

WHAT WILL BE THE IMPACT OF THE RESTORATIVE JUSTICE  
MODEL ON COMMUNITY POLICING EFFORTS  
OF A MID-SIZE POLICE AGENCY BY THE YEAR 2006?

A project presented to  
California Commission on  
Peace Officer Standards and Training

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This Command College Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future; creating it, constraining it, adapting to it. A futures study points the way.

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## **CHAPTER I**

### **DEVELOPMENT OF THE ISSUE**

#### Introduction

The criminal justice system has gone through major changes over the past few decades. These changes have affected all aspects of the system: the courts, law enforcement and corrections. Law enforcement has been at the forefront of this change. Most law enforcement organizations have moved away from being closed institutions to opening their doors to the communities they serve. They are seeking ways to involve the community in departmental operations. As crime rates decrease, police departments are exploring new areas in which they can remain an integral part of the community and be a bridge from the community to other areas of the criminal justice system.

The restorative model of justice appears to be the vehicle in which police agencies can discover a new mandate to represent their community in the criminal justice system. Restorative justice models, which allow victims more active involvement in the disposition of their cases, are being adopted in many jurisdictions across the nation. What will be the impact of the restorative justice model on the community policing efforts of a mid size police agency in the future? This is the issue that will be examined, to discover if there is a role for the police in this model of justice.

In the late 1960s there was a change in the direction of corrections. The move was from a rehabilitative model to a re-integrative model. This model was commonly referred to as Community Corrections. Under Community Corrections, it is assumed that the offender must change. But it also recognizes that factors within the community that might encourage criminal

behavior, unemployment, for example, must also change. Where the rehabilitative model focused on social and psychological imperfections in the criminal, the re-integrative model emphasized that social conditions in the community have an influence on the criminal as well.<sup>1</sup>

In 1967, the President's Commission on Law Enforcement and Administration of Justice in their Task Force Report: Corrections, supported this move towards community corrections. The use of probation and parole increased as well, as did the use of half way houses and community based programs. However, with the increase in crime that occurred throughout the decade of the 1980s and early 1990s, the pendulum swung back and most states adopted a retributive model of justice.

The retributive model of justice is currently the most widely practiced model in the United States. Under this model, punishment of the offender is the primary concern. In recent years many states have adopted three strikes legislation as well as career criminal statutes. These laws extend the length of prison terms for repeat offenders. The underlying theme is to remove criminals from society, lock them up and throw away the key. This philosophy of corrections has led to major prison expansion and a rapid increase in prison populations.<sup>2</sup> This model is process driven, in that penalties are prescribed by law. Very little input is allowed by either victims or the community. Thus, while crimes are solved and perpetrators are brought to justice, the victims and the community often times are left out of the process and cannot gain closure, leaving them with their feeling of victimization.

An alternate form of justice began developing in the 1990s. This was the restorative justice model, and its programs and policies are known to be developing in more than forty-five states, including a number of state and county justice systems that are undergoing systematic change.

Restorative justice programs are also developing in many European countries as well as Australia, New Zealand, and South Africa. The principles of restorative justice are based upon the thoughts and wisdom of many indigenous cultures from throughout the world, most notably Native American culture within the United States and Aboriginal/First Nation culture in Canada.<sup>3</sup>

While this transformation has been taking place in corrections throughout the past few decades, law enforcement has also been making major changes in the way it delivers services to the community.

The most fundamental change that has swept through law enforcement in the last several years has been the concept of community policing. Many police agencies throughout the nation have adopted some form of community policing. The civil unrest of the 1960s coupled with the rising crime rates of the following decades, highlighted the separation of the police from the public it served.

In 1973, a Law Enforcement Assistance Administration report found that during the twenty years following World War II, the police became increasingly isolated from their communities. Reasons for this isolation include urbanization, rapid changing social conditions, greater demands for police services, increased reliance by the police on motorized patrol, police efforts to professionalize, and reduced police contact with non-criminal elements of society. These factors, combined with public apathy, caused many police agencies to attempt to combat rising crime without actively involving their communities in their efforts.<sup>4</sup>

Police agencies had become increasingly alienated from their communities. Many citizens, especially in the minority communities felt the police were not responsive to their needs, nor were they providing them with adequate protection. Police administrators attempted

to establish new links with the community by instituting programs that would enhance their relationship. Thus, in the 1970s an era of formalized police-community relations began. This became the buzzword of the decade. Many colleges and universities incorporated police-community relations classes into their criminal justice curriculum. However, most of these programs ended in failure as evidenced by the fact that most departments have disbanded or re-focused the mission of their police-community relations units.

The initial focus of the community-police units was to make friends with the community. Citizens perceived that the goal of these units were to put a good face on whatever the police did, without providing a valid two-way conduit for citizens to have input into police priorities, policies, and procedures.<sup>5</sup>

In the early 1980s, Herman Goldstein, Professor Emeritus at the University of Wisconsin Law School, conceived and developed the concept of problem oriented policing. This concept called for the police to address a wide range of problems that threaten the safety and security of communities, including, but not limited to what is commonly viewed as serious crime.<sup>6</sup> The police attempted to improve their understanding of the underlying conditions that gave rise to community problems and to respond to these problems through a much wider range of methods than they had conventionally used.<sup>7</sup> It is through the work of Goldstein and others that the philosophy of community oriented policing began to develop.

#### Definition of Terms

The terms restorative justice and community policing can mean many different things depending on the context of their usage. For the purposes of this paper the following terms and their definitions will be as follows:

## Restorative Justice

Restorative justice is a victim centered response to crime that provides opportunities for those most directly affected by crime, the victim, the offender, their families, and representatives of the community, to be directly involved in responding to the harm caused by the crime.

Restorative justice is based upon values which emphasize the importance of providing opportunities for more active involvement in the process of offering support and assistance to crime victims, holding offenders directly accountable to the people and communities they have violated; restoring the emotional and material losses of victims; providing a range of opportunities for dialogue and problem solving among interested crime victims, offenders, families, and other support persons; offering offenders opportunities for competency development and reintegration into productive community life, and strengthening public safety through community building.<sup>8</sup>

Restorative justice promotes power sharing and conflict resolution and is expanding the meaning of justice beyond the activities of the courts, judges and corrections. Restorative justice involves the resolution of conflict through community building after crime and disorder problems have been identified. It also provides an opportunity for communication between the affected parties, the community and government agencies about the conditions that encourage criminal behavior and work collaboratively to find ways to inhibit those conditions.<sup>9</sup>

## Community Policing

Community policing is any method of policing that involves police officers assigned to the same areas, meeting and working with the residents and business people who live and work in the beat area. The citizens and the police work together to identify the problems of the area and to collaborate in workable resolutions of the problems. The police officers are a catalyst,

moving neighborhoods and communities toward solving their own problems, and encouraging citizens to help and look out for each other.

Community policing requires total commitment of the police, citizens and subgroups such as business, media, political leaders, social service agencies, and other institutions of the community to be successful. It is proactive, decentralized, and personalized. Community policing is based on the joint effort of citizens and police toward solving neighborhood problems, which in turn satisfies the needs of the citizens and enhances the resident's quality of life.<sup>10</sup>

#### Statement of the Issue

With emphasis provided by the federal government, police agencies across the country have embraced some form of community policing. Departments have taken advantage of federal grants and received assistance from the Office of Community Oriented Policing Services. New and innovative programs are being developed that allow the community and the police to interact in a productive and meaningful way.

Most efforts of police/community collaboration have been in the area of crime prevention or follow-up investigation to identify the perpetrator after the crime has been committed. Once an offender is arrested, he/she is prosecuted by the district attorney. The police traditionally move on to the next case, the prosecutor brings the offender to trial, or plea bargains the case out, and the victim is left on his own to deal with the aftermath of the crime. The community as a whole is rarely considered in the process.

Restorative justice encourages the involvement of the victim, offender and the community in the justice process. It assumes that when a crime occurs, the relationship between the offender and victim has been damaged, but also the relationship of the offender and

community has been hurt. These relationships need to be restored. It is here that the police can find a new role.

