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A Roundtable Conversation about Community and Restorative Justice



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# ‘THE PUBLIC WANTS TO BE INVOLVED’: A ROUNDTABLE CONVERSATION ABOUT COMMUNITY AND RESTORATIVE JUSTICE

## INTRODUCTION

In the United States, communities have always played a role in the production of justice. However, the size and nature of that role has changed dramatically over time. In pre-colonial Native American society, the responsibility for resolving disputes or addressing offenses often fell on the disputants themselves: the victim and offender, along with their families and extended communities, determined guilt and the appropriate response. In a related vein, early European settlers in the United States depended on ordinary citizens for important safety and justice functions, including participating in volunteer police patrols and on juries.

Well into the 1800’s, volunteers played crucial roles in criminal justice. For example, John Augustus, a Boston cobbler, is credited with inventing the field of probation. On his own initiative, Augustus convinced a judge in 1841 to release to his custody a man charged with public drunkenness. After taking him into his home, sobering him up, and helping him find a job, Augustus went on to help 2,000 more people, both adults and children.

Over the course of the 19th century, however, opportunities for volunteers like Augustus decreased as law and justice became increasingly professionalized. Volunteer night watches, which patrolled many American communities after sunset, gave way by mid-century to government-funded, uniformed police forces. Good Samaritans like Augustus gave way to official state probation systems. Prisons became larger and more numerous. And as court systems became more complex and more centralized, the day-to-day work of prosecutors, defense attorneys, and judges became more remote.

There were many good reasons justice systems adopted greater professionalism and uniformity, among them a desire to combat vigilantism and to promote equal treatment. The end result by the 1960’s, however, was that the public had a greatly reduced role in the delivery of justice. Except for a few discreet opportunities—for

instance, as members of juries, witnesses, or participants in auxiliary law enforcement services—the public largely stood apart from the business of addressing crime and safety issues.

In the 1980's, a new movement, under the name “community justice,” began to emerge, calling for greater community involvement in policing, prosecution, courts, and corrections.

The Center for Court Innovation, with the support of the US Bureau of Justice Assistance, has sought to promote dialogue and idea-sharing among practitioners on the subject. It hosted a roundtable conversation in 2000 among practitioners and academics, encouraging them to start defining community justice, articulating its values, and describing promising practices.<sup>1</sup>

By enlisting the public as an active ally, community justice builds trust in government, which, in turn, helps police and prosecutors build better cases. Community justice also allows agencies to go beyond merely responding to crime by promoting the development of collaborative preventive strategies. And by engaging volunteers and community-based resources, community justice saves money, lessening pressure on public budgets. Seen this way, community justice is a smart strategy, one that increases the system's capacity for making neighborhoods safer and improves informal social controls that strengthen the capacities of communities to police themselves.

But community justice also has critics. Some have equated it with vigilante justice and questioned its ability to engage communities in meaningful work, its effectiveness at achieving its goals, and even the way it defines the word “community.” At the roundtable in 2000, some wondered whether community justice “drains resources from other worthy efforts and widens the net of governmental control over poor and minority populations.”<sup>2</sup>

As the number and variety of initiatives inspired by community justice has grown, the Center for Court Innovation has continued to encourage discussion. As part of that effort, it invited a group of policymakers and practitioners to its Manhattan headquarters in August 2011 to focusing on two themes: the strategies community justice initiatives use today to engage ordinary people in their work and the emphasis many programs place on restorative justice.

Roundtable participants represented a range of local, state, and federal initiatives involved in restorative justice, including community courts, community justice panels, community prosecution and holistic defense programs, and the federally-supported Drug-Free Communities program.<sup>3</sup>

During the course of the day-long conversation, the 20 participants described their involvement in community justice, including their goals, how they define “community,” how they promote restorative practices and engage communities, and the obstacles they've overcome.

This paper summarizes their discussion.

## **WHAT DOES COMMUNITY JUSTICE LOOK LIKE?**

Roundtable participants represented a range of initiatives that offer real-life examples of community and restorative justice in action.<sup>4</sup> The programs they represented include:

### Community Justice Panels and Reparative Boards

Several participants represented initiatives in Vermont, which has developed a statewide network of justice-related panels and boards that rely on community volunteers. The boards were started in 1995 by the Vermont Department of Corrections, which created reparative probation boards to supervise offenders on probation. There are now 72 reparative boards across the state and a number of other types of community panels that interact with offenders at various phases of the criminal justice process, from pre-charge to post-sentence. Several Vermont communities also sponsor reentry panels that work with offenders transitioning from incarceration to the community.

While Vermont’s boards target everyone from teenagers facing low-level charges to adult felony sex offenders, Atlanta’s restorative justice boards, which are also made up of community volunteers, work with a narrower audience: 17- to 25-year-olds charged with low-level offenses like shoplifting, minor drug possession, or disorderly conduct.

In San Francisco, the District Attorney’s Office sponsors a program known as Neighborhood Courts. The “courts,” run by a local non-profit organization, are panels of volunteers who hear non-violent misdemeanor cases referred by prosecutors. Participants don’t face formal charges so long as they satisfy the panel’s mandate, which can include “any creative resolution to the case that the residents feel would be appropriate,” said Lenore Anderson, chief of the alternative programs division in the San Francisco District Attorney’s Office. If a participant is non-compliant, the prosecutor’s office reserves the right to bring charges, with the caveat that it won’t use information revealed at the Neighborhood Court hearing against the defendants.

