

COMMUNITY JUSTICE: TOWARDS JUSTICE SYSTEM REFORM

Sandra O'Brien
Florida Gulf Coast University

Abstract

Community justice has emerged as a social movement for justice reform. This approach empowers the community to prevent and resolve problems once thought to be the primary responsibility of the justice system. Community justice has captured the interest of a growing number of practitioners, academics, and policymakers for its promise to “do justice” differently and better, as well as its model for systemic, rather than simply programmatic, juvenile justice reform. It has the potential to become a profoundly influential social movement throughout the world in the 21st century.

Introduction

A framework for juvenile justice reform is being implemented in a widespread movement across the country. Some stakeholders consider it as a new approach, while others regard it as an old way of doing business. This framework, known as *community justice*, seeks to engage citizens and community groups both as clients and as resources of juvenile justice systems, while promoting a more effective response to prevent crime and prompt restorative activities when a crime occurs. Its mission attempts to ensure that juvenile justice intervention is focused on basic community needs and expectations. Communities expect justice systems to improve public safety, sanction juvenile crime, and rehabilitate and reintegrate offenders. Juvenile justice professionals balance these needs and goals in each case and equally allocate its resources to meeting each need.

Community justice can be described as a process that repairs harm, reduces risk, and empowers community. Its emphasis is on a mutually coordinated response through crime prevention, remediation of criminal activity, and determination of short- and long-term needs of community members affected by the consequences of a criminal act. Ultimately, community justice is realized when equal consideration and resources are provided to crime prevention, the reduced risk to public safety by providing appropriate consequences to offenders, and the restoration of victims and the community.

Community justice is based upon the following premises:

- Community safety requires active participation. Community members must participate in building community conditions that promote safety and well-being. The community must also be involved in strategies to prevent crime and to respond to crime when the peace of the community is broken. The community becomes empowered while a balanced strategy cultivates new relationships between juvenile justice professionals, schools, law enforcement, and community groups.
- The primary customers of our justice system are crime victims. When a crime occurs, the primary responsibility is to attend to the victim’s needs. Victim involvement should occur regardless of offender identification. The crime victims should participate in the determination of restorative assignments that must be fulfilled by the offender.
- Restorative service benefits the victim and the community. Offenders responsible for bringing tragedy to the lives of crime victims and disturbing the peace of the community should fulfill reparative responsibilities to their victim and contribute to the community’s peace through restorative service. Crime victims and community members shape restorative expectations of the offender. Their collaboration is solicited and included as part of the decision making process.
- Government is increasingly accountable to community members. The primary roles of government in community justice are to facilitate community- building strategies, ensure fairness in judicial proceedings, enforce fulfillment of restorative duties to be performed by offenders and realign human service resources to meet the needs of community members impacted by crime. Community members

provide leadership and collaboratively work with the community's justice agencies on identifying needs and strategies for crime prevention and developing and implementing restorative justice strategies to address the occurrence of crime. Government agencies identify and realign human service resources to meet both the short-term and long-term needs of community members impacted by crime, emphasizing service delivery rather than service availability.

Building a sense of community is of paramount interest during both preventive and restorative processes. With the imposition of restorative responsibilities, we must work to increase the likelihood of the offender building a connection to the community. During sentencing, sanctions are imposed that can actually strengthen the community and develop competencies for the offender. For example, having offenders complete community work service requirements by helping to build Habitat for Humanity homes is consistent with this value (O'Brien et al., 2003; O'Brien and Bazemore, 2003).

When crime is understood as harm, justice is understood as repair or healing, and the importance of active participation of victims and community members in the response to crime is emphasized, the basic needs of the community, including those of the victim, offender, justice system, and community, are understood and addressed as follows:

- **Accountability.** Traditionally, accountability has been viewed as compliance with program rules or as "taking one's punishment." However, crime is sanctioned most effectively when offenders take responsibility for their crimes and for the harm caused to victims, when offenders make amends by restoring losses, and when communities and victims take active roles in the sanctioning process. This is accomplished by earning money to pay restitution to the victim and completing community service requirements to the victim and the community.
- **Competency development.** Rehabilitation and reintegration are best accomplished when offenders build competencies through work skills, vocational training, and real life application, reenter the community more capable to live responsibly and productively, and strengthen relationships with law-abiding adults. Further, competency development will increase their ability to become contributing members of their communities.
- **Community Safety.** Community safety is best ensured when communities become more capable of preventing crime and monitoring offenders and at-risk youth. New relationships and roles between juvenile justice professionals and schools, employers, and other community groups are established under a community justice system (Bazemore and Umbreit, 1999).