The primary purpose of the police under this model would be to help the victim, community, and offender to carry out their tasks by designing and managing a process that facilitates participation.<sup>11</sup> Officers can be trained to become mediators and facilitators and bear the responsibility of convening victim-offender mediation sessions, family group conferences, reparative citizen boards, or sentencing circles. They could also assist in creating and overseeing plans and programs for offender reparations that would be acceptable to the victim and community.<sup>12</sup>

By assuming this new role, the police would be viewed as having a major role in the community, not only as protectors but also as restorers. They would be seen as the catalyst that would help make a community whole again after it has suffered tragedy as the result of a terrible crime. Most importantly they would be recognized as community partners, which is the goal of community oriented policing programs.

The police alone cannot insure the public safety or public peace. It is the community and their level of tolerance and acceptance of what is appropriate behavior that maintains order.

The first thing to understand is that the public peace...is not kept primarily by the police, as necessary as the police are. It is kept primarily by an intricate, almost unconscious network of voluntary controls...No amount of police can enforce civilization where the normal casual enforcement of it has been broken down.<sup>13</sup>

Restorative justice would serve to re-institute the informal social controls that are established by communities and which have been undermined over the years by the formal enforcement process.<sup>14</sup> The responsibility for policing would be returned to the community and their efforts supported by the police.

This project will examine the restorative justice model and its impact when integrated into a police department's community policing efforts. As police seek new ways to become integral members of the community, the restorative justice model can be the vehicle to bridge the gap and create a unified approach to crime and punishment in a community. This model embodies true community policing as the community is an equal player with the police in creating and participating in solutions to problems.

The future is one of partnership, between the police, the community, other criminal justice agencies, the perpetrator of crime, and most importantly, the victim. These partners, working together, can create communities that dialogue and work together towards the common good. This is the ultimate goal of community policing.

## CHAPTER II

### FORECASTING THE FUTURE

#### The Nominal Group Technique

When considering the issue of the impact restorative justice will have on community policing efforts of a mid-size police department by 2006, it is necessary to develop future scenarios. The Nominal Group Technique (NGT) was used to discover a wide range of factors that could potentially impact the issue of this future study. The NGT process brought together a diverse and knowledgeable group of people to share their individual perspectives. The panel identified trends and events they believed could impact the issue in the future. The panel was comprised of nine people. The group represented several areas of expertise including: a police captain in charge of the bureau of services of a mid size police department, a director of attendance and support of a large school district, an advocate for domestic violence victims, a state parole agent, a sheriff's lieutenant who commands a county drug task force, a patrol watch commander of a mid size police department, a lieutenant who commands an investigations division of a midsize police department and the president of the school board of a midsize school district (Appendix A).

Prior to the NGT, the participants were sent a packet containing materials clarifying the issue. The packet included background information concerning the issue statement, a description of the NGT process, and definitions of terms used throughout the process.

Two important terms that were defined for the panel were trends and events. A trend was defined as a series of incidents or events taking place, which seem to indicate a direction in which a particular issue may be heading. It is based on the past, present, and future and can be

quantitative or qualitative. For this exercise participants were asked to name trends that would have an impact, positive or negative on the issue.

An event was defined as a singular occurrence. Events occur at a specific time and date. Events can be positive or negative but have a significant impact on the issue.

The panel worked through the NGT process, which consisted of individual idea generation, sharing of ideas, the clarification of ideas, and group ranking of the results. During the first step in the process, the group identified forty trends (Appendix B). After discussion and clarification of terms used in the trends, the participants narrowed the list to ten trends. The group believed these ten trends had the greatest potential for impact on the issue.

After identifying the ten trends, the group evaluated each one and placed a specific value each trend had on the issue during specific time periods of five years ago, five years in the future, and ten years into the future. The group then put a numerical value on each trend indicating the amount of concern for each trend's impact on the issue. The value of this exercise is to identify the trends that should be of the most concern in respect to the issue. This helps focus efforts to either promote the continuance of the trend if it has a positive impact or attempt to thwart the advance of the trend if it carries a negative impact. The trends and the median values assigned by the group are shown in Table 2.1.

<b>Trend</b>	<b>-5 Years</b>	<b>Today</b>	<b>+5 Years</b>	<b>+10 Years</b>	<b>Concern (1-10)</b>
(1) Influence of the Media	75	100	110	120	8
(2) Emphasis on Treatment Programs	50	100	110	110	8
(3) Level of Public Concern About Crime	95	100	110	150	7
(4) Changing Levels of Funding	100	100	100	100	9
(5) Age of Offender Population	90	100	125	150	8
(6) Level of Political Change	80	100	120	120	6
(7) Level of Victims Rights	75	100	120	125	7
(8) Genetically Based Crime/ Research/Engineering	100	100	150	200	8
(9) Level of Resources	100	100	120	150	10
(10) Level of L/E Support	100	100	100	100	9

**Table 2.1**  
Future trends relevant to restorative justice  
impact on community policing.

The values in the columns labeled -5, +5, and +10, indicate the state of the trend in question five years in the past, and five and ten years into the future. The value 100 in column two represents the level of the trend "today." The value in column six represents the group's level of concern about the trend.

### Analysis of Trends

Presented here is a list of the trends identified by the NGT panel along with a brief explanation.

1. Influence of the media. The panel discussed the trend of the influence of the media and its impact on issues. They felt this trend was a major concern because the media could sway public opinion concerning the restorative justice model by the stories they pick to publish or broadcast.
2. Emphasis on treatment programs. The panel felt that the trend was moving from penal incarceration of offenders to treatment especially of non-violent offenders. An example of this trend was the passage of Proposition 36 in California, mandating treatment rather than prison sentences for drug offenses. They thought the public's perception was that there was overcrowding in the total prison population and that the trend was to spend money in treatment programs rather than more prisons.
3. The level of public concern about crime. This trend identified that the level of public concern about crime and punishment was greatly influenced by current events. As crime rates increase or there is a crime that is particularly abhorrent to the public, they tend to demand punishment as a remedy, exhibiting an attitude of "lock them up and throw away the key." As crime decreases the public is inclined to want rehabilitation efforts tried. They become more sympathetic to the offender.
4. The level of funding. The panel identified funding levels for law enforcement and the criminal justice system as a trend. Programs and policies of public agencies are greatly influenced by the levels of funding that are available. If budgets are cut there is less willingness to try something new or innovative. The panel felt this was a major concern. They thought the level of funding would remain relatively stable over the next five to ten years. Therefore law enforcement would have to make the change toward restorative justice within their existing budgets.

5. Age of offender population. The age of the population has a direct impact on crime which in turn could impact the ability of the restorative justice model to function. For example, if the demographics show a large increase in the number of people in the offender age bracket then this could lead to an upswing of offenders, which would then clog the restorative justice system thereby rendering it ineffective.

6. Level of Political Change. The example cited by the panel was the Republicans assuming the Presidency of the United States. While this in and of itself is an event, the panel felt that the trend was changing governments and political control, which would have a dramatic effect on policies toward restorative justice. As governments change, so do their ideas and philosophies toward criminal justice issues. These changes have an impact on the ability of law enforcement to carry out their mandate. This trend also affects funding levels of law enforcement, which in turn impacts the level of service that can be provided by an agency.

7. Level of victim's rights. The panel felt that the trend has been for governing bodies to recognize victims and grant them more rights. The public, as well as legislators, has become sensitive to the plight of victims and the trend identified is that victims are beginning to have their rights codified into law. Many jurisdictions have included victim restitution in the sentencing of a criminal defendant. Also victims are allowed to confront defendants during court proceedings.

8. Genetically based crime research/engineering. The panel felt that the trend toward genetic research would continue at a rapid pace. They felt that work would continue on the genetic code and that someday possibly a gene could be found that would identify criminal behavior. This gene could then be altered thus making it possible for a medical cure for crime. Also by genetically engineering the DNA at birth it would be possible to completely eliminate criminal

behavior. This would lead to major changes in law enforcement as well as less funds made available to criminal justice. The panel felt that major genetic discoveries would be made within a ten year period.