In Baltimore, community conferencing is used to handle a wide range of conflicts, from criminal offenses to interpersonal disputes. Cases are referred by not only justice agencies but schools, employers, faith-based groups, and even individuals. Lauren Abramson, executive director of the Community Conferencing Center, said a conference is usually conducted in three phases: first, the offender speaks; second, everyone in the circle has a chance to say how they were affected; and third, the group collectively decides what they “want to do to make this better and prevent it from happening again,” Abramson said.

### Community Defense and Community Prosecution

Defense attorneys and prosecutors play a role in all of the aforementioned programs. The Red Hook Community Justice Center and San Francisco Neighborhood Courts, for example, were spearheaded by prosecutors, and State’s Attorney Thomas J. Donovan is a strong supporter of the Vermont Restorative Justice Boards and other alternative approaches.

Community prosecution programs, like the one overseen by Executive Assistant City Attorney Rosalind Jeffers in Dallas, engage communities in a number of ways: by assigning individual prosecutors to neighborhood offices, developing unique problem-solving initiatives to tackle local problems, and serving as coalition builders to harness resources to address neighborhood concerns. Steven Jansen, of the Association of Prosecuting Attorneys, sees community prosecution as a natural outgrowth of a prosecutor’s status as an elected official:

“Nowhere else in the world are prosecutors elected except here in the United States. You’re elected by the people and you’re a public servant ... So the priorities and concerns of your community should be reflected in your ... work.”

While a defense attorney’s first obligation is to his or her client, some defenders also recognize that a community with more resources, less crime, and greater access to social services is in their client’s interest, said Robin Steinberg, executive director of The Bronx Defenders.

An attorney’s responsibility to her client “is not necessarily inconsistent with the larger community’s needs and goals,” she explained. After studying their clients’ needs, The Bronx Defenders has begun to offer on-site “resources to address the underlying problems driving them into the system.”

### **Community Courts**

Community courts are neighborhood-focused courts that attempt to harness the power of the justice system to address local problems. They take many forms, but all focus on creative partnerships and problem solving. A key idea animating community courts is that the community itself is a victim of crime. As such, community courts try to strengthen and restore neighborhoods by engaging residents and offenders in repairing harm. They do this, in part, by combining punishment and help. The punishment often takes the form of community restitution projects—efforts to restore the community by, for example, having offenders (sometimes with residents at their side) clean parks, tend community gardens, or assist social service agencies. The help takes the form of mandated social services—efforts to restore the offender by, for example, linking them to drug treatment, mental health counseling, or job training.

Three community courts were represented at the roundtable: the Midtown Community Court, the Red Hook Community Justice Center, and the San Francisco Community Justice Center.

In all three courts, social services are in the same building as the courtroom. All three courts seek to foster close links to their communities. All have advisory boards that elicit feedback from community members. The courts also engage walk-in clients, serving as a resource for the entire neighborhood by offering services not only to offenders but anyone who seeks them.

Another feature the three courts have in common is their locations: all were established in neighborhoods in crisis. When the Midtown Court was founded, Times Square was an epicenter of street prostitution and petty drug dealing. The Red Hook neighborhood of Brooklyn was plagued by drugs and violence. And the Tenderloin neighborhood of San Francisco had the highest proportion of homelessness and poverty of anywhere in the city.

And yet while they have much in common, the three projects vary in the types of cases they handle. The Midtown Community Court focuses on misdemeanors and lesser violations. The Red Hook Community Justice Center is multi-jurisdictional, handling before a single judge an unusual mix of misdemeanor and other low-level criminal cases, family cases, and housing cases. And the San Francisco Community Justice Center handles felonies as well as misdemeanors.

Judge Ron Albers explained that the decision to focus on felonies was itself an example of the San Francisco Community Justice Center’s listening to the community, which expressed a concern that focusing on low-level offending might be seen as criminalizing poverty. Even the term “quality-of-life crime” was rejected as a lightning rod because planners feared it suggested middle-class distaste with poverty. As a result, planners decided to keep the Justice Center focused on more serious crimes. “Our community justice center is dealing with many folks who are much deeper in the criminal justice system,” Albers said, including some offenders whose crimes are so serious that they’re “on the verge of going to state prison.”

## WHO IS THE COMMUNITY?

Definitions of community varied among roundtable participants but all generally agreed that it was best, if sometimes challenging, to be as inclusive as possible. Roundtable participants seemed to agree that any definition of community, besides obvious constituencies like residents, business owners, and the faith community, should also include crime victims, government agencies, and youth.

James Berry, chief of the community defense division of the Public Defender Service for the District of Columbia, said that since defenders are often not included in community justice planning discussions and task forces, they must actively insert themselves. “Typically in discussions about restorative justice, community courts and things like that, ... there are discussions that take place between the law enforcement folks, and the only way we get to the table is for us to invite ourselves,” he said. Defenders under his supervision are required to regularly attend public meetings in Washington, D.C. to discuss public safety with police, prosecutors, and the community.

Carl Bevelhimer, a resident of Midtown Manhattan, said his block association readily includes offenders in its definition of community. His association invited the Midtown Community Court to sentence offenders to neighborhood cleanups where they work side by side with residents. In that way, “we’re demonstrating [to offenders] ... that there are other ways to interact with people in the community. ... We try and show them that you can contribute, and you can also make this a positive place to be in and have a positive experience.”

