

# Community Justice: A Conceptual Framework

by David R. Karp and Todd R. Clear

Community justice broadly refers to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as a goal. Recent initiatives include community crime prevention, community policing, community defense, community prosecution, community courts, and restorative justice sanctioning systems. These approaches share a common core in that they address community-level outcomes by focusing on short- and long-term problem solving, restoring victims and communities, strengthening normative standards, and effectively reintegrating offenders. In this chapter, we begin with a discussion of the broadest purpose of the model, the “community justice ideal,” and describe recent innovations in policing, adjudication, and corrections. We then describe five core elements of community justice that distinguish it from traditional criminal justice practices. In “Principles of Community Justice,” we outline the philosophy of community justice by describing seven basic principles and how they are illustrated in some recent initiatives. In “An Integrity Model of Community Justice,” we define the specific processes and outcomes that characterize the community justice model. We describe this as an “integrity model” because it provides a yardstick by which particular initiatives can be evaluated. In the final section, we outline some current challenges to the implementation of community justice initiatives. These include questions about individual rights and due process, the limits of community control, community mobilization and representation, and funding for new practices.

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## Emerging Community Justice

**A**mong justice professionals, there is growing interest in a new concept of justice often referred to as “community justice.” The term denotes a vision of justice practices with particular concern for the way crime and justice affect community life. This concern has led to a community justice movement that embraces a number of criminal justice approaches, including community crime prevention (Bennett 1998), community policing (Goldstein 1990), community defense (Stone 1996), community prosecution (Boland 1998), community courts (Rottman 1996), and restorative justice sanctioning systems (Bazemore 1998). It is easy to think, then, that community justice is composed of loosely related, innovative projects and programs such as these, all of which operate at the community level.

Yet these disparate approaches share a common core, in that they address community-level outcomes by focusing on short- and long-term problem solving, restoring victims and communities, strengthening normative standards, and effectively reintegrating offenders. Together, these diverse initiatives can be seen at a new and emerging view of justice at the community level. The

concept of community justice can be seen as a challenge to traditional criminal justice practices and concepts that draw distinct boundaries between the role of the State and the role of communities in the justice process. In a community justice model, priority is given to the community, enhancing its responsibility for social control while building its capacity to achieve this and other outcomes relevant to the quality of community life.

Community justice broadly refers to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as a goal. Community justice is rooted in the actions that citizens, community organizations, and the criminal justice system can take to control crime and social disorder. Its central focus is community-level outcomes,

shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual goods to the common good. Typically, community justice is perceived as a partnership between the formal criminal justice system and the community, but communities often autonomously engage in activities that directly or indirectly address crime.

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Community justice shares with restorative justice a concern for victims, and it prioritizes the types of offender sanctioning that require restitution to victims and reparations to the community. Like restorative justice, community justice models reject punishment as a sanctioning philosophy. Restorative requirements are viewed not as punishment but as obligations assumed through membership in a community. Community justice, however, is more broadly conceived of than restorative justice, attending to crime prevention as well as offender sanctioning. In addition, community justice focuses explicitly on the location of justice activities at the local level and concentrates on community outcomes.

Our purpose in this chapter is to articulate the assumptions, aims, and difficulties of community justice. In the spirit of a new century, we seek to articulate the concept of community justice as an ideal type, although we recognize the limitations of current practices. We ask fundamental questions about the mission and purposes of criminal justice and how a community justice model can be distinguished from the traditional business of law enforcement and criminal punishment.

In this chapter, we begin with a discussion of the broadest purpose of the model, “the community justice ideal,” and describe recent innovations in policing, adjudication, and corrections. We then describe five core elements of community justice that distinguish it from traditional criminal justice practices. In “Principles of Community Justice,” we outline the philosophy of community justice by describing seven basic principles and how they are illustrated in some recent initiatives. In “An Integrity Model of Community Justice,” we define the specific processes and outcomes that characterize the community justice model. We describe this as an “integrity model” because it provides a yardstick by which particular initiatives can be evaluated. In the final section, we outline some current challenges to the implementation of community justice initiatives. These include questions about individual rights and due process, the limits of community control, community mobilization and representation, and funding for new practices.

