



# Indigenous Neighborhood Restorative Justice:

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*Producing Public Safety in New Ways*

*More Justice*

*Less Injustice*

*Lower Crime Rates*



# We Need to Rethink Justice Policy

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Street crime is a deeply embedded social problem and policy responses to crime must do more than capture and punish criminals.

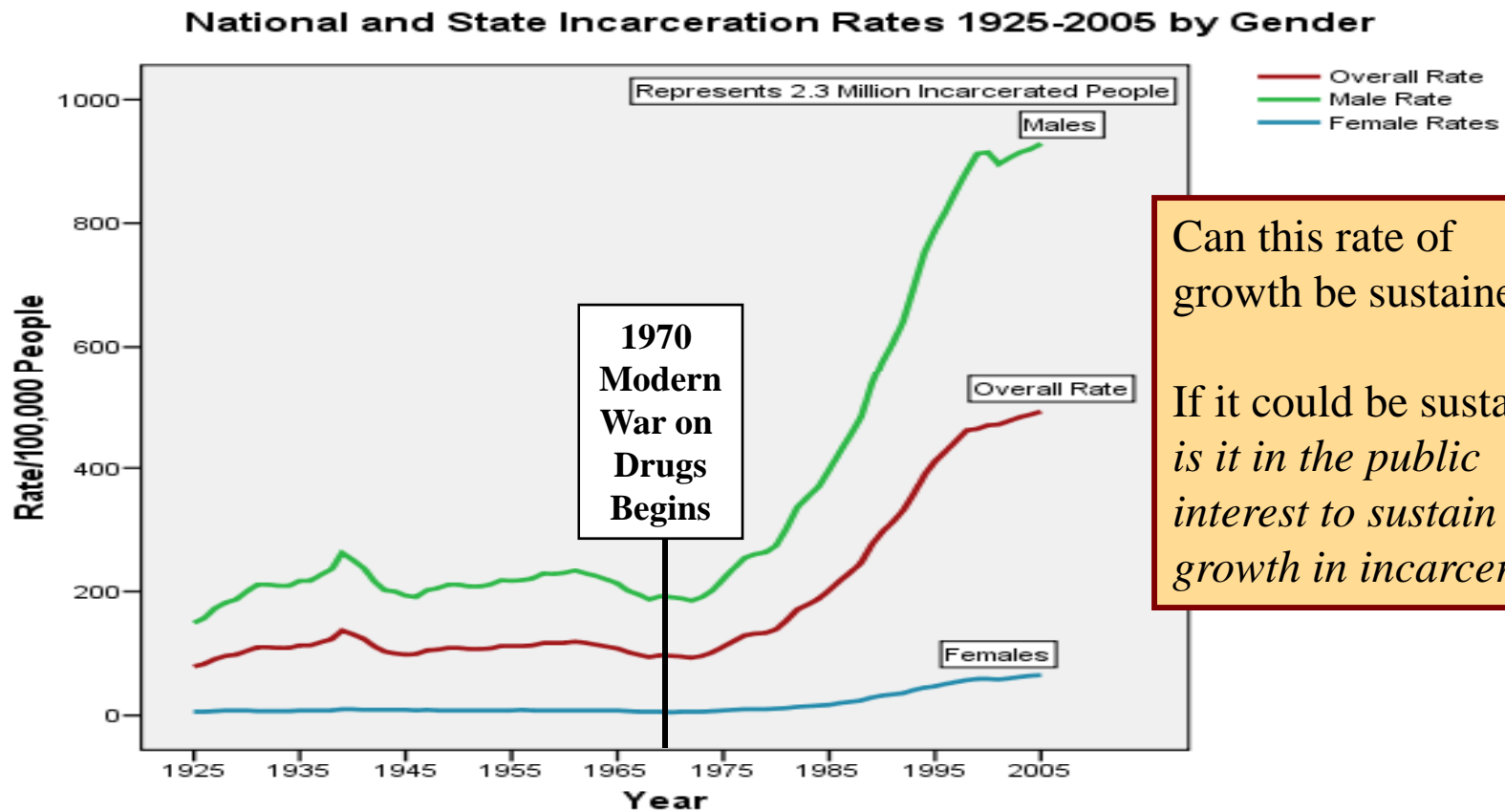


# Limits of Traditional Justice Policy

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- Views Crime and Criminal as Synonymous
  - But, They are NOT the Same.
- Assumes Public Safety Depends on Enforcement.
  - Does NOT Recognize the Role of Criminal Replacement
  - Does NOT Recognize the Influence of Neighborhood Social Conditions
    - Anti-Social Conditions – *Increase* Criminality and Crime
    - Pro-Social Conditions – *Decrease* Criminality and Crime
- Ignores the Evidence
  - High Crime Areas Remain Stable for Decades Despite Intensive Enforcement Efforts, Tougher Sentences and Mass Incarceration.
- Enforcement (Law Enforcement, Courts, and Corrections)
  - Reactive Removal of Criminals
  - But, Does Not Consistently Reduce Crime

# National Incarceration Rates by Gender 1925-2005



Can this rate of growth be sustained?

If it could be sustained, *is it in the public interest to sustain such growth in incarceration?*

# Comparison of Incarceration Rates United States and Texas 1990-2006



## Incarceration Rates by Race/Ethnicity 2005

Harrison & Beck, (2006). Prison & Jail Inmates at Midyear 2005, BJS pp. 10, Table 13

Rates/100K	White	Hispanic	Black
Men (Overall 1,371)	709	1,856	4,682

Mostly Due to Differential Impact of  
Drug Law Enforcement



# Crime vs. Justice Policy

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"In the most sophisticated analysis of US incarceration rates, criminologists Alfred Blumstein and Allen Beck examined the near-tripling of the prison population during the period 1980-1996 and concluded that changes in *crime* explained only **12%** of the prison rise, while changes in *sentencing policy* accounted for **88%** of the increase."

*(Mauer, 2003 as quoted by Hartney, 2006, p. 7 in US Rates of Incarceration: A Global Perspective, National Council on Crime and Delinquency)*



# The Primary Influences on Incarceration: Policy Choices *NOT Crime*

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## *Incarceration Determined by...*