## IS THERE A POTENTIAL FOR BIAS?

Roundtable participants agreed that community justice initiatives needed to be wary of the potential for bias or favoritism. Julius Lang, of the Center for Court Innovation, asked if participants had concerns that engaging with the community might open the door to a group or even a vocal individual exerting undue influence over justice policy or the handling of specific cases. Steven Jansen, of the Association of Prosecuting Attorneys, said bias was a “potential landmine” that practitioners needed to avoid.

Rosalind Jeffers, coordinator of the community prosecution program in the Dallas City Attorney’s Office, said that community prosecutors must frequently juggle more problems—often referrals from a variety of sources, including community members, police, political leaders, and other city agencies—than they can handle at any given time. When that happens, Jeffers helps her staff set priorities, although the challenge of distributing

resources equitably has only grown as the program becomes more popular. “You want people to want your services, but at the same time, you don’t want to be so in demand that you can’t provide a quality ... service,” she said.

When it came to preferential treatment regarding individual cases, participants agreed that standards were required to ensure that eligibility, sentencing, and other issues were handled with consistency, fairness, and proportionality. Donovan pointed out that the potential for bias in the delivery of justice exists with or without direct community involvement and that, if anything, community justice, by expanding involvement of ordinary citizens, has the potential to reduce the incidence of preferential treatment by enhancing the system’s transparency.

Most who voiced an opinion on the subject agreed that explicit “standards and structures,” as Donovan put it, were essential. And yet there was no consensus among participants about how rigid those structures should be.

At one end of the spectrum were community courts and Atlanta’s restorative boards, where the initial sentence is dispensed by a traditional court, not community volunteers. “The courts have minimum sanctions for everyone depending on the charge, so that already sort of evens the playing field,” said Regina Cannon, of the Atlanta Community Court.

In the middle of the spectrum are neighborhood courts in San Francisco and restorative panels in Vermont, which give the volunteers more decision-making power but nonetheless impose guidelines. In San Francisco, the training of volunteers includes lessons on proportionality—that is, the importance of matching the length and scope of sentence to the severity of the crime. Volunteers also receive a chart to refer to during deliberations “that lays out some suggested options,” said Lenore Anderson, of the San Francisco District Attorney’s Office. “If they decide they want [the offender] to do community service, [the chart shows] what would be a decent amount of time to give someone depending on different circumstances.”

In Vermont, Donovan’s office issues explicit eligibility requirements for participation in pre-charge restorative panels. “Any time you create something that’s going to be pre-charge, people flock to it because they think it is a good deal. You have to have a strict set of standards why those cases are going in,” he said. And the volunteers are trained to ensure the reparative agreements meet certain general standards. “The agreement needs to be SMART: Specific, Measurable, Achievable, Realistic, and Tolerable,” said Yvonne Byrd, director of the Montpelier Community Justice Center. “Over the years, I have taken the initiative to make [the process] somewhat more structured but not scripted.” More structure, she said, promotes “a better process.”

Community conferencing in Baltimore is structured more loosely. Through a process of negotiation, discussion, and consensus-building, participants strive to reach a fair outcome, Abramson said. The failsafe is the offender, who is not obligated to follow through on a plan or sentence that he or she disagrees with, she said. “Everybody understands ahead of time that they don’t have to agree with anything that they don’t think is fair,” Abramson said.

“In some ways these community processes are intentionally messy. They are not bound by a lot of the things that we’ve come to expect from a rigid criminal justice process,” said Marc Wennberg, director of the St. Albans Community Justice Center in Vermont.



## WHAT ARE THE GOALS OF COMMUNITY ENGAGEMENT?

When participants were asked to list the goals of community engagement, six areas attracted broad support:

### 1. Empowering communities

While the concept of giving community members more power is a key ingredient of many initiatives, the nature of the power varies. In San Francisco’s Neighborhood Courts, community volunteers have the authority to determine guilt and can even dismiss cases while volunteers on Atlanta’s restorative justice panels can only adjust the terms of a sentence handed down by a court. For defenders, empowerment involves education—specifically educating the public about the role of defense organizations and navigating the justice system. “Our goal is to help people understand what we do and clarify our role and to trust us,” said James Berry, of the Public Defender Service for the District of Columbia. “We don’t feel an obligation to promote the police or prosecutors, but we do have an interest in helping people to understand what we do and how we help to balance the equation.”

### 2. Improving public safety

Many participants said they hoped their programs ultimately improved public safety. Some programs, like Vermont’s Circles of Safety and Accountability, seek to promote safety by reducing recidivism among ex-offenders reentering the community after incarceration. Others, like Burlington’s pre-charge panels, seek to strengthen safety by diverting cases out of the justice system early, freeing scarce resources to address more serious crime.

Community defenders seek to address public safety by helping link their clients to services and other resources. By improving access to things like drug treatment and job training, defenders provide their clients with the tools they need to avoid offending, which can have a positive impact on community safety. “Our goal in holistic defense is to clearly lower recidivism, there’s no question about it,” Steinberg said.