## **The community justice ideal**

One of the attractions of community justice is that it moves away from the tired debate between conservatives and liberals about whether “getting tough” makes sense. Community justice focuses on promoting public safety and the quality of community life, and this is something to which adherents of both liberal and conservative views can subscribe. The community justice ideal is for the agents of criminal justice to tailor their work so that its main purpose is to enhance community living, especially by reducing the inequalities of ghetto life, the indignities of disorder, the agony of criminal victimization, and the paralysis

of fear. This ethic has begun to take hold in each of the three main components of criminal justice: police, courts, and corrections.

### *Policing*

In a very short time, policing has shifted from a detached professional model to an involved community model. Although community policing has been adopted by a majority of police departments across the country (Peak and Glensor 1996, 68), there has been much variation in both the definition and the practice of community policing. Underlying the various approaches are the dual strategies of problem solving and community involvement (Goldstein 1990; Skolnick and Bayley 1988; Bayley 1994; Skogan 1997), a change that represents a shift toward the identification and resolution of the causes of criminal incidents from the on quick reaction to a particular incident. The concern for community involvement has led to an increased emphasis on addressing social disorder, such as public drinking, panhandling, graffiti, prostitution, and so on, because of widespread community concern over these problems (Skogan 1990; Kelling and Coles 1996). More profoundly, community involvement means sharing the responsibility for social control with community members.

These community strategies are redefining police work. Line officers are seen less as bureaucrats caught in autocratic organizations and more as innovators whose knowledge of the world at the line level gives them a special expertise in problem solving. Arrest rates and 911 calls are decreasingly used as indicators of success; they are being replaced by citizen satisfaction with police services, direct solutions to citizen-articulated problems, and, of course, reductions in criminal victimizations. Police are learning to divest themselves of the “we-they” syndrome that dominates the “thin blue line” tradition; instead, police see residents as potential partners in making localities better places to live.

### *Adjudicating*

The court system has demonstrated a number of recent innovations in defense services (Stone 1996), prosecution (Boland 1998), and reorganization of courts into various community models (Rottman 1996). For example, community prosecution attempts to integrate the legal services of a prosecutor’s office into neighborhoods troubled by crime. Neighborhood-based prosecutors find that residents are not solely concerned about serious crimes; they also care deeply about disorder, petty disturbance, and overall quality of neighborhood life. The role of neighborhood district attorneys shifts from the automatic invocation of the adversarial system of prosecution to the systematic resolution of crime and disorder problems. Community courts represent another approach to the adjudication process. Variations of the community court model, such as teen courts,

drug courts, and family violence courts, specialize in particular issues in order to develop more comprehensive solutions. The underlying assumption of community courts is that communities are deeply affected by the sentencing process yet are rarely consulted and involved in judicial outcomes.

### ***Correcting***

Community justice has been slowest to arrive in the correctional field. Perhaps this is because the existing term, “community corrections,” gives the impression of community justice. Under traditional approaches to this field, corrections enters the community, but the community never makes it into corrections. Nevertheless, several new projects have emerged that seek correctional results that restore victims and offenders (Van Ness and Strong 1997; Galaway and Hudson 1996), while also involving citizens in setting sanctions and evaluating correctional priorities. A recent publication by the American Probation and Parole Association (1996) highlights nearly 20 examples of community/citizen partnerships with correctional agencies. For example, in Vermont, citizen volunteers serve on local boards that work with victims and offenders to negotiate reparative agreements (Karp 1999; Perry and Gorczyk 1997).

The aforementioned illustrates the localized, dynamic, variable strategies that are replacing the centralized, standardized, expert model that has been the object of most professional development in recent years. However, it is important to emphasize that these changes are a spontaneous adaptation of the system to its lack of credibility and effectiveness, and they are undertaken by some elements of the justice system, often in isolation of others. It is not yet a coherent practice, a systematic theory, or grounded in a particular tradition of cumulative empirical research. Our aim is to describe what we see as the community justice ideal, which represents a compilation of the best elements of the community justice movement.

## **Five elements of community justice**

Community justice can be identified by its five core elements. Community justice explicitly focuses on (1) neighborhoods, (2) problem solving, (3) decentralization of authority and accountability, (4) community quality of life, and (5) citizen participation.

