*The Community*, Winter 1995). Over this short period of time, VTDOC has virtually taken a “wrecking ball” and demolished a 100-year-old organizational structure arranged around two rather ancient institutions: prison and probation. Until now, these were the only options to which an offender could be sentenced.

VTDOC has completely restructured its correctional services, through the support of a U.S. Bureau of Justice Assistance Correctional Options Grant. The restructuring charts a radically new course for the agency. It is unprecedented in one very significant respect—it marks the first time in the United States that the restorative justice model has been embraced by a state department of corrections and implemented on a statewide scale.

VTDOC regards its course into restorative justice as based upon principles well grounded in state historical precedent and in the social sciences:

- Historically in Vermont, the legal principle of reparation of injuries to victims and to the community as an explicit expectation for handling criminal offenses dates back to 1791 (as per Article 64 of the Vermont Constitution).
- Scientifically, there is a rich professional literature and research basis in corrections and related fields upon which sound, rational, and effective correctional practices may be built.

The appeal of the restorative model

Vermont’s reparative model is based on our “buying into” the current paradigm shift in the field, hence moving from a “retributive” to a “restorative” form of justice:

- The focus of the retributive model is the adversarial process whereby guilt for a violation against the state is established. As it is closely constrained by rules and

process, this model forces the view of punishment as repaying a debt to the state. In the retributive process or model, the state is the instrument of retribution, the community is almost totally out of the picture, and the needs of crime victims are usually ignored.

- The restorative model, on the other hand, recognizes most crimes as violations of one person or entity by another. This orientation facilitates a problem-solving or reconciliation focus based on “dialogue,” bringing together the offender and the victim—whether individual(s) or the community—to negotiate a healing or “restorative” resolution. The community’s role is paramount; the citizens themselves take responsibility for facilitating the restorative process of righting and healing the harm and injuries caused by the offense. “Debt” in this sense is seen as the offender being held accountable and liable by the community for any victim and/or societal injuries he or she caused, and for cooperating with the community to make things right.

The Vermont public supports the restorative model. In early 1994, a survey conducted by a professional public opinion research firm showed that Vermonters strongly favor the restorative model of justice in the delivery of correctional services. Citizens specifically support new programs with a reparative emphasis which involve the community and citizens in the justice process. Moreover, citizens want available local resources—particularly volunteer boards—to be used to the greatest extent possible in aiding the VTDOC and the courts in determining how offenders might make reparations for the injuries and damages they have caused.

The Sentencing Options approach

“Sentencing Options” is Vermont’s chosen aggregate name for the programs offered within its new organizational structure. These options can be visualized as a three dimensional matrix of sanctions, service tracks and programs, as defined in Vermont’s new sentencing options manual. Within this manual, Vermont courts are given a variety of new sentencing choices consisting of programs and associated services. These choices are organized within two service tracks (the risk management track and the reparative track) and involve four possible legal sanctions (probation, supervised community sentence, pre-approved furlough, and incarceration).

- The risk management service track contains programs that target offenders who have committed felony crimes and who represent a higher risk to re-offend. Intensive treatment and supervision are the focus of services in this track.
- The reparative programs service track is designed for offenders who commit non-violent offenses. The focus of this track is to require the offender to make reparations to the victim and to the community.

Specific purposes and goals of the reparative program are to implement the restorative model of criminal justice; to bring Vermonters actively into the criminal justice sanctions process as volunteers; to make Vermont’s criminal justice system more responsive to the crime-related needs of victims and communities; and to address broader administrative and systemic needs for economy in the execution of the corrections mission.

The Reparative Probation program

The Reparative Probation program is a first level program within Vermont's new reparative service "track" of programs. It is intended to be used for offenders convicted of misdemeanor or non-violent felony crimes ranging from retail theft to burglary.

Reparative Probation directly involves the community in sentencing and monitoring functions. VTDOC is confident that this new approach will free up scarce court and correctional resources to meet the more urgent priorities of determining justice and providing sanctions and services in cases involving more serious crimes.