But defenders are cautious about calling community safety a priority. “I’m not sure that increasing the sense of public safety is necessarily a goal... Because if increasing public safety means taking one of my clients and asking a judge to sentence him to the maximum prison sentence because he’s thought to be a danger, I can’t do that as a public defender,” Steinberg said.

### 3. Solving community problems

Community justice programs seek to develop new strategies and resources to solve local problems. The underlying idea is that by involving the community, criminal justice agencies can develop more effective and durable solutions.

For instance, a number of programs represented at the roundtable rely on volunteers, who supply not just manpower but creativity. In the case of Vermont’s 72 reparative probation boards, volunteers work closely with offenders, fashioning restorative sentences and monitoring compliance. By working closely, they’re able to craft individualized responses that hold offenders accountable while also restoring victims and the community.

Katherine Nopper, a volunteer on a reparative probation board in Burlington, VT, says teamwork generates a unique problem-solving synergy. “There has to be a trust amongst the panel members that allows them to say, ‘I’m going to be honest and say what I’m feeling and what I’m thinking’ and ... I think that leads to a very transparent process, especially when the offender is right there with you to see that this is a work in progress,” she said.

#### 4. Improving public trust in justice

The Rev. Reginald Osborne, pastor of Bethel World Outreach Ministries, cited a spate of shootings in predominantly African-American neighborhoods in Newark, NJ, as the kind of thing that explains why “lot of people have lost confidence” in the criminal justice system.

Tomiquia Moss, of the San Francisco Community Justice Center, said that it’s understandable why so many communities lack trust: “You can’t have public confidence in a system that you don’t feel a part of,” she said.

Community engagement seeks to repair this lack of confidence by involving communities directly in the production of justice. By eliciting neighborhood opinions through surveys and advisory boards; by relying on community members as volunteers who, for example, supervise restitution crews, staff reparative boards, or organize tenant patrols; and by keeping the community informed about the justice system through newsletters, community meetings, and one-on-one outreach, community justice initiatives use community engagement to increase public confidence in the reliability and trustworthiness of police, courts, prosecutors, and other justice institutions.

In a measure of how community engagement can increase public confidence in justice, a door-to-door survey revealed that 94 percent of local residents supported the Red Hook Community Justice Center. Before the Justice Center opened, only 12 percent of local residents rated local courts favorably.

#### 5. Saving money

With resources increasingly scarce, many participants acknowledged the importance of saving money.

In Vermont, the reparative probation boards “have a performance-based contract” that requires them to “save more money than the program costs” in order to retain funding, Wennberg said. By enlisting volunteers to help monitor and support offenders, community justice saves money on personnel. But perhaps more importantly, some say community justice saves money by improving the system’s overall efficacy.

For instance, Donovan believes community justice, by increasing offender accountability and providing offenders greater support, encourages better outcomes than conventional approaches when it comes to one of the most expensive populations of offenders: serial recidivists. “We had given them every option off the menu, whether it be probation, whether it be diversion, whether it be jail, and yet they were coming back. What could we do? So we started to say, we need ... to bring the community into the justice system.”

## 6. Getting better information

Communities are a source of crucial information for justice officials.

Community justice projects rely on community members for guidance during all phases of a project—planning, implementation, and operations.

During the planning phase, for instance, the community helps set priorities, identifying both the problems that most concern them as well as the local resources that might be enlisted to address them.

By building public confidence in justice agencies, community justice makes ordinary citizens more willing to fulfill conventional roles as jurors and witnesses. Jansen says that he explains the benefits of community justice to prosecutors by pointing out that “at the end of the day, we need community members to testify, to proceed with serious cases, to provide us with information [about] what’s going on in that community.”

## HOW DO PROGRAMS ENGAGE COMMUNITIES?

Participants use multiple strategies to engage their communities. The seven top methods they identified were:

### 1. Planning committees

Many community justice programs create committees to provide community feedback during the planning phase. “Anybody was invited to come” to steering committee meetings, said Karen Vastine, of the Burlington Community Justice Center. “A handful of our [current] volunteers were actually part of that steering committee. So some of our volunteers have actually been with us for 13 or 14 years.... I think in Vermont, citizen engagement is healthy, alive, and well.”

### 2. Focus groups

A number of initiatives used focus groups during the planning phase to test their ideas. In San Francisco, planners met with the “business community, government people, tourists, residents,” said Judge Ron Albers, of San Francisco Superior Court. “It was a very robust activity of getting feedback on issues of concern.”

### 3. Advisory boards

Many projects have advisory boards that seek community input on an ongoing basis. The Midtown Community Court convenes a monthly community conditions panel at which representatives from law enforcement, prosecution, defense, schools, the business community, and others discuss current problems and how to solve them. Similarly, the San Francisco Community Justice Center has a board that seeks to represent the diverse views of the Tenderloin neighborhood.

### 4. Community meetings

The bread-and-butter vehicle for engagement is attending community meetings. A number of participants said they regularly attend gatherings in the neighborhoods they serve to learn about local concerns and priorities and

report on their agencies' activities. Staff at the Public Defender Service for the District of Columbia attend monthly community meetings sponsored by the police. Attending those meetings allows the Defender Service “to tell our side of the story and let people know what we did, why we did it and how we did it, and to elicit support in the things that we were trying to do for our clients,” Berry said.