### ***1. Community justice operates at the neighborhood level.***

Criminal law jurisdictions are defined by political boundaries (States, municipalities, and governments), but from the point of view of community life, these legal perimeters are often without meaning. Both Lubbock and El Paso implement

Texas criminal law, but the nature of community life in these towns, which are hundreds of miles apart, is quite different when it comes to crime and its control. Operationally, this means thinking in terms of *blocks* of space, not cities, counties, or States. Under the community justice ideal, criminal justice activities will be tied to these delimited localities and will be free to adapt to particular manifestations of community life there.

## ***2. Community justice is problem solving.***

Traditional criminal law is defined as a contest between the accused and the state. Under community justice, crime is not a contest to be won but a series of problems to be solved. The emphasis is placed on both the public safety problems that need to be solved in order to improve community life and the potential consequences of the means taken to solve those problems. Problem-solving approaches are different from the conflict paradigm in that they rely on information, deliberation, and mutual interest for a resolution. The belief is that citizens share a set of values and concerns, and with proper information and order, a way out of the problem can be found.

Community-level information is used in three problem-oriented ways. First, geospecific information organizes places into priorities (Taylor and Harrell 1996). High-crime locations receive greater attention and greater investment of local resources, for not only is the problem more difficult, but the potential payoff in improved quality of life is greater. Second, residents' concerns and desires are a source of program information. They tell justice workers which factors residents see as most closely tied to quality-of-community-life problems (Kelling 1992). Third, information translates into targets that can be used to evaluate the success of a given strategy for confronting crime (Sherman et al. 1997).

## ***3. Community justice decentralizes authority and accountability.***

Traditionally, criminal justice management is hierarchical; at each level of the organization, a worker reports to an immediate superior, who in turn reports to the next level. Community justice approaches have nontraditional organizational alignments. Staff may report to citizen groups in addition to professional superiors. Managers in one organization (for example, policing) may be "matrixed" with managers of another organization (for example, probation or prosecution) in order to improve coordination and increase cross-fertilization of ideas and action. For example, in Boston's Operation Nightlight, police officers and probation officers are partnered in their outreach to ex-offenders living in the community (Corbett, Fitzgerald, and Jordan 1996). The communication channels

under such inventive organizational structures are complicated. Lateral information sharing and short-term, ad hoc problem-solving groups may be dominant modes of work.

The spirit of innovation requires a transformation of the justice profession from hidebound antagonisms among citizens and across agencies to interconnected processes of problem identification, information gathering, intervention design, and evaluation. For example, new line authority in community policing often enables the cop on the beat to do much more than exercise enforcement powers. He or she is often able to organize community anticrime campaigns, mediate ongoing disputes, and coordinate the solution to problems by collaborating with workers from other agencies. Whether a social worker places an at-risk youth in a drug treatment program or a transportation planner alters traffic flow through a highly visible drug market or “bazaar,” the solution to any particular public safety problem will nearly always require organizational integration.

#### ***4. Community justice gives priority to a community's quality of life.***

Traditional criminal justice concerns itself with individuals accused of crimes and—somewhat more recently—their victims. The processes and outcomes the system applies to those individuals produce justice. Community justice understands these as important but subservient to a more significant aim: to improve the quality of community life. One of the lessons of neighborhood prosecution initiatives has been the acute need among inner-city residents for legal assistance that goes well beyond the prosecution of serious crimes (Boland 1998). Because an offender has been convicted and punished—and even when the specific crime victim is fully satisfied with the penalty—it cannot be assumed that justice prevails in its broadest meaning. Under the theory of community justice, the aim of crime-related processes is not merely to change the circumstances of offenders and victims but to strengthen the capacity of communities for self-regulation (Bursik and Grasmick 1993) and realization of the collective aims of welfare—what others have called “collective efficacy” (Sampson, Raudenbush, and Earls 1997). Justice, then, is not exclusively the experience of individuals around their particular criminal cases; it is also a collective experience in everyday life (Kelling and Coles 1996).

At least two challenges are posed by this concern for justice as an aspect of community life. First, communities are composed of diverse individuals and layers of competing interests. To find ways to put justice practices into action such that diversity is recognized and fostered is not an easy task. As the harmfulness of crime to community life becomes apparent, the temptation grows to

adopt zero-tolerance approaches to crime that treat fellow citizens as a kind of enemy. How the aim of quality of life can be held high, without excluding certain community members from the vision, is a profound challenge to advocates of community justice. Second, the social fact of extraordinary inequality has meant that those communities most damaged by severe levels of crime are least capable of mobilizing resources to deal with it. Community justice, to be a meaningful vision, must include strategies for enhancing the capacity of these already hard-pressed local areas.