By design, the Reparative Probation program brings members of the community actively and formally into the justice process. It provides an alternative to traditional probation by focusing on the nature of the crime and designing sanction agreements intended to repair or restore the "injured" victim and community. Hence in Reparative Probation the emphasis of programs and services, traditionally targeted at the offender, is shifted to include the needs of the community and of victims of crime.

The success of Reparative Probation depends on the offender's acceptance of responsibility for his/her actions and on his/her agreement to play an active role in making the victim and community whole again. The central feature of the program is the offender's face-to-face public meeting with representatives of the community—the Community Reparative Board—a meeting during which a reparative agreement is negotiated, specifying ways that the offender will make reparation to the victims and the community.

How the program works. Offenders are sentenced to the Reparative Probation program by a judge; there is no other formal "referral" process. Following an adjudication of guilt, the judge sentences the offender to probation with a suspended sentence using an administrative probation order. Unlike traditional probation, which in Vermont carries twelve standard conditions, the Administrative Order is limited to one standard condition: no further involvement in criminal activity. The offender's requirement to complete the Reparative Probation program is a special condition of probation; the court may impose additional special conditions if they pertain to the specifics of a case.

Following sentencing, the probation agency conducts a brief intake interview with the offender. General personal identification information is collected, along with information about the crime, the offender's criminal history, and the extent of damages and/or injuries caused. An extensive social history is considered unnecessary. The offender is then scheduled to appear before a Community Reparative Board (CRB) consisting of several—usually five or six—citizens from the community where the crime was committed.

This meeting between the offender and the CRB is the revolutionary innovation particular to this program that distinguishes it from all traditional state corrections programs. In the meeting, the board meets with the offender to discuss the nature of the offense and the impact of the offender's crime and behavior on others. The interaction also explores with the offender ways to make things right.

The offender then retires while the board deliberates elements of the sanctions package potentially suited to the particular case. Four goals are considered for each offender: to restore and make whole the victim(s) of the crime; to make amends to

the community; to learn about the impact of the crime on victim(s) and the community; and to learn ways to avoid re-offending in the future.

The board then calls the offender back into the meeting to discuss each feature of the proposed sanctions package. All parties then agree to and sign a final Reparative Agreement, which stipulates the specific activities that the offender must perform to complete the program. Most offenders have ninety days to fulfill the agreement and complete the program.

While on Reparative Probation, the offender is not under traditional supervision by VTDOC staff. Compliance with the terms and agreement is the offender's responsibility, and is monitored by the CRB to whatever extent it deems necessary. During their regular meetings, the boards may host brief "check-ins" with offenders currently on their "caseloads." Offenders must document their progress in fulfilling the terms of their agreement. They usually accomplish this by identifying references who are willing to help verify their completion of the sanctions requirements.

When the board finds that an offender has completed the terms of his or her Reparative Agreement, it asks a probation officer to submit to the court a recommendation for the offender's discharge from probation. If the offender fails to meet these terms within the required period, he or she may be returned to the court for further action. Boards also have the option of recommending continued supervision under any special terms of the administrative probation order. Whatever the outcome, the offender's relationship with the Community Reparative Board ends at this point.

Using community reparative boards in the justice process

The involvement and use of citizen community boards fits well with VTDOC's operational philosophy of "reinventing government" and its role in the service delivery process. The present movement shifts responsibility back to the communities and families, who VTDOC believes are in a much better position to serve (and supervise) individuals. Thus, VTDOC's reparative programs are designed to enhance our communities' ability to work with offenders, and CRBs are the linch-pin of this programmatic innovation.

The CRB functions as an extension of the corrections process and yet is independent of the process in very real ways. The boards' authority to deal with offenders is conferred on them by the Commissioner of Corrections. Each CRB develops its own menu or sanctions option list based upon the resources available in their community. Some possible sanction activities are restitution to victims, community work service, victim-offender mediation, cognitive skills development sessions, decision making exercises, and driver improvement courses.