Staff of community courts also attend neighborhood meetings—and even sometimes host them onsite. “What I found was that people were surprised/shocked that a judge was actually out there attending meetings on a regular basis—not doing [it] once a year at election time,” said Judge Alex Calabrese, of the Red Hook Community Justice Center. “I found that I learned a lot about the community, I learned a lot about the issues ... [and] concerns, and I thought it made me a more effective and better judge.”

Courtney Bryan, the director of the Midtown Community Court, said feedback at meetings gives her ideas for community restitution projects. “Our goal is to provide meaningful visible community service [but] we don't we want to define what's meaningful; we want people to tell us what's meaningful,” she said.

## 5. Joint projects

A hallmark of community justice is collaboration. In Dallas, community prosecutors work closely with other departments and agencies—such as code enforcement, police, fire, and health—to resolve problems. To facilitate ongoing communication and collaboration the City Attorney's Office sponsors two types of meetings: “government action team” meetings, which bring together city and state agencies to address problems, and “community action team” meetings, which are unique for each of the 15 community prosecution zones. At the community meetings, prosecutors gather information about citizen concerns and then, at the government meetings, figure out how to respond.

In Vermont, the reentry panels involve a wide range of collaborators. “We involve the probation officer, treatment providers, the Community Justice Center volunteers, family members, landlord, employment specialist, ... We hear from all the different partners about what their involvement is with the client. So it's an opportunity to share information and make sure that we are all on the same page,” said Marc Wennberg, of the St. Albans Community Justice Center.

The San Francisco Community Justice Center collaborates with local providers to help sustain appropriate resources, such as drug treatment, mental health services, and job training. “There have to be resources or infrastructure to support whatever strategy you decide to pursue,” Moss said.

The federal government encourages collaboration. According to Benjamin B. Tucker of the White House Office of National Drug Control Policy, “This is one of the ways you get people to the table: through money, incentives. You say to folks, ‘You guys have a problem at the local level. We can help you with that and you get to craft whatever you think the appropriate solutions are.... The requirement is, that if you want the money, the only way you get it is if you show you've brought together the appropriate group.’”

## 6. Office in the community

By setting up shop in local neighborhoods rather than in anonymous downtown office complexes, community justice practitioners can make it easier for residents and others to participate in programming. The Midtown Community Court, Red Hook Community Justice, San Francisco Community Justice Center, and the 15 Community Justice Centers in Vermont all have neighborhood locations, allowing community members to access services, volunteer, or attend meetings without traveling long distances.

Similarly, many community prosecution initiatives place staff in neighborhood or storefront offices. In Dallas, not only are community prosecutors based in local offices, but the prosecutors drive through the neighborhoods “in our cars that say ‘Community Prosecution,’” Jeffers said. As a result, “people approach us and say ‘hey, did you know this is happening over here, this is happening over there.’... I’ve had prostitutes come up to me and say, ‘Hey did you know they are having dog fighting over there.’ At the same time, I have drug dealers saying, ‘Hey, there are prostitutes around the corner.’”

## 7. Community-building activities

Practitioners have found they can help strengthen communities—and increase community confidence in justice—by involving themselves in non-justice activities. In Red Hook, for example, Justice Center staff help coordinate a number of youth programs, including a Little League where prosecutors, defense attorneys, court officers, and others have all served as coaches. The Red Hook Justice Center also encourages anyone in the community to access onsite services, from housing assistance and high school equivalency classes to counseling and drug treatment.

Similarly, The Bronx Defenders offers help to anyone—including non-litigants—who walk through its doors. In addition, the organization hosts a summer block party where hundreds of people enjoy not only music, carnival games, and face-painting but have a chance to access the services of local community groups, including medical advice and information, immigration help, and affordable housing resources.

## HOW DO PROGRAMS RECRUIT AND RETAIN VOLUNTEERS?

Community justice programs rely heavily on volunteers. Volunteers assist with resume writing in the job training program at the Midtown Community Court and work alongside defendants mandated to participate in community restitution projects. In Vermont, volunteers commit to spending at least several hours a month to staff reparative probation and other boards. For example, as part of the Circles of Support and Accountability, three volunteers meet once a week for an hour to an hour and a half with a person who is returning to the community from prison. In addition, “they go out to eat together, they help them look for work, they go on hikes, they basically form connections, and those connections create both support and accountability,” Marc Wennberg said.

Given the extensive commitment of time and energy required of some volunteers, the roundtable discussion turned to strategies for recruiting volunteers and sustaining their commitment.

Most agreed that effective publicity is key to generating interest. “I think it’s really important for elected officials and the judiciary to get out and publicize what’s going on,” Chittenden County State’s Attorney Thomas J. Donovan said. “Unless you are in the criminal justice business, nobody understands it. That includes the media, that includes the community at large... Nobody understands the language that we speak, nobody understands the decisions we make.” And yet once they understand, they often want to help. “What I found in Vermont, particularly in Burlington, is people want to help people, they just don’t know how.”

Carl Bevelhymer, the block association member, said that was true in Manhattan, too. “The public wants to be involved. They want to participate. They just need a roadmap. They need direction,” he said.

Practitioners attract the public to meetings by inviting popular speakers, providing food, and sponsoring special events like fairs and block parties. And they publicize their activities and their work through the press, the internet and social media. “A lot of reporters know our program. They will call us and say ‘What do you know about this? Is there anything going on?’” Jeffers, of the Dallas City Attorney’s Office, said. In addition, some of the community prosecutors on her staff promote their work through Twitter and blogs.