### ***5. Community justice involves citizens in the justice process.***

A variety of roles exists for citizens in community justice initiatives, but every role involves the capacity of the citizen to influence the local practice of justice. The least involved citizen may influence practices by attending and participating in meetings in which issues of crime and order are discussed. Others may volunteer their time to work on particular projects, provide support to victims, assist offenders in their reintegration back into the community, and carry out community crime prevention activities. Still others will take more formal roles as members of advisory boards, such as Austin's Community Justice Council (Earle 1996), to provide more structured input into community justice practices.

The shift toward citizen participation is grounded in two important insights. First, formal social control by police and the courts is a thin layer in a much thicker foundation of institutions and cultural practices that produce social order. The thin blue line is buttressed by the important work of families, schools, churches, civic organizations, and others in the creation of law-abiding citizens and safe public spaces. Second, the shift toward citizen participation is grounded in the basic recognition that community members are citizens in a democratic society. It is assumed that citizens in a democracy actively work toward the welfare of the whole society and do not just look out for themselves. Our past failures in part result from a false assumption that the onus of public safety falls entirely on the criminal justice system.

The aforesaid elements represent responses to changes in crime and community life. They call for a justice system that is more attuned to the need to improve the quality of community life in America. They also contain the seeds of safer communities and more responsible community members. The vision promoted by these changes is of an increasingly relevant and purposeful set of justice practices carried out in close cooperation with citizens affected by those practices.



## Principles of Community Justice

Next we articulate seven principles of democratic and egalitarian community justice. These serve as our guideposts in the assessment of community justice in practice. For each principle, we provide an example of its implementation.

### Democratic principles

Three democratic principles refer to community justice responses to criminal incidents. The microlevel focus taken here attends to the democratic participation of citizens in the justice process. We describe the rights and responsibilities of various stakeholders: offenders, victims, onlookers, community institutional representatives, and criminal justice practitioners. Our view is that all parties have unique and important roles to play in the pursuit of a just resolution to criminal incidents. This democratic outlook emphasizes civic participation in the criminal justice process according to three overarching principles: norm affirmation, restoration, and public safety.

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#### *Norm affirmation*

When a community responds to a criminal incident, it seeks not merely to restore credibility to the community's conception of the moral order by reaffirming that individuals are accountable for their violations of community life, but also to symbolically affirm community norms for others who have not disobeyed them. A fundamental principle of democratic community justice is the reaffirmation of standards that have been brought into dispute by the criminal incident. Norm affirmation is more than an intuitive recognition of right from wrong; it is a conscious process that articulates behavioral standards and provides justification for them.

In Vermont's reparative board program, community volunteers serve on boards that meet with adult offenders to negotiate terms of reparation to victims and to the community. It is an approach that mobilizes community members to respond to crime by enabling them to clarify and enforce appropriate standards of behavior. By removing the sanctioning process from the courtroom to the informal problem-solving setting of the community boardroom, offenders are forced to confront their community peers directly. The harmful consequences of the crime are made plain, and the community representatives are given a strong voice in the process of communicating normative standards. Community

justice initiatives seek to affirm local standards of behavior. Hence, the reparative boards are given a fair degree of autonomy and discretion in what is to be communicated. The Vermont reparative boards are an attempt to give a role to the community in many aspects of the sanctioning process, but especially to provide them a forum for affirming local norms of conduct.

### **Restoration**

Restoration as a principle of sanctioning has gained much attention recently (Bazemore and Umbreit 1994; Braithwaite 1997; Van Ness and Strong 1997). In essence, this view takes exception to retributive sanctioning that punishes offenders without holding them accountable for making amends to victims

and the community at large. The idea underlying the pursuit of restoration is that crime has wrought harm and this needs rectification, preferably through restoration rather than reciprocal imposition of more harm (Clear 1994). The goal of restorative justice is repairing the damage done by the offense rather than inflicting proportionate harm on the offender (Bazemore and Umbreit 1995).

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The basic “family group conference” model, which originated in New Zealand (Maxwell and Morris 1994) and is increasingly used in the United States (Immarigeon 1996; McCold and Stahr 1996), is a diversionary program most often used for youthful offenders arrested for relatively minor crimes. A major experiment is currently being undertaken with juvenile offenders and drunk drivers in Australia (Sherman and Strang 1997), following a positively evaluated juvenile conferencing project (Moore and O’Connell 1994).