Crimes Requiring Confinement

Length of Sentences

Time Served

Use of Community Supervision



## Over Reliance on Traditional Enforcement Oriented Justice Policy

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*Very Expensive.*

*Not Very Effective.*

*Unsustainable Over Time.*

*Wastes Resources.*

*Reactive rather than Preventive.*



# Broken People who Victimize Others are Produced by...

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Broken Communities, Broken Neighborhoods  
and  
Dysfunctional Families

Traditional Justice Policy Does Not Deal With These Issues



# We Need Both...

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*Enforcement:*  
to deal with current criminals.

*Prevention:*  
to improve social conditions and reduce criminal  
replacement.



# Preventive Policy

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- Increasing Recognition that Preventive Policies may be...
  - *Much More Effective*
  - *Much Less Expensive.*
  - *Sustainable Over Time.*
- Will Require a Change in Justice Philosophy
  - *From an exclusive focus on punitive reaction to offenders*
  - *To a more balanced approach where preventive policies are emphasized, politically supported and consistently funded.*
- Focuses on...
  - *Community Development*
  - *Engagement of Residents*
  - *Re-development of Pro-Social Norms*
  - *Repairing Harms Caused by Crime*
  - *Creation of Safer and More Livable Neighborhoods*



# *Historically, Crime Prevention Policies*

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Have Never been Politically  
Supported or Consistently Funded.



# Effective Crime Prevention Strategies: Restorative and Community Justice

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- Restorative Justice Processes (Victim Focused)
  - Within Justice Agencies
    - Diversion (Police, Courts, Probation)
    - Correctional Treatment
    - Re-entry
  - Within Neighborhoods
    - Promoting Pro-social Informal Controls
    - Relies on:
      - Community Activism
      - Support and Facilitation by Justice Agencies
  - Within Schools



# Indigenous Neighborhood Restorative Justice

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- Two Basic Prevention Models
  - Restorative Justice
  - Community Justice
- A Blended Model
  - Drawing Upon Principles of Both Models
- The Intent is to Promote...
  - Restoration of Victims & Offenders
  - Improvements in Neighborhood Quality of Life