Policy Implications

The basic framework for implementing community justice exists in states nationally. Significant findings from a study by O'Brien (2000) found that 41 states articulated restorative justice, the balanced approach, or community justice in one or more policy documents. [The study did not require that the restorative justice, the balanced approach, or community justice be stated explicitly in any policy document, only that the fundamental principles were articulated. The principles had been included and were found in state statutes, policy, mission statements, program plans, or evaluations. The three principles of restorative justice include: repairing harm to the victims, offenders, and communities that have been injured by involving stakeholders in the justice process as early and as fully as possible, and transforming community and government roles and relationships where, in promoting justice, government is responsible for preserving a just order, and community for establishing a just peace crime (VanNess and Strong, 1997). The balanced approach mission incorporates accountability, competency development, and public safety (Maloney et al., 1988).]

All 50 states were found to implement these principles at various levels (e.g., state, regional, and local) in its policies and programs. Jurisdictions are incorporating community justice informally and formally as a

potential for comprehensive system-wide implementation as goals for juvenile justice systems. States are developing the community justice model at various stages—from education to comprehensive development, implementation, and evaluation.

Many states (e.g., Arizona, Illinois, and Florida) are developing programs at the community level. Different program models are available to implement principles and community-based practices (Bazemore and Umbreit, 2001; O'Brien, 2003; Karp and Walther, 2001; O'Brien and Hansen, 2003). Programmatic options include arbitration, community courts, community probation, community supervision, community conferencing, mentoring, restitution, victim impact panels, victim impact statements, victim services, and work crews. These programs have been adapted to the specific needs of the community. Partnerships have formed with local nonprofit organizations, schools, faith-based communities, and local businesses in developing and implementing these programs. Survey results confirm the importance of incorporating community justice concepts into policy documents as a means to successfully implement policies and practices (O'Brien, 2000).

Implications for Program Development

Community justice calls for a balanced emphasis on prevention and restoration in the development of programs and the prioritization of resources and activities. This approach must be conceptualized as more than a program. Its propositions promote how offenders rehabilitate, how at-risk youth avoid initial or further involvement in crime, and how communities mobilize to repair harm and resolve conflict peacefully (Van Ness and Strong, 1997; Braithwaite, 1999).

Community Decision Making Models

Community decision making models, also known as community conferencing models, involve a range of options for juvenile justice systems. These models provide for a response to youth crime that balances the needs of the victim, consequences for the offender, and the community, and involvement of each stakeholder in the process to the greatest extent possible. Community conferencing models implemented nationally include: victim offender mediation, reparative boards, family group conferencing, and circle sentencing (see also Bazemore and Umbreit, 1999; 2001).

Circle Sentencing

Circle sentencing is a version of traditional practices used by aboriginal tribes in Canada and American Indians in the United States. The “circle” members (e.g., victim, offender, families, justice and social service staff, community residents, and law enforcement) all participate in a consensual discussion for the sentencing plan. The program strategy is to address the concerns of the participants in repairing the harm caused by the criminal act process within a holistic, re-integrative context. The primary outcomes sought in this process include increasing in community strength and capacity to resolve disputes and prevent crime; developing a reparative and rehabilitative plan; addressing victim concerns and public safety issues; assigning victim and offender support group responsibilities; and identifying appropriate resources (Bazemore and Umbreit, 1999; 2001).

Family Group Conferencing

Family group conferencing, based on Maori Tribal dispute resolution tradition in New Zealand, involves those persons most affected by crime (e.g., the victim, the offender, family, friends, and key supporters). A trained facilitator guides discussion on how the affected parties have been harmed by the offense and how the harm may be repaired. Participants are involved in the resolution of the delinquent act. Conference outcomes seek to clarify the facts of the case, denounce crime while affirming and supporting the offender, restore victim loss, encourage offender reintegration, and focus on “deed not need” (Bazemore and Umbreit, 1999; 2001).