The Australian model, often called the “Wagga Wagga” model to distinguish it from the New Zealand design, employs police officers as the facilitators of a conference between victims, offenders, and “onlookers” (typically, supporters of the victim and offender). The explicit goals of a family group conference are to ensure that the offender understands the seriousness of the crime and takes responsibility for making amends; to provide a forum for the victim to participate in the sanctioning process and obtain recompense; to provide a meaningful role for police and other community institutions’ facilitation of the justice process; and to provide opportunities for rehabilitation and community service. Unlike Vermont’s reparative boards, the emphasis is on victim-offender mediation and problem solving rather than on the affirmation of local norms.

### **Public safety**

The third principle of a community justice approach to criminal incidents is public safety: the assurance that offenders will not cause additional harm to community members. This is particularly important for the processes of victim healing and reducing community fear of crime. The quality of community life is in part predicated on the confidence its members have in crossing public spaces and safely engaging other community members. Conviction of an offense undoubtedly makes people suspicious of the offender's future intentions. A community-oriented response to a criminal incident must address stakeholders' concerns about offenders' potential recidivism. Moreover, it requires an active campaign to reassure the community of its safety through concrete steps to enhance formal and informal controls.

An example of the public safety principle is Boston's Operation Cease Fire (Kennedy 1997). The strategy uses data widely available to the criminal justice system—in particular, the facts that a few offenders account for a substantial proportion of all crime and that these offenders are often concentrated in a geographic space. These factors suggest that public safety can be increased substantially by focusing institutional resolve on gang offenders.

Two basic strategies underlie Operation Cease Fire. First, interagency collaboration helps to identify individuals and gangs at risk for violence. Participating agencies regularly meet to strategize and share information critical to the identification of gang members who would be targeted, thereby increasing the effectiveness of investigation and developing a repertoire of interventions and sanctions. Moreover, the agencies work together to strengthen the tone of seriousness regarding intervention. The coordinated effort enables the project to focus its intervention strategy on the most violence-prone areas. Second, the operation is based on increasing deterrent effects through swift and certain sanctioning and overcoming traditional weaknesses in these critical domains. This is achieved through a variety of means. When a violent act is committed, the various agencies can, at their discretion, not only arrest suspects, but also shut down drug markets, strictly enforce probation restrictions, make disorder arrests, deal more strictly with cases in adjudication, deploy Federal enforcement power, and so on.

The Cease Fire strategy appears to have been quite successful; its implementation coincided with a dramatic drop in Boston gang violence (Kennedy 1997). The success of the strategy is predicated on the capacity of the system to track the activities of individuals at great risk for offending. Although the criminal justice system typically ignores supervision in the community and only punishes offenders severely after the fact, Operation Cease Fire points to the real possibility of prevention through deterrence. The strategy is unique in how it uses

the aggressive enforcement powers of the criminal justice system and applies them as a prevention strategy.

## Egalitarian principles

Here we consider four principles that frame a community justice approach to criminogenic neighborhood conditions. This expands the community justice model from the milieu of criminal justice to the broader context of social conditions that place individuals at risk for a number of social problems, such as drug abuse, unemployment, school failure, and teenage and out-of-wedlock childbearing. Our aim is to broaden the community justice approach beyond the typical reaction to particular incidents (even a considerably different reaction than previously described). Instead, we focus on proactive and preventive measures. The four principles are meant to orient community justice approaches toward egalitarian concerns for equality, inclusion, mutuality, and stewardship.

### *Equality*

The pursuit of social equality is grounded in the moral concern that opportunity is unevenly distributed across society. Researchers have expressed particular concern for the inequalities that result from racial segregation (Massey and Denton 1993) and concentrated poverty (Sampson and Wilson 1995). Communities hard hit by crime are nearly always the same communities that suffer extreme levels of poverty and disorganization, and these communities are also likely to lack the resources to address their crime problems. A community justice approach to inequality begins by considering a community's capacity for responding to crime and the institutional resources it has available to provide directly for the community welfare. The aim is to increase the community's capacity to leverage extra local resources on its own behalf (Bursik and Grasmick 1993) in order to enhance the capacity of indigenous resources.