The specifics of the sanctions activities that are used for each offender are determined, assigned, and in most cases monitored by the boards. Each board has the authority and responsibility to determine sanctions based on the program's four goals for offenders. However, these sanctions must fall within certain parameters which have been agreed upon in negotiations among VTDOC, the courts, and the other major professional stake-holders in the criminal justice process. For example, in Vermont, courts have a statutory role in setting restitution, and it is hoped that they will work closely with the CRBs in this regard.

Special issues in establishing the program

The role of the reparative program coordinator. Through the Correctional Options Grant from the Bureau of Justice Assistance, eight temporary Reparative Program Coordinator positions were established and funded to assist agency managers at various locations start up the program. The Reparative Coordinators have played a key role in program start-up by:

- Providing consultations to the court, state attorneys, and defense attorneys regarding referrals to the Reparative Probation program;
- Preparing case documentation for the CRBs' consideration;
- Assisting the CRBs with the verification and monitoring of offender contract compliance as necessary;
- Managing and facilitating administrative matters and case processing;
- Coordinating the orientation and training of new CRB members; and
- Arranging for the utilization of community resources and for the provision of various kinds of services.

In accordance with the program's design, these functions will be turned over to other staff when funding for the positions ends.

Staff response. At the onset there was resistance and concern on the part of traditional corrections staff to the notion of working with volunteers and doing correctional business through community boards. This way of doing business is, in fact, very foreign to a staff rooted in a traditional approach to delivering correctional services.

However, now that staff have begun working with the community to establish the boards, they have found this experience to be very rewarding indeed. Two long-time managers claim that they are having the best time of their careers, while at the same time saying that they feel challenged by this whole new way of doing VTDOC business. One supervisor stated, "I've worked in this business for twenty years, doing every aspect—and this is the best time I think I have ever had. . . There are a lot of interesting people out there." A manager at another site says, "I'm having the greatest time of my life—working with my boards."

Legal issues. While concerns over the use of citizen boards are beginning to emerge, no difficult legal issues have been raised so far. A few questions have been discussed with the VTDOC Legal Division, such as: Who formally signs documents, e.g., the Reparative Agreement? Who attends court proceedings regarding violations of probation if the offender fails to complete the program? How are CRB members represented when subpoenaed to testify? What laws, rules, and regulations exist regarding meeting formats (i.e., public meeting laws particular to Vermont)?

The outlook for the future

Vermont's reparative programs are in their infancy. Concerns faced by VTDOC at this stage include the feasibility of sustaining the program without the Reparative Program Coordinators, whose positions will terminate after one year; the formidable tasks associated with creating, managing, and coordinating the various local ranges

of reparative activities; the challenge of maintaining volunteers' interest and retaining them on our boards; and working with and managing statewide inconsistencies, since the Boards will be encouraged to evolve their own locally-based standards of practice.

VTDOC is currently studying the possibility of developing an evolving system of independent community sentencing boards—possibly even seeing them become self-supporting through private non-profits and/or municipal governments. Under this plan the boards and their parent organizations (if any) would be entirely self-governing but would require continued technical assistance and support from VTDOC.

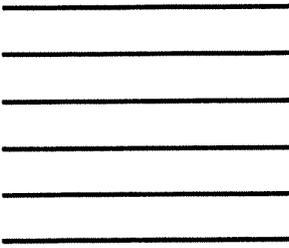
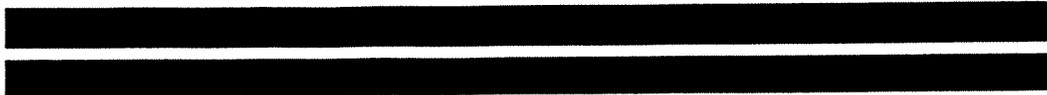
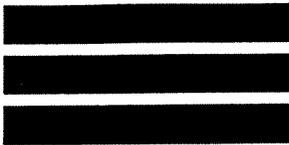
We have also learned, based on feedback and experience to date, much about the factors that are key to the success of the program. Chief among them are the following:

- Having strong staff understanding and commitment;
- Marketing the program effectively to judges, prosecutors, and defense attorneys;
- Making case processing expeditious and simple to understand;
- Facilitating a positive experience for the citizens boards, in particular by providing quality training;
- Ensuring the all-important initial successes for offenders, victims, and the community;
- Gaining the judges' support to limit the time that offenders are in the program; and
- Planning, organizing, and executing adequate offerings of pertinent information to the public and the media.