Victim Offender Mediation

Victim offender mediation is the most common of these practices in the United States (Bazemore and Umbreit, 2001; O'Brien, 2000). Victim offender mediation programs are increasingly being referred to as victim-offender reconciliation programs, victim-offender dispute programs, and victim-offender conferencing. These programs are most commonly used in less serious juvenile crimes. The process, however, is increasingly being used for serious and violent juvenile and adult crimes. A trained mediator brings the victim and the offender together in a safe, structured setting to discuss the crime occurrence. The victim and offender are able to relate the impact of the crime and include the offender's family. A final settlement is reached at the end of the mediation process. Mediation outcomes allow the victims to relay the impact of the crime to the offender, express feelings and needs, victim satisfaction with process, offender awareness of harm caused, greater empathy, agreement on reparative plan (Bazemore and Umbreit, 1999; 2001; Umbreit, 1997).

Reparative Boards

Reparative boards are a community sanctioning response to crime, known by terms such as community panels, neighborhood accountability boards, or community diversion boards. Most reparative boards primarily handle nonviolent, minor offenses. Several trained, community members conduct face-to-face meetings with offenders who have been diverted from the formal juvenile justice process. The board develops assignments and case plans for the offender, monitors compliance, and reports on case completion to the court. The outcomes for the boards include engaging and involving community in the decision making process; deciding the appropriate reparative plan for the offender; requiring victim awareness education; and other actions that address ways to avoid future delinquent activity (Bazemore and Umbreit, 2001; 1999; Karp and Walther, 2001; O'Brien and Hansen, 2003). Justice system stakeholders (e.g., judges and prosecutors) are increasingly utilizing these restorative practices as diversion and alternative sanction methods to the formal juvenile court process.

Programmatic Examples

Programmatic examples of a community justice emphasis include:

- Community-wide programs that promote citizen investment in the community. These may include block clubs, home ownership initiatives, and community beautification.
- Restorative community work service projects are very effective in supporting community justice principles. When properly managed, community service increases face-to-face supervision, removes the offender from the community during high crime hours, monitors substance abuse, and provides project and community bonding and opportunities for positive reinforcement/sense of accomplishment along with positive role modeling and peer culture. The ability to earn money in order to pay restitution to the victim and complete the community service requirements to the victim and the community are inherent in community service programs. Restorative work experiences for offenders can increase their opportunities for obtaining work skills, vocational exposure and offer real life application. Community service projects that are restorative in nature most often originate as a result of collaboration between community members, business owners, neighborhood residents and government staff. This collaboration is solicited and welcomed in the community justice system.
- Efforts to prevent disruptive and criminal behavior through early identification of families at risk of becoming involved in such activities. When such identification occurs, a network of community volunteers and community resources are mobilized to assist family members. This assistance may offer programs to include mentoring, tutoring, job training and development, dispute resolution / mediation, long-term support. The partnership between school districts, government staff, law enforcement agencies, and community volunteers is critical to the success of such prevention programs.
- School accountability boards, conferencing groups, peer mediation, peacemaking circles are being implemented as a means to provide an alternative, preventive means for school systems and law

enforcement in school to deal with behavior problems, disruptions, truancy, and other at-risk behaviors exhibited by youth.

- As the victim assumes a central role in the justice process, resources are realigned to ensure that victims have access to information about their rights, trauma counseling, help with determining value of their loss and assistance with complete restitution recovery.

Though such holistic, restorative approaches are currently difficult to find and document in the real world, they are not difficult to envision. The principles have certainly been operationalized in practice. For example, a young offender is diverted from juvenile court to a Neighborhood Accountability Board. As part of the comprehensive case plan assigned by the board, attends a victim sensitivity class, works with neighborhood adults on a meaningful community service project, is tutored, offered a job by a support person in the conference, pays restitution to the victim from wages earned in the job, writes a letter of apology to the victim of his crime, writes a book report on a prospective career, receives follow up calls from other board members to check in with him on his school attendance and other obligations. Upon successfully completing his case plan, the case is removed from his record. This type of case moves beyond the narrow focus on professional interventions and program evaluation in order to facilitate making meaningful comparisons between treatment and re-integrative approaches informed by restorative principles (O'Brien and Bazemore, forthcoming).