A good example of a program that adheres to the equality principle is the Community Building Initiative (Chavis, Lee, and Merchlinsky 1997). This project is sponsored by the Local Initiatives Support Corporation (LISC), which was established by the Ford Foundation to facilitate the development of community development corporations (CDCs). CDCs are neighborhood organizations generally set up to revitalize urban neighborhoods by renovating housing and addressing local social problems. The Community Building Initiative provides funding, training, and other capacity-building support to CDCs in a number of U.S. cities. The project is meant to assist CDCs in their efforts to engage residents in neighborhood development activities and to create linkages between CDCs and public and private institutions capable of supporting local housing development and other community facility projects.

The Community Building Initiative brings technical assistance to local CDCs, promotes collaboration among CDCs, and fosters connections between CDCs and public agencies and private investors. As a result, CDCs develop action plans and engage community residents, local social service providers, and outside collaborators in community-building activities. Specific activities can vary greatly depending on the local will. For example, Chavis, Lee, and Merchlinsky (1997) report a number of projects, such as organizing block or tenant associations, creating community leadership development programs, organizing to close drug houses, developing community gardens, and developing programs to involve parents in schools. The specific initiative that they evaluated helped foster linkages with external organizations—through CDC outreach—by bringing health care services to the local neighborhood through partnerships with area hospitals and universities. There were also efforts to bring criminal justice resources from the city government to the local community through partnerships with various criminal justice agencies.

### ***Inclusion***

The principle of inclusion asserts that communal membership is not cheaply bought or sold. Much of the pressure for longer prison sentences is predicated on a “kinds of people” perspective on crime: The world can be cleanly divided into good people and bad people, and the sooner the bad people are removed from the public domain, the better. A community justice approach favors public safety but rejects the simplistic claim that removal of the “bad guys” is the core strategy for solving community safety problems. Residents existing on the margins of community life are potential resources for community development. The challenge is not to isolate as many dubious residents as possible but to find ways to include as many community members as possible in efforts to improve community quality of life.

One community justice effort has been the formation of drug courts to facilitate the treatment of substance abusers (Roberts, Brophy, and Cooper 1997). Given the close linkage between substance abuse and crime (Belenko and Dumanovsky 1993) and the minimal effect of incarceration without treatment to reduce substance use (U.S. Department of Justice 1995), drug courts have sought a way to provide treatment while keeping nonviolent offenders in the community. Thus, the drug court movement has not focused on violent offenders or drug dealers; rather, it has focused on offenders (typically charged with felonies) identified with substance abuse problems.

Drug courts are an important example of the inclusion principle because they indicate a shift in perspective that accepts substance abusers as troubled members of the community in need of help, rather than considering them social

misfits in need of exile through incarceration. Community justice initiatives that adhere to the inclusion principle, therefore, seek to keep offenders from being cast out by implementing institutional changes that manage their reintegration into the community. Drug courts accomplish this by:

- Specializing in the particular legal and social concerns of drug offenders.
- Collaborating with treatment agencies and community organizations.
- Educating and training judges, prosecutors, defenders, and other criminal justice practitioners in substance abuse and treatment modalities, and also educating and training treatment providers about criminal justice procedures and concerns.
- Centralizing case management and followup of offenders, which facilitates rational sanctioning and treatment procedures of supervision and evaluation.

### ***Mutuality***

As an ethical minimum, community justice stands for peaceful coexistence of self-interested actors and, more importantly, cooperation in the pursuit of mutually beneficial ends. On the one hand, this entails incentives for prosocial behavior: performing community service, joining a community crime prevention campaign, socializing and supervising youths, and so on. On the other hand, the mutuality principle endorses disincentives for antisocial behavior: holding offenders accountable for the damage they have caused, increasing the risks of criminal detection, making criminal targets less vulnerable, or reducing the rewards of criminal behavior. The mutuality principle helps counteract the rational incentives that underlie much criminal activity, in particular the perception by offenders that no one cares enough to intervene. The best approaches alter criminal incentives without increasing coercion in society; freedom is preserved, but the attractiveness of criminality is diminished.