# Both Community Justice and Restorative Justice

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- Respond to the Failed Approaches of the Traditional Legal Justice System
  - “Trail’em, Nail’em and Jail’em”
- Attempt to Find Justice through Involvement of Relevant Stakeholders
  - Victims
  - Offenders
  - Community
  - Government



# Comparison

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## ■ Restorative Justice

- Victim Focused
- Crimes as Harms to People & Relationships.
- Goal – Repair of Harms for the:
  - Victim, Community, Government, Offender
- Crime Prevention
  - Non-Adversarial Processes
  - Open-Dialog
  - Empowerment
  - Restoration

## ■ Community Justice

- Neighborhood Focused
- Crimes as Harms to Quality of Life.
- Goal – Community Building,
  - Improved Quality of Life
- Crime Prevention through Vigilance...
  - Surveillance,
  - Detection,
  - Arrest



# Comparison

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- Restorative Justice
  - Family Group Conferencing
  - Victim-Offender Mediation
  - Victim Impact Panels

- Community Justice
  - Neighborhood Watch
  - Cellular on Patrol
  - Community Courts
  - Teen Courts



# These Approaches are Not Mutually Exclusive

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They Simply Approach the Problems of  
Justice and Public Safety from  
*Different Directions*

Individual – Restorative Justice  
Neighborhood – Community Justice



# Existing Programs

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Patterns, Problems and Issues



Admin.	Agency	Stakeholder Participation			Method
		Offndr.	Direct Victim	Comm.	
Police	Beth., PA	X	X	--	FGC
	Woodb., MN	X	X	X	FGC
	Canberra, Au.	X	X	--	Reint. Sh.
Court	Portland, OR	X	--	X	Com. Pros.
	Austin, TX	X	In Some	X	CP/Circles
Corrctn.	TDCJ	X	--	X	VOM/D
	TDCJ-SVORI	X	--	X	RB/Mentor
	Vermont DOC	X	In Some	X	Rep. Bd.
	WA St. Ref.	X	--	X	Conference
	Ventura Co.	X	X	X	RB/Conf.



# Existing Programs: Patterns, Problems & Issues

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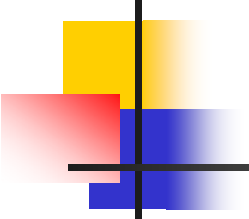
- Government Agencies Take a Central Position
  - Dominant Stakeholder
  - Controls the Process
- Tends to Become Offender Focused
  - Offender Accountability
  - Offender Reintegration
- Excludes Either the...
  - Direct Victim or the Community
- Limits...
  - Restorative and Community Justice Benefits



Consequently....

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*Neither Restorative Justice Goals nor  
Community Justice Goals  
Are Fully Realized.*



# Restorative Justice and Community Justice is Likely to be More Effective...

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- When they are...
  - Decentralized
  - Conducted in Neighborhoods
  - Using Processes that...
    - Reflect the Indigenous Characteristics of the Neighborhood...
      - Problems, Needs & Unique Dynamics of the Area.
    - Emerge from Dialog...
      - Among Residents from the Neighborhood.
  - Blended Strategies Apply Principles of Both...
    - Community Justice.
    - Restorative Justice.



# Why Neighborhood Restorative Justice?

- Quality of Life & Individuals
  - Harmed by Street Crime
- Street Crimes Highly Concentrated
  - Poverty
  - Multiple-Deprivations
- Pervasive Sense of..
  - Hopelessness
  - Helplessness
  - Fatalism
- Crime “Hot Spots”
  - Hot for Multiple Generations
  - 50-60-70 years or more
- Attract Active Street Criminals
  - Cheap Cost of Living
- No Economic Base
  - Racism
  - Discrimination
  - Segregation

Few Legitimate Opportunities, Many Illegitimate Ones



# Reversing the Downward Spiral

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- Consistent Long-term Efforts
  - Investment
  - Empowerment of Residents
- Empowerment
  - Community Justice Programs
    - Vigilance
  - Restorative Justice
    - Repair of Harms
- Creating Hope, Common Purpose & Action
- Working with Victims, Offenders and their Neighborhood to...
  - Find Justice
- Accountability for
  - Problem Behaviors.
- Reduce
  - Visible Signs of Crime.
- Improved Conditions for
  - Capital Investment.
- Understand the Effects of
  - Social Structure.
- Increased Capacity for
  - Self-Governance.