In short, the Vermont Department of Corrections believes that the Reparative Probation program offers a broad range of possibilities that have yet to be foreseen or uncovered, and that it shows a great deal of promise for constructive change.

For further information, please contact Michael Dooley, Program Director, Correctional Options Program, Vermont Department of Corrections, 103 South Main Street, Waterbury, Vermont, 05671-1001; (802) 241-2796. ■

Program Director Michael Dooley was contacted by a member of the Select Board of a Vermont town and asked whether the Select Board could serve as a community reparative board. As the inquirer put it, "Our typical problem occurs when someone from Burlington comes here to ski and leaves with an extra pair of skis. So, we could have this person do some clean-up work on the town's bike path, right?" After some discussion, it was agreed that the Select Board could meet with offenders who commit offenses within the town limits, since this was within their scope of interest and jurisdiction. The availability of this sentencing option means that such offenders will make amends to the affected town rather than to their city of residence, where they would perform community restitution if sentenced under a traditional approach.



BRINGING THE COMMUNITY INTO COMMUNITY CORRECTIONS: The Role of Risk Assessment

by Nola M. Joyce, Deputy Director, Chicago Police Department, Chicago, Illinois

The reality of risk assessment in community corrections can best be described, unfortunately, through the metaphor of constantly investing people and resources to fish people out of a stream, but never going upstream to find out how and why they fell in. We refine our risk assessment instruments, provide as much supervision as possible, and make referrals to services and treatment. But the re-offending rates remain high, crimes committed by released offenders outrage the public, and the universal cry is still "not in my neighborhood." The bodies are floating past us too fast to fish out of the stream.

Risk classification for community corrections held the promise of better allocation of resources, better decisions about which offenders get what level of supervision and services, and reduced risk to the public. Although classification has contributed to the field of community corrections, we have not realized this promise. Reasons given for this lack of achievement vary from insufficient resources, to methodological and statistical constraints, weak theoretical bases, and poor implementation. I suggest that the problem is more fundamental, that the solution requires a revolutionary change in the focus of community corrections.

A revolution is occurring in law enforcement. It is called "community policing" or "problem-oriented policing" or "community problem-oriented policing." In a short time, these terms are on their way to becoming part not only of the public safety lexicon but of the language of ordinary people as well. In many ways, the tremendous interest in community policing has led to a new feeling of excitement and sense of awakening among those in law enforcement and in the public at large.

This change was born out of a realization that the old way of policing was not working. Organizing more police officers into more task forces, making more arrests, and attempting to secure more convictions and longer periods of incarceration for more offenders did not decrease crime. Nor did it decrease citizen fears. The basic approach law enforcement used for the last thirty years was not working.

The terms "customer service," "partnerships," and "empowerment" best characterize the paradigm shift underlying the community policing revolution. These are very strange words to describe a policing strategy. However, when applied to the social problem of crime and disorder, these ideas lead to a different approach to old problems and innovative applications of old tools. The remainder of this paper will explore how we might apply the philosophy of community policing to community corrections and risk classification.

Who is the customer?

The field of community corrections must answer a basic question: "Who is your customer?" Is it the offender, the bureaucracy—courts or corrections—or the community to which the offender is released? Whom do you serve? Whom should you serve? The answers to these fundamental questions will determine the direction of the field and the future of community corrections.

I suggest that the end customer of community corrections is the community. Obviously by better assessing and serving the offender, you will better serve the community. However, the idea of customer service means much more than that. It means that you must pay attention to and *work with the community in which you operate*. Every community or neighborhood is different. A customized community corrections approach would identify the concerns and problems of that community—and then work with the residents in developing a community corrections program that serves not only the offender's but also the community's needs.