9. Lack of resources. The panel felt that a major trend is the amount of resources available to law enforcement. The panel felt this was a different trend than the trend identified earlier as level of funding. They stated that this trend was inclusive of much more than just funds. The primary concern was staffing and the effect that staffing levels have on service delivery and the creation of new programs. They thought that over the next ten years resources would become increasingly difficult to maintain. The current recruiting trends were cited as examples of the difficulty police departments are having filling their ranks.

10. Quality of personnel. In this trend, the panel examined the quality of personnel that was available in the recruitment pool for law enforcement and the type of people that were entering the profession. They felt that as the trend was toward younger people entering law enforcement, values would change as well as the individuals focus and commitment. New personnel may or may not be supportive of a changing role for the police. The panel recognized the fact that in order for police departments to move toward a restorative justice model, it would require a different mind set on the part of officers and that this transition could be difficult.

### Analysis of Events

The NGT panel then repeated the process and created a list of events that would impact the issue. A list of twenty-eight events was compiled by the panel (Appendix C). Again, after clarification of terms the panel selected nine events that they thought were the most significant in relation to the issue. The panel then examined each event and evaluated when they thought the

first year was in which the event was likely to occur. Next they placed a percentage value on the probability of the event occurring in five years and then again in ten years. Finally, they gauged the impact of the event in relation to the issue and whether it would be positive or negative. The identified events and median scores compiled by the panel are listed in Table 2.2.

<b>Event</b>	<b>Years &gt;0</b>	<b>+5 Years</b>	<b>+10 Years</b>	<b>Impact -10 to +10</b>
(1) Election of vocal supporter of restorative justice	3	30	50	6
(2) Crisis that points to the failure of restorative justice	4	25	50	-7
(3) Crisis that points to the failure of incarceration/punitive justice	1	80	90	5
(4) Recession	2	50	60	-5
(5) Identification of violence gene	4	15	30	3
(6) Successful study of restorative justice	3	40	60	7
(7) Landmark court ruling supporting restorative justice	4	10	30	8
(8) Federal grants to implement restorative justice programs	4	30	60	8
(9) Disbandment of probation/parole	10	0	0	1

**Table 2.2**

Future events relevant to the impact of the restorative justice model on community policing efforts.

The values in column two represent the first year the event is likely to occur. The values in columns three and four represent the probability of the event occurring within five and ten years. The values in column five represent the impact of the event on the issue and the group's opinion as to whether the impact will be a positive or negative.

Presented here is a list of the events identified by the NGT panel along with a brief explanation.

1. The election of a politician who supported the restorative justice model. The panel felt this would have a positive impact on the issue in that it would encourage local agencies to incorporate the model within their operations. The politician could influence decision making concerning policy issues as well as funding for restorative justice programs.
2. A crisis occurred that pointed to the failure of restorative justice. The panel felt this would have a negative impact. The event used as an example was that the mediation panels, due to the time involved in the process, would become so backlogged that they could not handle all the cases that would come before them. The system would then jam and be rendered ineffective.
3. A crisis occurred that pointed to the failure of incarceration. The panel also recognized an opposite event from event two, would have a positive impact upon the issue. They felt that if there was a failure in the punitive system currently in place, government would be motivated to explore alternatives such as restorative justice. Examples of a failed event would be the overcrowding of penal institutions or the recidivism rate of offenders. The panel felt there was a great likelihood of this event occurring within the next five years.
4. The economy went into a recession. The panel felt this would have a negative impact on the issue. The panel thought that this would greatly reduce the funding for the various components of the criminal justice system. With reduced or limited funding, implementation of new concepts or programs would not be a priority for most organizations.
5. Researchers discovering and identifying a violence gene. They felt that if a gene were identified, the public would then view violent behavior as an illness to be treated rather than punished through incarceration. They also saw a change in the funding, as more money would

be directed toward research and treatment and less to corrections. They felt this would have a positive impact on restorative justice because they viewed mediation panels, and the role that police officers would play on those panels, as part of treatment rather than punishment.

6. Publication of a successful study of restorative justice. They felt this would have a strong positive impact on the issue. If a study was published that showed offenders who went through a restorative justice program had less recidivism and that the overall costs were less than traditional incarceration there would be more public support.

7. A landmark court ruling endorsing or supporting restorative justice initiatives. This event would have a strong positive impact according to the panel. This would give the restorative justice model legitimacy in the eyes of the public as well as governmental agencies. While the panel felt this would have a great positive impact, they thought that it had a low probability of occurring within the next ten years.

8. Federal grants being made available to agencies in order to implement restorative justice initiatives in the local police departments as well as throughout the entire criminal justice system. They felt that one stumbling block to implementation would be funding. This event would help alleviate that problem and provide money for start up costs and continuous funds to carry out the programs. The panel thought that this event could very likely happen within ten years and would have a great positive influence on the issue.

9. Probation and parole disbanding. The panel felt this event had a minor positive impact to the issue. The panel thought that if probation and parole were eliminated the role of the mediation panels would become much more important. This would also serve to emphasize the importance of restitution to the victim, which is a key element of the mediation panels that are the

cornerstone of restorative justice. The panel however, did not see this event occurring within the next ten years.

### Cross Impact Analysis

A cross impact analysis was conducted by three participants of the NGT, in which the positive and negative impact events have on trends was assessed. The evaluators were asked to place a value from -5 to +5, on the impact that each event identified above would have on each trend that also was identified. The individual values were converted to average scores and are reflected in Table 2-3.

	Trends									
Events	T1	T2	T3	T4	T5	T6	T7	T8	T9	T10
E1	2.3	4.7	1.7	5.0	0.0	5.0	5.0	2.0	5.0	0.0
E2	-5.0	-4.0	-3.6	-2.6	0.0	5.0	3.0	3.0	-4.0	0.0
E3	3.0	5.0	3.0	4.0	0.0	-1.0	5.0	3.0	5.0	0.0
E4	-1.0	1.0	2.0	-4.0	0.0	1.0	0.0	-4.0	-4.0	2.0
E5	-3.0	-3.0	-2.0	-3.0	0.0	0.0	5.0	5.0	-4.0	1.0
E6	5.0	5.0	4.0	3.0	0.0	0.0	4.0	0.0	3.50	0.0
E7	5.0	4.5	3.0	5.0	0.0	0.0	3.0	2.0	5.0	0.0
E8	1.0	4.0	2.0	5.0	0.0	2.0	2.0	-1.0	5.0	3.0
E9	3.0	4.0	2.0	4.0	0.0	0.0	4.5	2.0	5.0	2.0

**Table 2.3**  
Cross Impact Analysis of Trends and Events

The cross impact analysis table graphically shows the impact events have on trends. For example, if a crisis occurred as indicated in event two that pointed to the failure of restorative justice, the evaluators felt that this would have a major negative impact on trend one, influence of the media, trend two, treatment rather than incarceration for offenders, and trend three, change in public concern due to current events.

Event one, election of a vocal supporter of restorative justice, was seen as positively impacting most of the trends. The only two trends not affected by this event were age of offender population and level of law enforcement support for the restorative justice model. It was viewed as having a major positive impact on trend six, level of political change, trend seven, level of victim's rights, and trend nine, level of resources.

The panel felt that none of the events listed would impact trend five, age of offender population, although they gave it a high amount of concern in the trend analysis. They thought that this should be of considerable concern because as the age of the population increases into the crime bearing years, the system would become backlogged rendering the restorative justice model unable to cope with the increased caseload. While this was a great concern, the panel noted that events would not influence the trend. This was due to the panel thinking that the demographics will occur naturally without much external influence.

Trend ten, level of support by law enforcement personnel, was another area in which the panel rated with a high degree of concern. However they also did not feel that the events listed would have much impact on the trend. Their thinking was that it would take many years to change the mindset of existing personnel to accept the tenants of a restorative justice model.