Conclusion

Community justice has emerged as a social movement for justice reform with the potential of becoming a profoundly influential social movement throughout the world in the 21st century. This approach holds promise as a transformative, guiding philosophy for the future of all juvenile justice systems as a departure from the traditional thinking of the role of juvenile justice in society. Justice professionals are considering this new approach to the justice system as a reorientation of how to think about crime and justice by providing an alternative for viewing and developing new responses to juvenile crime. Community justice has captured the interest of a growing number of practitioners, academics, and policymakers for its promise to “do justice” differently and better, as well as its model for systemic, rather than simply programmatic, juvenile justice reform.

Advocates believe that it is possible to envision a more empowering, holistic, community justice agenda for the future of the justice system. Moving a juvenile justice system to prevent crime, transform the response to crime to one based on restorative activities, and adopt appropriate policies and practices requires leadership, vision, and communication among system partners, victims, offenders, and community. In its challenge to society, the journey of community justice also requires a deep commitment to long-term systemic change that is grounded in a spirit of collaboration, renewal, and hope.

References

- Bazemore, G. and Umbreit, M. (1999). *Conferences, Circles, Boards and Mediations: Restorative Justice and Citizen Involvement in the Response to Youth Crime*. Ft. Lauderdale, FL: Florida Atlantic University, Balanced and Restorative Justice Project.
- Bazemore, G. and Umbreit, M. (2001). A comparison of four restorative conferencing models. *Juvenile Justice Bulletin*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, February.
- Braithwaite, J. (1999). Restorative justice; assessing optimistic and pessimistic accounts. In Tonry, M. (ed.) *Crime and Justice: A Review of Research*, 25. Chicago: University of Chicago Press.
- Karp, D. and Walther, L. (2001). Community reparative boards: Theory and practice. In *Restorative Community Justice: Cultivating Common Ground for Victims, Communities, and Offenders*, edited by G. Bazemore and M. Schiff. Cincinnati, OH: Anderson Publishing.

- Maloney, D. M., Romig, D., and Armstrong, T.L. (1988). Juvenile probation: The balanced approach. *Juvenile and Family Court Journal*, 39(3).
- O'Brien, S. (2003). A little place making a big impact: Deschutes County's mark on juvenile justice. *Juvenile and Family Justice Today*, Spring.
- O'Brien, S. (2000). *Restorative juvenile justice policy development and implementation assessment: A national survey of states*. Ft. Lauderdale, FL: Florida Atlantic University, Balanced and Restorative Project.
- O'Brien, S. and G. Bazemore. (2004). Crime, government, and communities: Tracking the dimensions of restorative justice. In *Public Organization Review*, forthcoming.
- O'Brien, S. and Hansen, J. (2003). Restorative justice and neighborhood accountability boards: A case in Collier County Schools. *The Resourcer*.
- O'Brien, S., D. Maloney, D. Landry, and D. Costello (2003). Bringing justice back to the community. *National Council of Juvenile and Family Court Judges Journal*, 54(3), Summer.
- Umbreit, M. (1997). Humanistic mediation: A transformation journey of peacemaking. *Mediation Quarterly*, 14(3).
- VanNess, D. and Strong, K. (1997). *Restoring justice*. Cincinnati, OH: Anderson Publishing Co.

Biography

Sandra O'Brien, Ph.D., is the Director of the Center for Public and Social Policy and Assistant Professor of Public Affairs at Florida Gulf Coast University (FGCU). She also serves as Principal Investigator for several federal, state and local grants. Dr. O'Brien received her Ph.D. in Public Administration, with a specialization in Justice Policy, from Florida Atlantic University. Her dissertation, *Practice to Policy to Management: A Restorative Justice Framework*, was seminal work in the field of restorative justice. Prior to her position at FGCU, Dr. O'Brien served as Project Administrator of the Balanced and Restorative Justice Project, funded by the U.S. Department of Justice, at Florida Atlantic University and Associate Director of the Center for the Study of Youth Policy at Nova Southeastern University, Shepard Broad Law Center. Her interests include: community restorative justice, juvenile justice, public policy, and program evaluation. sobrien@fgcu.edu