A major shortcoming of our traditional response to crime has been that it uses the same basic set of tools—arrest and incarceration—to address each and every problem. We now recognize that for many crime problems, law enforcement is just one part of the total solution. We must develop a customized response to fit each unique problem we address. Perhaps more importantly, the people directly affected by the problem—there in the community—must be actively involved in finding and implementing the best solution. In this respect, customer service is the essence of community policing, and it should be the essence of community corrections.

Think of the possibilities if probation or parole agents sat not only with the offender but also with community members to develop a reintegration plan; if the offender learned how to become a viable member of a community; and if the community learned how to habilitate its own members. Often an offender's service needs—for training, employment, leisure activities—are community-wide problems. Agents can develop partnerships with law enforcement and social service agencies not only to help solve an offender's problem but also to address the community's problem. The development of such partnerships acknowledges that the habilitation of an offender is no longer the sole responsibility of a probation or a parole agent. It is also a community responsibility.

For the community to be a partner in the habilitation of offenders requires that community members understand what you expect of them. First the roles and responsibilities of agents and the community must be defined. Then training must be developed and provided to all the partners. What does the community need to know and do to participate as an active partner in the reintegration and habilitation of offenders? How will you work together?

Today, throughout this country, police departments are experimenting with new ways of delivering police services. Some of these experiments will die on the vine and others will blossom. There are no easy answers. There are simply professionals knowing that there must be a better way and being willing to try.

What risk, to whom?

The purpose of risk assessment is to help reduce the potential harm of a decision—a decision to parole an offender or to supervise the offender at a certain level. Risk assessment is designed to prevent harm from occurring. Indeed, prevention is a

primary mission of community corrections. The community corrections officer is to help prevent the offender from re-offending or, at least, to supervise him closely enough to revoke him when a new offense is probable.

The literature typically discusses three kinds of prevention: primary, secondary, and tertiary.¹ Examples of tertiary prevention include programs of rehabilitation such as work release or therapeutic interventions. Secondary prevention is based on identifying "at risk" individuals, who are at risk either because of a problem such as prior offenses or because of a presumed lack of experience, such as the absence of a GED. Some type of intervention is then provided to reduce the individual's risk.

Returning to the earlier metaphor, we can probably fish some people out of the stream and give them CPR (tertiary prevention) and teach others how to swim (secondary prevention). However, these efforts will not decrease the number of people falling into the water, and therefore they will not prevent everyone from drowning. Primary prevention seeks to reduce the number of people falling into the water in the first place. By doing so, it also reduces the risk of those already in the water by improving our odds of getting to them in time.

Social ecology researchers and theorists have studied the relationship between crime and community by focusing on variables such as employment opportunities, levels of social disorder, drug and alcohol use, and school truancy levels. These researchers report that neighborhood disintegration and deterioration are the fundamental causes of crime.² Primary prevention is a community concept because it involves reducing the risk in the community of people committing crimes.

How do community policing and prevention relate to risk assessment? Let me suggest the following: If you agree that your customer is the community, that you need the community's active participation in defining and developing a community corrections program, that community corrections does not operate in a social vacuum, and that prevention is community corrections' mission, then you must broaden your view of risk assessment to include the community.

Sechrest³ argues that classification might be much more effective if it were based on problems rather than solutions. He suggests that classification should be directed toward the identification of problems to be dealt with and away from characteristics of the individual. His conclusion is:

... our best prospects for improvement will come from better theory and its application to identifying the basic problems that keep criminal offenders from leading law-abiding lives and then to determining the kinds of interventions that will ameliorate those situations. Such an enterprise will require a multifaceted classification system that will consider the totality of an offender's status at any given time and in any given circumstances. The system will take into account the life situation of the offender along with the offender's own characteristics, and it will be dynamic, reflecting changes as they occur. No hint of such a system is in the offing.