Trend nine, level of resources, would be positively impacted by event seven, landmark court ruling supporting restorative justice, event eight, federal grants, and event nine,

disbandment of probation and parole. The disbandment of probation and parole was seen as having a major impact across most trends however the panel also rated the probability of this event occurring in the next ten years as zero. This signifies a high impact low probability relationship between the trends and events. By realizing the relationships between events and trends, the future can be influenced by encouraging or discouraging the occurrence of such events.

### Futures Scenarios

The information gathered from the NGT, combined with factors gathered from the scanning process, provides the core for the generation of alternative futures. Scanning is a process of bringing to consciousness what has not been perceived before. It is the process of generating hypotheses about the future based on weak signals of change.<sup>15</sup>

Three scenarios were prepared which illustrate an optimistic, pessimistic, and normative view of the future. The purpose of these scenarios is to illustrate the need to design strategies, which mitigate the impact of futures that are seen as negative, and to encourage those futures that are seen as beneficial to the issue.

### Optimistic Scenario

Senator Jonathon Williams returned to his office feeling proud of himself. He had been trying for three years to win support for his bill. He was actually one year ahead of schedule. He first thought it wouldn't be until 2007 before he would win enough support in Congress to pass his bill. When he was first elected to the Senate and brought his bill to the Senate floor, many of the Senators were unfamiliar with what restorative justice really was. However Senator

Williams was able to stress how important it was to the criminal justice system and how it could blend very well with the current trend of community policing.

He knew though, that in order for the model to become utilized on a nationwide basis, funding would be necessary. His bill designated federal funds to be given to local jurisdictions to implement restorative justice imperatives. This would include money to train police officers to become community mediators and become an important link between the offender, victim, and the community.

At first it was an uphill battle for support. The turning point came when the National Institute of Justice released a report showing that in areas where the restorative justice model had been implemented, it had great success. There was less recidivism among offenders. More importantly were surveys of victims, showing they were much more satisfied with their treatment from the justice system.

The police were also reporting that their role in the community had been enhanced. They were now looked upon as key players in the community, not just law enforcers but also as facilitators in restoring a community's sense of well being after crimes have been committed. When the media began reporting the positive results, it turned the tide in the battle and soon Senator Williams had gained the support from the law enforcement community as well as the courts, corrections and the public. He soon after had enough votes to have his bill, the William's Restorative Justice Omnibus Crime Control Act of 2006, passed.

#### Pessimistic Scenario

The economy could not get any worse. 2006 is the third year of budget cuts for the police department. Two years ago the department was ready to implement a restorative justice model. Officers had been selected to be trained for mediation and to serve on community reparation

boards. Then the slow down in the economy began. Soon it turned into a recession. There does not appear to be any light at the end of the tunnel. The hiring freeze has been in effect for six months. The lack of funds has negatively impacted existing programs and created staffing shortages. The city manager has decreed that no new programs be instituted in the foreseeable future.

There is another side effect of this recession. Crime is increasing. The public is fearful of crime at levels that haven't been this high since the 1980's. They are demanding harsher sentences for criminals. The feeling is now that the treatment programs of the late 1990's and early 2000's have been dismal failures. Drug addicts are everywhere and being blamed for this current crime wave. The public wants criminals locked up. The number of offenders in the system has more than doubled. Had the department adopted a restorative model it would have crumbled under the shear volume of offenders that are now awaiting disposition of their cases.

In this climate the police department is not able to start any new programs. Because of budget cuts they have eliminated the very programs that were started to connect them with the community. They can barely carry out their mandate to enforce the law. Due to the demands of the public and attempting to do more with less, the police become demoralized and alienated from the public they serve. They soon feel they are alone in their struggle against crime.

#### Surprise Free Scenario

T.J. Alton turned nineteen two days ago, the same day he was arrested for burglary. He hadn't counted on spending his birthday of 2006 in jail. He still considered himself lucky. He had burglarized several houses in the north end of town before he got caught. In fact, he thought, he would still be out there "working" if it hadn't been for that stupid bike cop. They shouldn't be allowed to ride those things. You can't see or hear them coming. He had made several hundred

dollars from all the jewelry he had stolen. The house he burglarized three weeks ago was especially good. An old lady lived there, probably a widow. He took a complete wedding set that had a huge diamond in it, along with a gold heart pendant. He was able to get a hundred dollars for all the jewelry from that house.

Mrs. Rodriques was the victim of that burglary. Her husband had died three years ago. They had been married for fifty-five years. She missed him terribly. However she had her memories, pictures, and jewelry to remind her of him. He had given her a gold heart pendant with his and her photo in it just before he went overseas to war. She cherished that along with her wedding set, as prized possessions. And then, one day upon returning from the grocery store, she discovered her house had been burglarized and all her jewelry had been taken.

She knew there had been several burglaries in the neighborhood. The police had even held a neighborhood watch meeting, but it was at night and she never left the house at night. She and her lady friends in the neighborhood had discussed the break-ins and all were fearful and terrified the perpetrator would enter their homes while they were there alone.

She read in yesterday's newspaper that a suspect in all the neighborhood burglaries had been caught. However that did not bring much comfort to her. She still felt violated and vulnerable. She hoped the police had found her jewelry but no one had contacted her yet. She would call, but she knew the police were busy and did not want to bother them.

Three months went by. During that time Mrs. Rodriques had been contacted twice concerning her burglary. About two weeks after she read about the arrest, a detective called to tell her that a suspect had been caught, however none of her stolen property had been found. A month after that a deputy district attorney had called to inquire if she would be available for court in the next few weeks. She told him she would be there. Today that same deputy district

attorney called. He told Mrs. Rodriques that the suspect had pleaded guilty to one count of burglary and was sentenced to one year in the county jail. With time served and good behavior the suspect would be released in three months. He stated that due to overcrowding in state prison, this was the best sentence that the judge could give him.

Mrs. Rodriques hung up the telephone. She was experiencing the same feelings she had when she returned home that day and discovered her house had been burglarized.

This chapter has identified many trends and events, both positive and negative that can shape the future of restorative justice and its impact on the community policing efforts of a mid-size police agency. Now that these trends and events have been identified, a strategic plan can be created to provide a framework for implementation that mid-size police agencies can utilize in order to make the restorative justice model part of their community policing efforts.

## **CHAPTER III**

### **STRATEGIC PLAN**

#### Introduction

In order for the restorative justice model to impact community policing in a mid size police agency, it would be necessary to make a transformative change, not only in the operations of most police agencies, but also throughout the entire criminal justice system. These changes should be brought about in a structured approach. Priorities need to be identified. A framework for budgets and operations need to be created. There needs to be internal coordination of effort. In short, a strategic plan should be created to facilitate the implementation of change and bring about the desired future as expressed in the issue in question. This chapter contains a strategic plan created to implement the change of creating community policing strategies that incorporate the restorative justice model. The San Leandro California Police Department will be used as a model for the strategic plan.

#### Organizational Description

The City of San Leandro Police Department is a medium size agency that serves a population of 80 thousand. The city is located in an urban setting within the San Francisco Bay Area and has a higher than average crime rate. Its residents are primarily blue collar, with a large portion of elderly citizens. Over the past five years, young, diverse families have been increasing in numbers due to the affordable housing and close proximity to many Bay Area job centers. These changing demographics have at times created conflict in the community. The younger residents want more city services i.e. sports parks, libraries, and recreational programs, while the

older residents do not support tax increases to pay for these programs. Also over the last two decades, the city has transitioned from a homogenous community to a predominately multi-cultural mix.

The main emphasis of the San Leandro Police Department historically has been on crime suppression and law enforcement. However over the past decade the department has implemented many community policing strategies. Officers began patrolling on bicycles in the downtown commercial areas. This was partly as a response to input by the business community. A tactical unit was established to concentrate on high crime areas and provide a quick response to felonies in progress. The department increased its outreach efforts towards the schools. The D.A.R.E. program was expanded to incorporate all grade levels throughout the school district. School Resource Officers were installed in the high school and middle schools.