Despite the buzz about new media opportunities, Bevelhymer has found that old-fashioned flyers can be just as effective. “People think flyering is so old-school ... but nothing says ‘present’ like a flyer stuck on my door or on the lamp post outside of my building or in my mailbox. Someone actually went through the trouble of notifying me almost in person and it’s right there in front of me,” he said.

Steinberg expressed amazement that volunteers in the Vermont-based Circles of Support and Accountability are willing to work with sex offenders. “I’m curious how community members were inspired to want to engage in a program that’s working with that population ... that everybody wants to run away from. What inspires community members to want to be those volunteers?” she asked.

Wennberg offered several reasons. One is the program’s emphasis on promoting community safety and its commitment to report any parole violations, big or small, to the supervising authorities. Second is the simple fact that the offenders are returning to the community regardless of whether they participate in a circle. “So the question that we face and that we put out there is ... ‘How do we accept them back into our community? What is the safest way to accept them back into our community?’” Wennberg said.

Volunteer Katherine Nopper has participated for two years in a reparative probation board at the Burlington Community Justice Center. She explained that she was drawn to the project out of curiosity, but she stayed because she found the role rewarding. At first, an offender often fails to accept that his or her action “impacted a community and [instead] only sees it as something that hurt themselves or hurt the victim. To get them to a place where they can discuss the whole picture—I think any volunteer wants to be a part of that process,” she said.

The Burlington center asks volunteers to commit to at least a year but many stay longer. “We have anywhere between six and eight restorative justice panel meetings happening every week,” Karen Vastine said. “All of our volunteers meet with the same team of people and they really become like family to each other.”

Vastine said that it’s important to engage potential volunteers as quickly as possible. “If you can’t immediately get somebody into training ... have something tangible that they can do so that you can capitalize on their energy. We have lost more people that are interested in volunteering than I would like to admit because we couldn’t get them into training right away,” she said.

To retain volunteers, participants suggested sponsoring social events, like annual “thank you” dinners and award ceremonies.

## HOW DO PROGRAMS FOSTER COMMUNITY BUY-IN?

Participants discussed at least five ways to encourage community interest in and acceptance of new programming.

### 1. Translate the idea to local circumstances

A model that works great in one town might not work in another; or at least, it might not seem attractive until it’s adapted to local needs. “Wherever you’re getting your ideas, they need to feel right in your own local community,” Julius Lang said.

### 2. Address the public’s concerns directly

Community justice practitioners understand their critics and how to respond. During the planning of the San Francisco Community Justice Center, many in the community didn’t see the value of the court’s linking defendants to services. “When we were beginning the Community Justice Center [people] were like ‘There’s tons of community resources, why do we need a court?’” Moss recalled. “But the reality was, folks weren’t going to treatment. They were committing crimes and we needed the courts to have a different kind of response rather than jailing these people.” And once the public understood that, it was more likely to be supportive, she said.

### 3. Address defenders’ concerns

The defense community has raised a number of concerns about community justice. Steinberg, for example, has questioned whether community justice programs sometimes generate more severe punishments for her clients than traditional adjudication. “You go into a traditional court and the sentence is much less onerous and much less restrictive than the ones I’ve heard [today] around the table.... Why would I place my client where they have to do three different things—write letters, do community service, and talk to the victim when they can go to traditional court and get ‘time served’ and go home?”

Anderson disagreed with the characterization, saying San Francisco’s Neighborhood Courts didn’t issue sentences that were “radically disparate or significantly more than they would have gotten in traditional court,” stressing the importance of proportionality.

Donovan, on the other hand, conceded that while a traditional sentence might sometimes be less, the more important issue was the sentence’s long-term impact. “You have a possession of marijuana? You want to contest

it? Fine. If you want to plead guilty, we'll give you a fine. But be aware of the collateral consequences. You're never going to be able to go for federal student loans and you will have a criminal record the rest of your life but you can be in and out of court in 10 minutes. Or you can do something much more meaningful and go to the Community Justice Center and really engage in a restorative process" and not be saddled with a criminal record, he said.

#### 4. Hire the community

There's almost no better way to foster communication than hiring from the neighborhood. Moss herself had been a community housing advocate before she was hired to help plan and run the San Francisco Justice Center. Because of her experience on both sides of the fence, she was able to more effectively articulate the case for the justice center in a way that was persuasive to an initially skeptical community.

#### 5. Make practical arguments

Planners said that there were a few core rationales for community justice programs.

One is crime reduction. The idea is that community justice makes communities safer on many fronts: by ameliorating conditions that fuel crime by putting offenders to work cleaning the neighborhood, fostering collaboration to address problems in a more coordinated way, conserving resources so the justice system can operate more efficiently, and reducing recidivism among so-called "frequent flyer" offenders.

Another rationale is cost-savings. Anderson noted that by diverting offenders from the justice system early, San Francisco's Neighborhood Courts free resources for more serious crimes. "One of the things we're trying to do is slow down the number of low-level cases that take up the resources in the traditional court system. So, part of the analysis is not only that restorative justice is effective, but it's also more appropriate, and we shouldn't be wasting the time of prosecutors, police, court officials on matters that are less serious," she said.