I believe that such a view will lead to examining the relationship between community variables and individual risk factors. This approach should direct us to improve the community environment to prevent offenders from re-offending.

Hawkins and Catalano, in their book, *Communities That Care*,⁴ developed a risk and protective factors model. This model is being used to develop prevention programs in juvenile delinquency and in substance abuse. The approach is based on

the premise that to prevent a problem from occurring, the factors contributing to the development of that problem (risk factors) must be identified, and then ways must be found (protective factors) to address and improve those risk factors. Hawkins and Catalano identify five categories of factors for juvenile delinquency: individual factors, family factors, school experiences, peer group influences, and neighborhood and community factors. Except for school experiences, these categories are also relevant to adult criminal behavior.

Traditional risk assessment has been very narrowly focused—at the individual risk factor level. Community corrections risk assessment has emphasized identifying an individual's risk factors that contribute to the likelihood that the offender will commit another crime. Sometimes, a needs assessment is used to identify services or programs that might mitigate against an individual's risk factors. But we have all felt the frustration of returning an offender to the very environment that fostered the criminal behavior in the first place.

Bringing the focus to the community

We must begin to research and identify what neighborhood and community factors mitigate against re-offending. In institutional classification, we understood that the environment of the institution is as important as, if not more important than, a classification score in predicting an inmate's behavior. Surely the same is true in free society: the community environment is an important factor in predicting whether a person will re-offend.

We must understand how key community risk factors such as economic deprivation, high rates of substance abuse and crime, and low neighborhood attachment work in relationship with individual risk factors for criminal behavior. This understanding is necessary not to penalize the offender for living in a high-risk community, but to develop and enhance protective factors to address both individual and community risk factors. Community corrections must move to a multi-dimensional, multi-level risk assessment and preventive approach.

We must develop and test models that work to change community risk factors into protective factors. We do not have the luxury of placing offenders in the best of neighborhoods. Community correctional centers are generally located in distressed neighborhoods, the very neighborhoods where most offenders live. Our police officers have discovered, however, that the vast majority of the residents of these neighborhoods are good people who want a quality life. These are our partners. We must work with them to change community risk factors.

The good news is that this is not new news. This work is being done in community policing, delinquency prevention, substance abuse prevention, and violence prevention. In Chicago, community groups have been trained on the risk and protective factors model. They have identified the specific risk and protective factors in their community and then set about developing and carrying out a strategic plan to reduce the risk factors and enhance the protective factors. Community problem-solving groups are working with the police, community organizations, and institutions to address neighborhood crime and disorder.

Bringing the community into community corrections and working with citizens as partners in the habilitation of offenders is a radical notion, but a notion that will turn the field around. Community corrections needs to join forces with those already

doing this work. Others have laid much of the groundwork. What is required now is the theoretical framework and research to incorporate the community into community corrections.

The shift to community policing is a radical change that has gone to the very core of policing. It is a change based not on idealism or an unrealistic vision of the future. It is a change firmly grounded in the pragmatic goal of trying to build a safer, less frightening future for our customers. Can we ask community corrections to do less?

Notes

1. Julian Rappaport and Karen Holden, "Prevention of Violence: The Case for a Nonspecific Social Policy." In J. Ray Hays, Thomm Kevin Roberts and Kenneth S. Solway (eds.), *Violence and The Violent Individual* (New York: SP Medical and Scientific Books, 1979).
2. Arthur J. Lurigio, "Crime and Communities: Prevalence, Impact, and Programs." In Lawrence B. Joseph (ed.), *Crime, Communities and Public Policy* (Chicago: University of Chicago, 1995).
3. Lee Sechrest, "Classification for Treatment." In Don M. Gottfredson and Michael Tonry (eds.), *Prediction and Classification: Criminal Justice Decision Making* (Chicago: The University of Chicago Press, 1987).
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WHY NEIGHBORHOOD SUPERVISION?

by Walter J. Dickey, University of Wisconsin Law School, Madison, Wisconsin

Neighborhood supervision" and "beat probation" are terms that are now "hanging around" the field of community corrections. The phrases have an appeal of a general kind, because they connect to the popular idea of community policing and the notion that services with a local focus are apt to be effective.