Internally the concepts of community policing were emphasized to the individual patrol officers. They were encouraged to talk with community members and given the authority to handle situations autonomously. They could draw on whatever resources were necessary for them to complete their tasks. They moved from a role of crime suppressor to one of problem solver. It is in this context that a strategic plan will be created.

#### Vision/Goals/Objectives

The overall purpose of this plan is to enhance the role of the police in the community. Citizens are seeking a more active role in their government. They are also demanding fiscal responsibility. The incarceration rate in California is skyrocketing along with the costs of operating prisons. In California there are over 160 thousand people in prison.<sup>16</sup> Communities across the state are looking for alternatives to prison sentences for offenders, as evidenced by the

passage of recent state ballot initiatives requiring treatment rather than incarceration and decriminalization of certain drug offenses. Restorative justice provides the vehicle for the police to become an integral part of the community and create a true partnership. It can also provide alternatives to prison sentences while still requiring accountability on the part of the offender.

Rather than the police seeking community support in identifying and deterring crime, they become the support for the community to address crime and punishment. The community ultimately will become empowered to establish its norms and behaviors that are acceptable. The police and other government agencies will support the community to this end and provide technical expertise.

There are specific goals for the police to accomplish, in order to incorporate the restorative justice model in their operation so they can enhance their community policing efforts. Officers need to be identified and trained in the skills of mediation and facilitation. They also need to be trained in the operation of victim/offender mediation boards learning what their role and responsibilities are to the victim, offender, and community. These officers could be formed into a special unit.

Tracking systems need to be created that can follow-up victim assistance throughout the restorative process. Also, a system to track offenders needs to be implemented to ensure they are abiding by agreements. Finally, a mechanism to coordinate efforts between police, prosecutors, courts and probation/parole need to be established. Teams of police, parole, and probation officers, can be created to work together to conduct follow-ups with all parties involved in a mediation.

## Organizational Analysis

An organizational analysis of the San Leandro Police department was conducted to determine the organization's strengths and weaknesses relative to restorative justice's impact on the community policing efforts of the agency. The WOTS UP model was used to make this assessment. A WOTS UP analysis examines the external and organizational environment and assesses the strengths, weaknesses, opportunities and threats present in each.

The external environment was examined to assess the opportunities and threats posed to the organization. Many of these opportunities and threats have been identified in chapter two: trends and events.

Internally the organization was assessed to determine what strengths and weaknesses exist that would positively or negatively influence the implementation of the strategic plan.

### Internal Strengths

- Highly motivated personnel
- Skilled, well educated officers
- Desire of department to integrate into the community.
- A culture of service in the organization.
- A history of problem solving.
- Support for new programs by the city administration.
- Solid network of community based organizations.
- Close relationship with School Districts within the city.
- Strong ties to the business and homeowner communities.
- Personnel trained in mediation.

## Internal Weaknesses

- Resistance of rank and file to accept non-traditional roles.
- Police administration hesitant to be on cutting edge of change.
- Lack of understanding of restorative justice by agency personnel.
- Perception that restorative justice is a "soft on crime" initiative.
- Lack of funds for training.
- Shortage of personnel- staffing issues.
- Hesitant to delegate decision making authority to people outside the department.
- No strategic plan or long range goals articulated.
- No vision statement.

## Stakeholder Identification

A key component of a strategic plan is the identification of stakeholders. Stakeholders are defined as individuals or groups that are impacted by what we do and individuals or groups that impact what we do. The following is a list of stakeholders and their assumed expectations concerning the issue.

### Community

- Desire a responsive police department
- Inclusion in decision-making process
- Ability to provide input
- Become active participants in criminal justice system
- Have ability to control their environment
- Gain a better understanding of crime and offenders

### Offenders

- Want to be treated fairly
- Some have a desire to make things right
-

- 
- Some have no remorse
- Do not wish to participate in process

#### Crime Victims

- Desire to express feelings
- Desire to participate as active member of the decision-making process
- Receive compensation
- Willingness to confront offender
- Harbor unreal expectations of offender outcomes
- Desire to be treated fairly by the system

#### Police Officers

- May be resistant to new duties
- Want to play key role in community
- Resist learning new skills (mediation and facilitation techniques)
- Like post arrest involvement in cases
- Seek to be resource to the community

#### Police Chief

- Wants policies and procedures in place
- Wants inclusion of the community in criminal justice process
- Wants to open dialogue with victims and the community
- Wants to be involved in the decision-making process
- Has concerns of liability issues
- Concern of impact this program will have on other services
- Needs to get buy-in by other agencies
- Concerns of impact of program on police budget

#### City Manager

- Looking to deliver best service possible to community
- Wants to be kept informed of changes prior to implementation
- Concerned about reaction of the community
- Concerned about reaction of City Council
- Has budgetary concerns

## City Council

- Need to minimize costs associated with the change
- Will gauge public reaction and support accordingly
- Philosophy can change from election to election

## Police Association

- Will resist change in job descriptions
- Wants to receive additional compensation for new skills
- Needs to be educated on the importance of the issue
- Needs to understand the importance of officer involvement in the community
- Wants input into selection process of mediators and facilitators
- Wants a codified selection process

## Probation/Parole

- Will resist change
- Feel police are encroaching on their turf
- Refusal to relinquish authority over offenders
- Create opportunity to partnership with police
- Opportunities to involve themselves with the community
- Concern over their ability to control offender

## District Attorney

- Concerns about due process for offender
- Concerns of case dispositions
- Wants fair and equitable system of justice
- Provides pre-adjudication diversion
- Can apply to pre sentenced offenders who have been found guilty

## Judges

- Resist change due to their loss of control
- Want to have input in sentencing decisions
- Concerns about due process
- Want fairness in the system
- Want to be involved in establishment of policies and procedures

## Community Based Organizations

- Will want to have role in process
- Concern that police are taking over their traditional role
- Want to be integral part of dispositions of cases.
- Compete for funding

Any discussion of the identity of stakeholders should also include mention of potential snaildarters. Snaildarters are defined as those things that usually appear at the eleventh hour and sabotage plans. These are things that are not anticipated; they are not seen coming and one doesn't even know they are there, but when they appear they can disrupt and stop the project.

One snaildarter that can affect this issue is criminal defense attorneys. Under the restorative justice concept, there is no place for defense attorneys. Offenders, victims and the community interact and come to agreed-upon solutions. Neither party requires representation, as this is not an adversarial process. Should this model become mainstream, the services of defense attorneys will become minimal. In order to protect themselves, the attorneys could cause a delay in the implementation of the plan by filing multiple due process claims and raising other issues in court.

### Strategy Development

In order to achieve the identified goals, broad alternative strategies need to be identified in the strategic plan. The first strategy would be that the leadership of the police department desires to maintain the present and sees no need to change. Under this strategy the police department would continue the status quo. While crimes would be solved, victims still would feel they had no control of the process, nor any closure. There would be no dialogue with the community about specific crime issues and what the community could do as a whole to learn the

causation of crime and how to prevent future occurrences. The police department would also pass up an opportunity to forge new coalitions with the community and enlist them as partners in the fight against crime. They also would not take advantage of critical lines of communication that can be established through the mediation panels with all parties concerned. Under the current model, the police rarely view a crime from the offender's perspective or from the view of the community. Crime victims and the community would continue to foster feelings of dissatisfaction with the criminal justice system.

The second strategy would be for the leadership of the police department to embrace the concepts of restorative justice and incorporate them into the operation of the police department. First consensus would need to be developed. This could be accomplished by bringing together representatives of the police, community and other agencies that believe in the restorative justice model. They can then promote the benefits of the model to the public in an attempt to garner support and create a shared vision. The restorative justice model requires fundamental changes throughout the criminal justice system. Therefore this period of garnering support is perhaps the most critical and time consuming. It may take one to two years for the public and other agencies to accept the concepts and be willing to change the way they both deliver and receive services. A coalition of professionals and the public, with their shared vision could influence the elected officials to support restorative justice initiatives both fiscally and through statutory changes. Funding sources would need to be secured. Exploration of the grant process would be conducted. Grants are available through federal agencies, many of which are intended for use in exploring alternatives to incarceration and support for community policing efforts.