And a third core argument focuses on the benefits to offenders. Steinberg called this the "common ground" between the defense community and advocates of community justice. "Any good defender comes to understand very quickly that clients need resources, clients need services," she said. "The common ground is about getting services to people that have been denied them for too long or obstacles have been placed preventing them from getting them."

### **WHAT IS THE ROLE OF THE VICTIM IN COMMUNITY JUSTICE?**

In some respects, crime victims pose a special challenge. The question is: How much say can or should they have in a restorative process?

Karen Vastine said that in Vermont, while victims are encouraged to attend restorative panels, their presence is not required. Nor can victims say no to an offender's participation in a panel. "Victims can't say no to somebody coming through this process. It is in Vermont, for the most part, an offender-driven program," she said.



Yvonne Byrd said that in Montpelier they strive to keep victims informed. “Some are really appreciative that we’ve reached out to them. Some people don’t answer us at all and some we can’t locate,” she said. “What we found is for those [victims] who do [participate in a panel], that there’s just a really high rate of satisfaction.”

When the victim doesn’t participate in some form, however, it’s “very difficult” to “ensure that that [their] perspective and their concerns are addressed ... particularly when you have the person who committed the act in front of you telling the stories and all the surrounding circumstances that lead them to do this act,” Marc Wennberg, of St. Albans, Vermont, said. To keep the situation balanced, the panels rely on a clear structure and set of questions “that help guide us through the process as much as possible, help us to keep focused on the fact that it still is an act that harmed somebody else, and that there is an obligation to repair that harm,” he said. The panels also include the participation of victim advocates who, while not speaking directly for the victim, can speak to the effects of the crime.

Steinberg expressed skepticism about giving the victim any role whatsoever in an offender’s panel. Victims “are allowed to have an emotional response ... but I’m not sure that’s the way I want to reach decisions,” she said, adding:

Victims don’t have a broader perspective about where this offense falls in the world of criminal justice and criminal justice policy ... The minor misdemeanor that might have occurred to that victim feels major... I think the justice system’s players are the people that have that perspective better in some ways, whether that’s the defender, prosecutor, or the judge.

As a counterpoint, Lauren Abramson, of Baltimore, said that while victims often enter the community conferencing process with a plan to be “harsh and punitive,” they usually change their perspective during the session. “We have had so many victims come in wanting this amount of money ... and when they get a genuine apology, and they ... understand the bigger picture of what’s happening in the system of relationships,” their outlook changes, she said.

Steinberg said she appreciated that in community justice programming the offender often “becomes humanized in a way that doesn’t happen in the traditional criminal justice system,” but she still felt that there needed to be standards to ensure sentences weren’t harsher than in traditional settings.

Karen Vastine said that it was the duty of project coordinators “to really responsibly prepare victims to be able to participate in this process.... We have to prepare them and help them to be able to shape their stories so that they aren’t so emotional that they can say what they need to say and also that they can still be heard.”

## **HAVE COMMUNITY JUSTICE PROGRAMS PRODUCED MEASURABLE RESULTS?**

Participants recognized that it was important to collect evidence showing whether or not programming is effective. This is true not only to maintain community support but to ensure ongoing funding. “We have to [keep data] in order to get more grants,” the Rev. Reginald Osborne of Newark, NJ, said.

Courtney Bryan pointed to the independent evaluation of the Midtown Community Court, which found that over the court's first 18 months, arrests for prostitution and illegal vending dropped dramatically, a trend researchers credited to the combined influence of the court, police, and economic development.<sup>5</sup> A 2006 study of the Red Hook Community Justice Center found that defendants' perceptions of fairness were more favorable at the Justice Center than in traditional criminal court.<sup>6</sup> And a survey of Vermont's reparative probation boards by three college professors found that in over 9,000 cases handled between 1998 and 2005, offenders were 23 percent less likely to commit another crime while on reparative probation than those sentenced to traditional probation; and they were 12 percent less likely to commit another crime after probation ended.<sup>7</sup>

Anderson noted, however, that studies are sometimes a challenge because many traditional systems lack adequate data, making it difficult to compare models. "We often don't have good data in the traditional justice system," she said. "We may be one of the dot com capitals of the world, but it's 1950 in terms of data collection in the San Francisco criminal justice system."

Participants discussed the various factors that, in an ideal world, they would track. Among them are:

- Community participation (e.g., the number of people who attend program-sponsored events, who seek program services voluntarily, who volunteer, etc.)
- Participant compliance with program mandates
- Recidivism among program participants
- Neighborhood crime rates
- Other changes in the neighborhood, such as economic development, changes in housing, etc.
- Public attitudes toward the neighborhood
- Public attitudes toward the justice system
- Improved communication (i.e., are there new or better forums for sharing information and collaboration?)
- Voluntary continuation of treatment (i.e., in community justice programs that require an offender to seek treatment, how frequently do offenders continue in treatment on their own after it is no longer legally required?)
- System cost savings; and
- Adoption of community justice by "mainstream" practitioners.

While most of these factors are difficult to measure, perhaps the most difficult is the final one: the extent to which components of community justice have become mainstreamed—that is, been permanently integrated into the larger justice system.

Moss said that her long-term goal isn't to keep the San Francisco Justice Center alive but to help take its best ideas to scale. She described the center as a "petri dish" where new strategies that may eventually be absorbed by the larger system are being tested and honed. Hopefully, when the independent evaluation is complete, the

judges “at our centralized courthouse... are going to endorse those principles and therefore, invest their resources in these types of programs.”