# Indigenous Neighborhood Restorative Justice

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Offers Healing to Individuals

*and*

Improved Quality of Life to the  
Neighborhood.



# Underlying Principles

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- Sensitivity and Respect
  - Neighborhood Dynamics.
  - Everyone Involved.
- Variability in...
  - Processes,
  - Programs,
  - Responses.
- Simultaneous Focus on:
  - Healing Harms to Individuals.
  - Restoration of the Neighborhood
- Address Obligations that Result from Harms...
  - Offender,
  - Victim,
  - Neighborhood,
  - Larger Community.
- Use Collaborative Group Processes...
  - Non-Adversarial
  - Open Dialog
- *Involve All Stakeholders.*
- *Seek to Put Right the Wrongs that Occurred.*



# How is Indigenous Neighborhood Restorative Justice Different?

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- **It is a Blended Model**
  - Drawing Upon both...
    - Community Justice.
    - Restorative Justice.
  - Designed to Produce a Safer Community through Synergistic Effects...
    - Micro-Level (Restorative Justice)
      - Repair of Harms to Individuals.
    - Meso-Level (Community Justice)
      - Improved Quality of Life in Neighborhoods.
      - Neighborhood Activism.
      - Increased Social Capital.



# Government Must Reconceptualize "Justice"

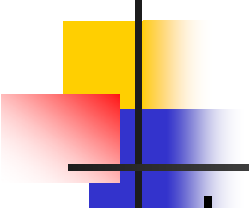
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## ■ Justice...

- Is the Property of the Victim, Neighborhood and Offender.
- Requires Resolution of Conflicts Created by the Offender.
- Is Victim Focused.

## ■ Justice...

- Is Decentralized, Facilitated and Supported by Government.
- Requires Government to Respect and Trust Neighborhood Systems:
  - To Improve Public Safety
  - To Hold Offenders Accountable



# What is the Role of Neighborhood Residents?

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- Important Stakeholders

- Impacted by Crime & Justice Processes...

- At the Micro-Level (Restorative Justice)

- Provide Feedback to Offenders about the Impact of their Behaviors on the Quality of Life for Residents.

- At the Meso-Level (Community Justice)

- Participation Empowers Residents to take a More Active Role in the Life of the Neighborhood.
- Greater Involvement in Community Justice Activities
- Increased *Social Activism*:
  - Solve Problems
  - Improve Quality of Life
- Increased Neighborhood *Social Capital*



# Why Should it Be Effective?

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- Improved Quality of Life for Residents
  - Formation of Social Capital
  - Community Activism
  - Greater Participation in Community Justice Programs
- Repair of Harms to
  - Victims, Offenders and Neighborhood
- Peace, Safety, Public Order
- Greater Sense of Satisfaction by Stakeholders.

*It is Unlikely these Programs could be Less Effective than Traditional Justice Programs.*



# Why Should it Be Effective?

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It Blends the Strengths of Restorative  
Justice and Community Justice  
And  
Overcomes Most of their Weaknesses.



# Attributes of Indigenous Neighborhood Restorative Justice

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- Government

- Facilitator and Supporter.
- Provides Consistent Resources.
- Co-equal Stakeholder.
- Delegates Responsibility for:
  - Controlling Processes and Outcomes to Neighborhood Residents.
- Adopts the Practices as an Official Policy Option.

- Government

- Authorizes and Facilitates Referrals.
- Support, Record and Enforce Reparative Agreements.

- Neighborhood Residents...

- Participate in Creating and Operating Justice Processes.
- Bring Concerned Parties Together.



# Attributes of Indigenous Neighborhood Restorative Justice

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- Neighborhood Residents...
  - Participate in Creating and Operating Justice Processes.
  - Bring Concerned Parties Together.
- Participation is Voluntary for All Stakeholders.
- The Neighborhood is Recognized as having been Harmed.
- Neighborhood Community Justice Programs...
  - Improve Public Safety.
  - Empower Residents.
  - Reinforce the Sense of Empowerment Gained from Restorative Justice Practices.



It is Time to Test Drive...

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Indigenous Neighborhood  
Restorative Justice Programs