The next step would be to create a restorative justice unit within the police department. This unit would be responsible for helping to create the community partnerships and with

community participation develop training for the participating officers. Criteria would need to be established listing the skills and traits necessary for officers to qualify to participate in the unit. The police administration would have to emphasize the importance of restorative justice to the rank and file, and the benefits that it would bring to the department and each individual officer, in an attempt to win their support for the model.

Civilian staff would also be dedicated to perform the administrative functions of the restorative justice unit. They would need to be equipped with computers and terminals linking them to various criminal justice databases.

An evaluation system would have to be put in place to judge the effectiveness of the model. Surveys of crime victims and offenders should be utilized to gauge their opinions of the program and their satisfaction with the justice system. Caseloads should be monitored to evaluate the effectiveness of the process, i.e. can it handle a sufficient workload, or is the process too cumbersome to accommodate large numbers of cases.

Strategy two, the police department embracing the concepts of the restorative justice model and incorporating them into its operation, would be the best strategy for the department to follow. It more closely addresses the issue statement. Under this strategy is the need for the police administration to create a vision for the department and incorporate that vision into the everyday workings of the organization. By implementing the restorative justice model in the police department's community policing efforts, the police will move from a position of conducting its operations apart from the community to one of receiving its mandate and support from the community.

This issue reflects a major shift in police department operations as well as the way the departments will interact with their communities and other agencies within the criminal justice

system. This change will not occur over night. There needs to be a period of transition from current models of policing to the future model that is embraced within the issue statement. The next chapter will discuss the transition management phase.

## **CHAPTER IV**

### **TRANSITION MANAGEMENT**

#### Introduction

For a major change effort to be successful it is imperative that a transition management plan be implemented. A transition plan includes the elements that are necessary to move an organization from the present state, to a future state. Currently many police departments have adopted some form of community policing within their operations. Most community policing programs were implemented and are directed by the police. While public comment is actively sought, direction and decision making rests with police managers. Under the restorative justice model, this direction and decision making would be placed in the hands of the community. The community would be responsible for identifying the goals and objectives of their local police department. Key features of the transition management plan will be discussed in this chapter.

#### The Operational Imperative

In order to bring about change in any organization, it is first necessary to present a compelling reason why that change needs to take place. The change brought about by the restorative justice model in this issue is a transformational change. It looks at the whole system of justice and requires a comprehensive change. In order for the police to implement it into the community policing component, other organizations and agencies beyond the control of the police will need to change their operations. Therefore, for the sake of the issue presented in this paper the operational imperative will encompass a broad range need for change.

In looking at the demographic trends throughout California, they reveal that the state is becoming much more diverse.<sup>17</sup> People of different cultures, ethnicities, and differing socio-

economic levels are living together in the same communities. Often this brings conflict. The restorative justice model brings communities together. With the police as the facilitators, the community can have open dialogue and be active participants in establishing the standards of behavior that will be enforced. Through this change the police gain a new role in the community. They become a resource for victims, offenders and the community as they discuss the proper restorative actions. They can create new relationships that extend well beyond mediation panels and sentencing circles. The dialogue and new lines of communication can lead to real crime prevention, with the police in a role of support and advisor rather than just a lecturer. The image of the police will transform from being viewed as the local law enforcers who mainly interact with the criminal element to one of community peace officer who establishes relationships with the entire community.

What is the operational imperative for the other organizations such as the courts, district attorneys, corrections, parole, and probation departments to support this change? While there has been a general drop in the crime rate over the past few years, court dockets are still crowded as are prisons and jails. California has over 160 thousand people in prison. The annual budget for the California Department of Corrections is approximately \$4.8 billion. It costs \$25,607 to house an inmate for one year in prison while it costs \$2,636 to supervise a parolee. The California Department of Corrections projections are that by April 2004, the prison population will exceed bed capacity at over 177 thousand.<sup>18</sup> The public is looking for less expensive alternatives to incarceration. Under this model the courts and district attorney could divert offenders to the police for a restorative justice disposition. The police could form community teams with parole and probation in order to monitor offenders and ensure they were abiding by the agreements made in the victim offender mediation panels. They could also have an advisory

role in the panels as they too are part of the community. Thus the number of offenders that require a state prison sentence could be greatly reduced.

### Critical Mass

Critical Mass refers to those individuals whose active commitment is necessary for the change to occur. These are the people whose support is critical. It is on this critical mass that the energy for change should be focused. Through their commitment and support, others within and outside the organization will be influenced. The following is a list of the critical mass of individuals or groups whose commitment and support is necessary for a successful transition.

- Community
- Victims
- District Attorney
- Judges
- Parole/Probation
- City Manager
- City Council
- Police Chief
- Police Officer
- Police Association
- Community Based Organizations

Important to the plan is to identify the current level of commitment to the change for each member of the critical mass. Table 4.1 shows the commitment level of each stakeholder and the shift necessary to implement the plan.

<b>Critical Mass Members</b>	<b>No Commitment</b>	<b>Let Change Happen</b>	<b>Help Change Happen</b>	<b>Make Change Happen</b>
Community		X-----	-----→O	
Victims		X-----	-----→O	
District Attorney	X-----	-----	-----	-----→O
Judges	X-----	-----	-----	-----→O
Probation/Parole	X-----	-----→O		
City Manager		XO		
City Council		XO		
Police Chief		X-----	-----	-----→O
Police Officer		X-----	-----→O	
Police Assoc.	X-----	-----→O		
Community Based Organizations		X-----	-----→O	

**Table 4.1**  
Critical Mass Commitment Chart  
X= Current Position O= Desired Position

### Getting Commitment

As Table 4.1 indicates, several key stakeholders have to make substantial movement in order for this change to occur. The courts and district attorney, who at this point have no commitment, must be educated to the benefits of restorative justice. As positive outcomes are attained and they see tangible results they will encourage the change to happen, referring more cases to be handled by the police and community in a restorative justice model.

The police chief is the key player to make the change happen in the police department. Along with his managers, it is his responsibility to provide the vision and mission of the community policing efforts that the police will employ through the restorative justice model. His encouragement both internally and externally will help to motivate the courts and district attorney as well as convince city government of the issue's importance.

Of equal importance is educating the rank and file of the benefits that will be realized under this model and creating a purpose. When the officers know and share in the desire to achieve the purpose of the organization, what they do will have meaning.<sup>19</sup> Once they understand the concept and realize the potential positive relationships that will be garnered in the community, it is expected that they will help the change take place.

Victims, the community, and community based organizations will all welcome the change and encourage it. They will realize they have the primary role in the justice that is applied in their communities. Once they become a part of the decision making process and are made key role players in determining the outcome of crime in their communities, they will do all they can to help the change happen.

### Implementation

Thus far a need for the change to take place has been identified along with the key stakeholders and their level of commitment. At this point it is necessary to present a proposed implementation plan. This plan will include the key tasks and steps to be taken and conclude with the use of a responsibility chart.

The first step of the implementation plan is education. The managers of the police department need to learn about the restorative justice process and determine what role the police

department can play in the administration of justice. Next would be to create a working group of police, probation/parole officers, deputy district attorneys, and members of the community. This group would be responsible for educating the various government agencies, elected officials and public emphasizing the importance and need to adopt this model. The chief of police could also support this effort by encouraging the change to the city manager and city council. This process of education could take several months. The chief of police could also work with local state representatives as well as congressional representatives to encourage grants that would fund the transition to this model.

Once the support is gained, implementation within the police department will begin. A restorative justice unit will be created. Officers selected for the unit will receive training in mediation and facilitation. They will make contact with various community groups and also victims' assistance programs. A protocol will be set up with the courts and district attorney to determine what cases will be referred to the police department for handling and disposition. The community should be consulted at this stage, to help identify the types of crimes and community issues that are to be addressed by the chosen model.