## CONCLUSION

For many participants, the daylong discussion was their first chance to share experiences with representatives of so many diverse community justice models.

Like many promising approaches, community justice has been striving to show positive results despite budgetary constraints. In some ways, the current economic climate, combined with the growing emphasis on evidence-based practices, is a perfect opportunity for community justice to win adherents, some participants said.

“I think from the national level down everybody is looking for alternatives to produce better outcomes and save money. If you can save money and enhance public safety at the same time, you’re going to be a hero,” Donovan said.

Moss emphasized the importance of maximizing returns. For her, applying community justice to a broader range of offenders is key. “I think one of the things that I’m taking away from this, and what I think we’re working on in San Francisco, is helping ... people to understand that these projects can actually respond to all sorts of case types” not just low-level crime. “These principles can be applied to all sorts of different offenders and I think that can help some of the resistance with our police departments, our judiciary, our prosecutors.”

The roundtable highlighted some of the myriad ways that community justice across the US is engaging citizens, giving them a chance to learn about and contribute to the health of the neighborhoods where they work and live. Discussion participants underscored the benefits of community justice, such as its ability to enhance public trust in government and provide law justice agencies with more tools to both respond to and prevent crime. The conversation also outlined ways to engage communities and recruit volunteers.

Perhaps one of the greatest strengths of community justice is its ability to adapt to different settings. It was clear that each site represented at the table had found a way to engage communities in ways that reflected local resources and concerns. In doing so, they were encouraging community justice’s continuing evolution and helping justice systems across the US become more problem-solving, more restorative, and more responsive to the very communities that they exist to serve.

## APPENDIX

Participants in “Confidence in Justice: A Community Justice Roundtable”

August 10, 2011

Center for Court Innovation

New York, New York

<b>Lauren Abramson</b>	Executive Director, Community Conferencing Center, Baltimore, MD
<b>Judge Ronald Albers</b>	San Francisco Superior Court
<b>Lenore Anderson</b>	Chief of the Alternative Programs Division, San Francisco District Attorney’s Office
<b>James Berry</b>	Chief, Community Defense Division, Public Defender Service for the District of Columbia
<b>Carl Bevelhymmer</b>	West 55th Street Block Association, New York, NY
<b>Courtney Bryan</b>	Project Director, Midtown Community Court, New York, NY
<b>Yvonne Byrd</b>	Director, Montpelier Community Justice Center, Montpelier, VT
<b>Judge Alex Calabrese</b>	Red Hook Community Justice Center, Brooklyn, NY
<b>Regina Cannon</b>	Atlanta Community Court, Restorative Justice Boards, Atlanta, GA
<b>Thomas J. Donovan</b>	State’s Attorney, Chittenden County, VT
<b>Steven Jansen</b>	Vice-President and Chief Operating Officer, Association of Prosecuting Attorneys, Washington, D.C.
<b>Rosalind Jeffers</b>	Executive Assistant City Attorney, City Attorney’s Office, Dallas, TX
<b>Julius Lang (moderator)</b>	Director, Technical Assistance, Center for Court Innovation

<b>Tomiquia Moss</b>	Coordinator, San Francisco Community Justice Center
<b>Katherine Nopper</b>	Community Participant, Burlington Community Justice Center, Burlington, VT
<b>The Rev. Reginald Osborne</b>	Pastor, Bethel World Outreach Ministries, Inc., Newark, NJ
<b>Robin Steinberg</b>	Executive Director, The Bronx Defenders, Bronx, NY
<b>Benjamin B. Tucker</b>	Deputy Director of State, Local and Tribal Affairs, White House Office of National Drug Control Policy, Washington, D.C.
<b>Karen Vastine</b>	Coordinator, Burlington Community Justice Center, Burlington, VT
<b>Marc Wennberg</b>	Director, St. Albans Community Justice Center, St. Albans, VT

## NOTES

1. Berman, Greg and Aubrey Fox, “From the Margins to the Mainstream: Community Justice at the Crossroads,” *The Justice System Journal*, Vol. 22: 189 (2001)
2. *Id.*
3. Because community policing has been described extensively elsewhere and places less emphasis on restorative practices, police were not included in the discussion.
4. For the complete list of participants, see the appendix.
5. Sviridoff, M. *et al*, *Dispensing Justice Locally: The Implementation and Effects of the Midtown Community Court*. New York, NY: Center for Court Innovation, 2000.
6. Frazer, M. S. 2006, “The Impact of the Community Court Model on Defendant Perceptions of Fairness: A Case Study at the Red Hook Community Justice Center,” New York, NY: Center for Court Innovation, 2006.
7. Humphrey, John A., Gale Burford, and Meredith P. Huey, “Reparative versus Standard Probation: Community Justice Outcomes,” Vermont Department of Corrections.

### **Center for Court Innovation**

The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State court system's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's demonstration projects include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts, reentry courts and others.

Beyond New York, the Center disseminates the lessons learned from its experiments in New York, helping court reformers around the world test new solutions to local problems. The Center contributes to the international conversation about justice through original research, books, monographs, and roundtable conversations that bring together leading academics and practitioners. The Center also provides hands-on technical assistance, advising innovators about program design, technology and performance measures.

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