It is important, if these terms have any functional meaning, that we understand what they can mean for the substantive, day-to-day business of probation and parole. In an effort to infuse these terms with meaning, let me begin with two assertions:

- *The redefinition of the mission of probation and parole services, or community supervision, is overdue and inevitable.*
- *The fulfillment of the new mission will require a substantial reorganization of community supervision, i.e., the way this service is delivered.*

The new approach will focus on neighborhoods and communities instead of caseloads. This change will not be cosmetic but will be designed to fulfill a renewed and vibrant mission, in tune with the realities of the 1990s. One way to explain why I believe this is to ask a series of questions and explore the answers to them.

The questions

1. Given current caseloads, resources, and projections for the future, is it realistic to expect community corrections to fulfill its current mission using the individual or casework method of supervision?

The number of offenders in community corrections settings has grown enormously in the past two decades, a period in which correctional resources have not kept pace with this growth. Many jurisdictions report caseloads of as many as 400 offenders per agent; one-tenth this number might allow for close and effective supervision. There is nothing to suggest any slowdown in the growth or any substantial increase in resources. The public rightly has little confidence in probation services staffed at these levels, which do not allow for the effective supervision of offenders.

2. Should we be satisfied with a community supervision program which has a rate of recidivism that is 10 percent lower than the state average and compliance with conditions of supervision by clients that is 10 percent higher than the average, if the community has substantial areas of high crime, low public safety, low quality of life, and substantial fear of crime?

Quite candidly, a community cannot be satisfied with this state of public safety. While community corrections agents may feel they are doing an outstanding job (and the one assigned to them) by doing better than the state average in terms of

recidivism and compliance with conditions, the community's attention is necessarily focused on its quality of life, the level of fear, and unsafe areas where the public fears to go. What community corrections offers the public is compliance with conditions, lowered crime rates, and improved rates of recidivism. What the public wants is safety and freedom from fear.

3. Should community corrections inquire of the community to determine the matters of greatest concern to it and should those concerns be a major priority?

Virtually all areas of public and private life are becoming more consumer-oriented. This explains, in part, why American businesses have shown profit and growth in recent years. Government, at all levels, is trying to be responsive to the consumers of its services, in large measure because these consumers are demanding it. The failure to heed the public will result in the erosion of support for community corrections and make the fulfillment of its mission, however defined, difficult if not impossible.

4. If inquiry of the community identified the following as major community concerns, should community corrections see its responsibility as including attention to these concerns?

- *Situational crime prevention (i.e., hot spots, where clients often appear);*
- *Street order and the quality of life in neighborhoods where there is so much disorder people cannot go out on the streets;*
- *The presence of intimidating gangs in neighborhoods;*
- *Apartment complexes that are the source of disorder, drug traffic, family conflict, and other problems;*
- *Repeat victimization, where work with victims could reduce their victimization;*
- *Drug houses;*
- *The availability of housing, jobs, and education in communities with high concentrations of correctional clients; and*
- *The quality of life—in education, health, and shelter—of the children of offenders and other children in neighborhoods with high a concentration of offenders.*

If we asked communities what they want from government, I expect they would answer that they want attention to these problems, or to other problems like them. Put another way, people would not ask for lower recidivism rates and less crime—the things we offer them—but for things like the following:

- "I want to be able to use the park and have my children use it."
- "I want that drug house closed."
- "I want the school to be a place my children can learn, free of intimidation."
- "I want to be able to wait for the bus on that corner and not be hassled."

The Implications

I believe what people and communities care most about are safety, quality of life, and freedom from fear of being victimized; they care less about recidivism and crime rates. It is no comfort to a person living in an unsafe neighborhood, who cannot use the park, that the crime rate city-wide is down 10 percent. Clearly, community corrections cannot alone deliver freedom from fear, an improved quality of life, and greater public and personal safety. It can, however, become a partner in advancing these goals—an important partner.