Ultimately this will carry over into the creation of community justice workers. Police, probation officers and parole officers will work in teams, monitoring offenders, taking part in victim/offender mediation and ensuring that the agreements made between victims, offenders, and the communities are adhered to.

To illustrate the roles and relationships that are necessary to implement the model a responsibility chart was created. This chart shows the list of actions, decisions, and activities that need to take place, along with the individuals or actors roles concerning each action (Table 4.2).

### Responsibility Chart

	Actors	Chief	Police Managers	City Council	City Manager	Police Officers	D.A	Public	Courts
Decisions/ Acts									
Educate Public		S	R	I	A	R	I	-----	I
Create R.J. Unit		A	R	I	S	I	I	-----	-----
Liaison w/ Courts/DA		I	R	-----	I	R	I	-----	I
Establish Budget		I	R	A	S	-----	-----	-----	-----
Designate Facilities		R	I	I	A	-----	-----	-----	-----
Identify Cases		I	I	-----	-----	S	A	R	A
Establish Protocol		I	R	-----	-----	I	A	R	A
Gain Political support		R	R	A	S	I	I	R	I

Table 4.2

R = Responsibility (not necessarily authority)  
 A = Approval (right to veto)  
 S = Support (put resources toward)  
 I = Inform (to be consulted before action)  
 --- = Irrelevant to this Item

This chart can be used to gain consensus among the individuals and groups that are involved in the strategic plan as to their role in implementing a community policing effort based on restorative justice model. The responsibility chart helps to create an understanding and appreciation of those roles.<sup>20</sup>

The process to obtain the goal of restorative justice should encompass the very underpinnings of the model, and that is one of inclusion. The public must be involved in

the decision making process from the beginning. Only in this type of environment will true community policing take place. This model will create great impacts to the current system and its leaders.

## **Chapter V**

### **CONCLUSION**

#### Project Summary

There is an old adage that states, "If it's not broke, don't fix it." Many think that while our criminal justice system is not perfect, it is the best that is available. While that may or may not be the case, this should not be used as an excuse to refuse to examine and improve the system, especially in a futures context.

By applying the restorative justice model into their operations, police departments can greatly enhance their community policing efforts. After partnering with the community, they can seek to heal a victim's harm, promote social harmony, attempt to put right the wrong, and prevent further crime.<sup>21</sup> Much closer working relationships will be established between the police and the public, the police and victims, the police and other criminal justice agencies.

#### Evaluation Activities

Whenever change takes place it becomes necessary to evaluate the new processes in order to gauge their effectiveness. Much of the change that is expected to occur under this model is in the public's perception and feelings of inclusion in the system. Therefore it would be necessary to conduct surveys of the public, crime victims, and other agencies prior to implementation and then again after the program is in place. These surveys could determine the level of satisfaction with the criminal justice processes both before and after the program is implemented. They could also gauge the public's perception of crime and safety in their communities.

The level of crime should also be tracked to see if the program is having an impact. Recidivism rates among offenders should be compared. Complaints made against various factions of the criminal justice agencies should also be compared to ascertain if the public is reaching higher satisfaction levels with the system since they began to be included. Finally caseloads of the various components of the criminal justice system should be tracked to see if the efforts of the police are having an impact on the other agencies workload.

### Recommendations For the Future

As stated earlier, this issue is a system wide transformational change, that, while focusing on the community policing efforts of a mid size police agency, will require organizations outside the control of the police to change their respective operations. This change will not occur overnight. It is incumbent on police administrators to begin selling the idea and convincing other organizations, as well as elected officials, of the importance of public inclusion in the operations of the criminal justice system.

Successful restorative justice models that are currently in place should be used as examples to model new programs. As the public is made aware of these successes it will become easier to gain acceptance. Police administrators can exercise their discretion by instituting the basic tenants of the restorative justice model on the local level addressing juvenile crime, and begin to establish a track record for success, as well as begin to engage the community in the process of criminal justice.

Police departments can take a lead role in relating the successes of their community policing programs that involve restorative justice to other agencies within the criminal justice

system. A more cooperative environment among agencies should be encouraged that will lead to a unified approach toward the issue.

### Implications For Leadership

For the past several years, police leaders have touted the importance of community policing. They have stressed that it is critical in the enforcement of the law that the police and community form partnerships. While many inroads have been made in this direction over the last decade, the police have maintained their role as the primary player in community safety and security. The public has poured vast amounts of money into the criminal justice system in order to win the war against crime. Many are now beginning to question this war and whether it is worth fighting.

It is time for police leaders to adopt a true community policing model, one in which the community is the key role player supported by the police in their efforts. It is the community through mediation and councils that will set the law enforcement agenda. They will determine what offenders need to do in order to regain their place in the community.

The police will adopt a new support role to the community to ensure that they are acting within the law. They will become mediators and facilitators. The community will rely upon them for counsel and advice. This will require new styles of leadership on the part of the police that emphasizes communication and problem solving. Leaders within the community will have to be identified and educated in order to assume various roles within the restorative justice model. Decision making, which traditionally was accomplished by police management, would now be exercised by members of the community. Only then will we have created vital, effective organizations for our communities.

## Conclusion

According to the literature research, the restorative justice model will have a major effect on the community policing efforts of a mid size police department by the year 2006. Not only will the effect be felt in the local police agency but throughout the entire criminal justice system. The restorative justice model is the essence of community policing. It is the community policing itself, with the support of professional staff. Will this change come easy? It probably will not. However, it is imperative that the change be encouraged.

As Richard Slaughter states in The Foresight Principle:

The purposes and meanings which powered the social system over some two hundred years have created a world of contradictions. The purpose of selecting new ones will not be easy since powerful groups always have interests bound up in the way things were. Yet the de-legitimization of redundant social principles and practices is overdue. This is a major focus of critical futures work.<sup>22</sup>

Communities across this nation are becoming more diverse. The police are faced with new challenges as these various groups come together in communities. Communication and dialogue will be the key to keeping the peace and maintaining harmony. Through the utilization of the model of restorative justice, the police role will be to facilitate this communication among community members and police. Thus, the role of the police will evolve into overseeing the process in which the community polices itself.

## **Appendix A: Participants in Nominal Group Technique**

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<b>Mr. Dennis McQueeney</b>	Police Lieutenant- Major Crimes Task Force Commander, Marin County Sheriff's Department
<b>Mr. Kevin Hart</b>	President, Dublin School Board, Dublin Unified School District,
<b>Mr. Ian Willis</b>	Police Lieutenant- Criminal Investigation Division Commander -San Leandro P.D.
<b>Mr. Robert Burgess</b>	Director of Attendance and Support, San Leandro School District.
<b>Mr. Peter Ballew</b>	Police Lieutenant-Former Supervisor of the San Leandro P.D. Juvenile Unit.
<b>Ms. Nicole Mangel</b>	Community Advocate, Shelter Against Violent Environments
<b>Mr. Dennis Glover</b>	Police Captain- San Leandro P.D. Bureau of Services Commander.
<b>Mr. Ed Achziger</b>	Parole Agent II- California State Parole
<b>Mr. Ron Frazier</b>	Police Lieutenant- Watch Commander, Walnut Creek Police Department.