I see community corrections' redefined mission in two broad categories. The first has to do with immediate community safety problems that require urgent attention, such as those listed in Question 4. What role can community corrections play in addressing these problems? Can we acknowledge that safety has to do with more than the supervision of offenders, but also with places, people, and contexts—that individual criminal events have an ecology? To provide safety, we must focus on all its dimensions, not just on individual offenders.

The second aspect of a redefined mission has to do with strengthening communities in ways that increase safety and reduce fear. If strengthening communities can play a substantial role in the fulfillment of the mission of community corrections, then this is an undertaking that ought to be important. Again, corrections can be a partner in such important efforts and can look to strong, safe communities for the qualities it should help develop in weak and disintegrating ones.

All of this suggests, of course, that we should see communities as clients, as the consumers of the services community corrections can provide. Once this happens, it seems inevitable that community corrections will be organized differently and its mission will be redefined.

Community corrections cannot remain case-oriented and (often) office-bound. It must enter a dynamic process with communities, become a true partner with police, other arms of government, and most importantly community groups to fulfill its new mission.

It is obvious that community corrections alone cannot satisfactorily address these problems, so these partnerships are essential. More specifically, what will change are:

- Who is involved in dealing with community problems;
- What role government—including the criminal justice agencies—plays in helping communities address their problems;
- The priorities of community corrections, and how agencies and programs are evaluated and held accountable;
- Methods of supervision of offenders; and
- The places where supervision occurs.

The neighborhood

Concretely, this means that probation agents should be assigned to geographical areas—neighborhoods, places that have an identity—instead of to caseloads scattered around a city. More importantly, the agent must see the community as the

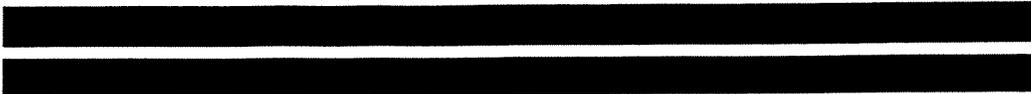
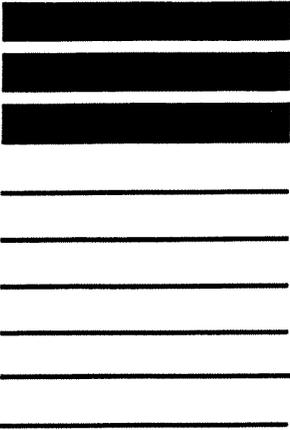
client, the consumer of the services the agent can provide. This thrusts the agent into neighborhoods, requires the creation of partnerships, requires the agent to find out what the community desires, and requires the agent both to use the means available in the community and to develop new means to fulfill the agent's and community's purpose.

To make the community the client is not to suggest that there will be less supervision of offenders, only that there will be different forms of supervision. It is to suggest that methods of supervision will emphasize greater community involvement in the process. The occasion for supervision, its context, will change—from the home and office visit to the neighborhood, as the agent goes about the business of solving community problems and helping to strengthen communities. The leverage and authority of the agent will be directed more to the resolution of community problems, both because it is what the community desires, and because it is a method for invoking the community's help in the "supervision of offenders."

To conclude, I want to note several developments in our society that are consistent with the redefinition of community corrections in the ways I have suggested:

- Serious and important questions are being raised about the role of government in our society, suggesting less direct action by government and a more supporting, enabling role.
- People are also demanding greater participation in the matters that affect them, including actions of government.
- Government, then, is attempting to become more consumer-oriented as resources shrink.
- Finally, there are changes in policing and in the criminal justice system, as part of a consumer orientation and in recognition of shrinking resources and more sophisticated consumer demands.

Given these developments and the ones I have briefly outlined here, it seems inevitable and necessary that community corrections change the way it does business. ■



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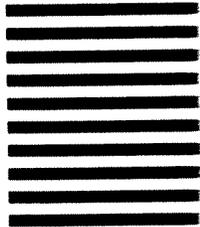
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