## **Appendix B: List of Potential Trends Identified by NGT Panel**

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1. **Treatment vs. Incarceration**
2. **Influence of the Media**
3. Lack of Social Mythology
4. Transient Society/Communities
5. Pace of Society
6. **Change in Public Concern due to Current Events**
7. Decreased Dependency on Prisons
8. **Changing Levels of Funding**
9. Victims Demanding Representation
10. Emphasis on Alternative Sentencing
11. Crime Rate
12. At risk Model vs. Resiliency Model
13. Liability Issues Driving Policy
14. **Demographics/Diversity**
15. **Lack of Resources**
16. Cooperative Community Policing
17. Public Demand for Inclusion
18. Violent Crime Rate
19. Entertainment Industry Portrait of Crime
20. **Victims Rights Legislation**
21. **Genetically Based Crime/Research/Engineering**
22. Psychological Profiling
23. Relying more on Technology
24. Specialized Victim Advocates
25. Reaction to Past Decisions (1946 Rural to Suburban Society)
26. Prison/Jail Holding Capacity
27. Unemployment
28. Class Separation
29. Public Access via Internet
30. **Change in Government/Political control**
31. Role of Organized Religion
32. Public Trust in Government
33. **Quality of Personnel**
34. Decriminalization of Drugs
35. Increase Empathy for Offender
36. Legislation Influencing Police Discretion
37. Power of Special Interest Groups
38. Public Influencing Policy
39. Personnel Retirements
40. Changing Perception of Roles/Criminal

**Note: Bold entries were selected by NGT panel as those having most impact on issue.**

## **Appendix C: List of Potential Events Identified by NGT Panel**

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1. Earthquake
2. Power Crisis
3. **Election of a Supporter of Restorative Justice**
4. War
5. **Recession**
6. Stock Market Crash
7. School Shooting
8. Mismanagement of a Major Crisis
9. Proposition 36 type Legislation
10. **Identification of Violence Gene**
11. **Successful Study of Restorative Justice**
12. Major Prison Riot
13. **Crisis that Points to Failure of Restorative Justice**
14. **Crisis that Points to Failure of Incarceration/Punitive Justice**
15. **Landmark Court Ruling**
16. Community Anti-Vigilantism
17. **Federal Grants**
18. Restoring Public Executions
19. International Terrorism
20. Religious Revival
21. Victim Sues Under Restorative Justice Model
22. Police Department Establishes a Mediation Unit
23. PERS Funds Deflected to Crisis
24. **Disbandment of Probation and Parole**
25. Stop Building Prisons
26. Drug/DARE Programs Deemed a Failure
27. Court Ordered Prisoner Release
28. Major Police Scandal

**Note: Bold entries were those selected by the NGT panel as most likely to have the most impact on the issue**

## Endnotes

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- <sup>1</sup> George F. Cole, The American System of Criminal Justice Third Edition (Monterey: Brooks/Cole Publishing Company, 1983).
- <sup>2</sup> World Wide Web, "California Department of Corrections FAQ Page" [www.cdcs.state.ca.us/factsht.htm](http://www.cdcs.state.ca.us/factsht.htm) Accessed August 5, 2001.
- <sup>3</sup> Mark S. Umbreit, Ph.D., "What is Restorative Justice", Center for Restorative Justice & Peacemaking, School of Social Work, University of Minnesota, April 15, 1999.
- <sup>4</sup> Devere Woods & Joanne Ziembo-Vogl, "Reengineering the Criminal Justice System" 1996, Internet <<http://www.concentric.net/~dwoods/cjsys.htm>>, Accessed April 17, 2001.
- <sup>5</sup> Robert C. Trojanowicz and David Carter, "The Philosophy and Role of Community Policing" National Center for Community Policing, Michigan State University, 1988.
- <sup>6</sup> Michael S. Scott, "Problem Oriented Policing: Reflections on the First 20 Years", U.S. Dept. Of Justice, Office of Community Oriented Policing Services, October 2000.
- <sup>7</sup> Ibid.
- <sup>8</sup> Mark S. Umbreit, Ph.D., "What is Restorative Justice", Center for Restorative Justice & Peacemaking, School of Social Work, University of Minnesota, April 15, 1999.
- <sup>9</sup> Caroline G. Nicholl, "Community Policing, Community Justice, and Restorative Justice" COPS Publication, U.S. Department of Justice 1999
- <sup>10</sup> Susan Trojanowicz and Robert Trojanowicz, "Theory of Community Policing" 1998, Internet <<http://www.concentric.net/~dwoods/cjsys.htm>>, Accessed April 22, 2001.
- <sup>11</sup> Todd R. Clear and David R. Karp, "Toward the Ideal of Community Justice", National Institute of Justice Journal, October 2000
- <sup>12</sup> Ibid.
- <sup>13</sup> Jacobs, J. Death And Life Of Great American Cities, New York: Vintage Books, 1961
- <sup>14</sup> Caroline G. Nicholl, "Community Policing, Community Justice, and Restorative Justice" COPS Publication, U.S. Department of Justice 1999
- <sup>15</sup> James B. Smith, "Introduction To Scanning", POST Command College, Class 31, Session 1, notes
- <sup>16</sup> Kim Curtis, "Inmates With Nothing to Lose", Associated Press, The Sunday Times, P-A3 April 29, 2001

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<sup>17</sup> Contra Costa Times, "Comparing The Decades"  
[www.contracostatimes.com/graphics/decades.gif](http://www.contracostatimes.com/graphics/decades.gif), Internet accessed May 31, 2001

<sup>18</sup> California Department of Corrections Homepage, available from  
<http://www.cdc.state.ca.us/factsht.htm> Internet accessed May 5, 2001

<sup>19</sup> Moshe F. Rubinstein and Iris R. Firstenberg, The Minding Organization, New York: John Wiley and Sons, Inc. 1999

<sup>20</sup> Dr. Cary Simon, "Transition Management in a Strategic Organization" Notes from POST, Command College Class 31, March 2001

<sup>21</sup> Caroline G. Nicholl, "Community Policing, Community Justice, and Restorative Justice" COPS Publication, U.S. Department of Justice 1999

<sup>22</sup> Richard A. Slaughter, The Foresight Principle, Cultural Recovery in the 21<sup>st</sup> Century, Praeger Publishers, United States, 1995

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## Bibliography

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Clear, Todd R. and Karp, David R., "Toward the Ideal of Community Justice", National Institute of Justice Journal, October 2000.

Cole, George F. The American System of Criminal Justice Third Edition (Monterey: Brooks/Cole Publishing Company, 1983).

Cromwell, Paul Jr., and George Keefer, Police-Community Relations 2<sup>nd</sup> Edition, West Publishing Company, St. Paul 1978.

Curtis, Kim "Inmates With Nothing to Lose" Associated Press, The Sunday Times, Page A3, April 29, 2001.

Jacobs, J. Death and Life of Great American Cities, New York: Vintage Books, 1961.

Nicholl, Caroline G. "Community Policing, Community Justice, and Restorative Justice" COPS Publication, U.S. Department of Justice 1999.

Rubinstein, Moshe F. and Firstenberg, Iris R. The Minding Organization, New York: John Wiley and Sons, Inc. 1999

Scott, Michael S. "Problem Oriented Policing: Reflections on the First 20 Years", U.S. Department Of Justice, Office of Community Oriented Policing Services, October 2000

Simon, Dr. Cary, "Transition Management in a Strategic Organization" Notes from POST, Command College, Class 31, March 2001

Slaughter, Richard A. The Foresight Principle, Cultural Recovery in the 21<sup>st</sup> Century, Praeger Publishers, United States 1995

Smith, James B. "Introduction to Scanning", Notes from POST Command College, Class 31, Session One.

Tansik, David A. and Elliott, James, Managing Police Organizations, Duxbury Press, California 1981.

Trojanowicz, Robert C. and Carter, David, "The Philosophy and Role of Community Policing" National Center for Community Policing, Michigan State University, 1988.

Trojanowicz, Susan and Trojanowicz, Robert, "Theory of Community Policing" 1998, Internet <http://www.concentric.net/~dwoods/cjsys.htm> , Accessed April 22, 2001.

Umbreit, Mark S. Ph.D, "What is Restorative Justice", Center for Restorative Justice & Peacemaking, School of Social Work, University of Minnesota, April 15, 1999.

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Woods, Devere and Ziembo-Vogl, Joanne, "Re-engineering the Criminal Justice System" 1996 Internet, <http://www.concentric.net/~dwoods/cjsys.htm> Accessed April 17, 2001.

World Wide Web, "California Department of Corrections FAQ Page," [www.cdc.state.ca.us/factsht.htm](http://www.cdc.state.ca.us/factsht.htm) Accessed August 5th, 2001.

World Wide Web, "California Department of Corrections Home Page" [www.cdc.state.ca.us](http://www.cdc.state.ca.us) Accessed May 5<sup>th</sup>, 2001.