Crime prevention through environmental design (CPTED) is based on the observation that certain characteristics of places facilitate crime; many types of places do not seem to be criminogenic, but others frequently are, such as convenience stores or taverns (Eck 1997). A good example of the mutuality principle in action was the 1995 renovation of Bryant Park in Midtown Manhattan (MacDonald 1996). Prior to the renovation, the park was a well-known haven for drug dealers; robberies, assaults, and shootings were common. Today, the tree-lined open space is crowded with picnickers and Frisbee™ throwers. The difference was the result of a substantial beautification and maintenance project that combined landscaping, sanitation, and security. In essence, park planners

availed themselves of a variety of CPTED strategies that made the park attractive to community members but not conducive to criminal activity.

Bryant Park exemplifies the mutuality principle for a second reason that goes beyond its physical transformation. Its reclamation is the result of an increasingly common partnership of proximate commercial establishments known as business improvement districts (BIDs). In New York, the Bryant Park BID levied taxes from local businesses and corporations, and the funds were used to enhance public spaces, reduce disorder, and, from the perspective of the merchant, increase the commercial viability of the area. Under New York law, BIDs are formed voluntarily, by agreement of the local businesses; however, after a BID's formation, compliance with the taxation becomes mandatory. BIDs are a structural mechanism for enjoining private interests to secure public goods. The mechanism relies on shared self-interest: The businesses had an economic incentive to make neighborhood improvements they knew the city could not afford (or to which it would not otherwise commit). Both CPTED strategies and BIDs are predicated on altering the incentive structure, making crime less rewarding to the rational actor.

### ***Stewardship***

Stewardship is a principle that calls on citizens to view themselves as responsible for the welfare of the larger community, not merely in response to their own immediate interests but also to the needs and interests of others, particularly those who are disadvantaged or vulnerable. It is the community justice principle that advocates civic participation at all levels of the criminal justice process. Who is to be the "community" in community justice, if not its residents? The point is not simply to enhance the legitimacy of the system in the eyes of the public; it is, more fundamentally, to promote democratic citizenship.

Stewardship is also a resource-building idea. The goods that serve the collective community need to be well maintained and strengthened, and the resulting benefits need to be spread widely among the members of the community. Structures are to be maintained in good working order; public places are to be kept clean, attractive, and accessible. The community acts as manager of its own living space and benefits from living in a clean, well-functioning area. The management of public goods is by no means automatic in a highly individualistic society, given the typical conflicts between public and private interests (Bellah et al. 1991). Thus, stewardship is a principle to be cultivated among community members.

In Austin, Texas, stewardship is illustrated by the activities of the Community Justice Council, a decisionmaking body composed of 10 elected officials, including prosecutors, legislators, city council and school board members, and



judges. The council is responsible for developing community justice plans for Austin and Travis County. The council is closely linked to and advised by the Community Justice Task Force, which has 15 appointed officials, including the chief of the Austin Police Department, the superintendent of Austin's school system, and the directors of the juvenile and adult probation departments. Finally, the council is advised by the Neighborhood Protection Action Committee, which includes 25 citizen activists selected for representation by local neighborhoods.

The formal coordination of criminal justice agencies, social service agencies, and community groups enables the council to devise plans that are both comprehensive and appropriate for the needs and interests of local communities. For example, one of the major efforts of the council has been the creation of the Community Justice Center, which is a community correctional facility located in a troubled neighborhood and built on community justice principles. The collective work in developing this center ranged from site selection and facility design to the composition of programs and services aimed at offender reintegration.

The strength of the Community Justice Council is that it provides an organizational structure for citizens to exercise a voice in criminal justice planning. This is not merely an opportunity to sound an opinion in a neighborhood meeting; it is also an opportunity to work collaboratively and substantively with representatives from numerous public agencies in the production of policy and programs. Moreover, the council is guided by a philosophical mission that invites participants to reflect on the wider goals of criminal justice and to seek means to accomplish them. In this sense, the council cultivates stewardship because it displaces consideration of narrow, short-term interests in favor of the long-term general welfare of the community.

## **An Integrity Model of Community Justice**

The preceding section emphasized general principles underlying the community justice ideal. This section delineates an integrity model that identifies the central process and outcome dimensions of community justice.

Typically, a small domain of concerns conceptualizes criminal justice outcomes. In the contemporary get-tough era, these are almost exclusively crime control variables: crime rates for areas and recidivism rates for individuals. This domain is sometimes broadened with broken windows concerns for disorder rates and their potential link to serious crime rates (Kelling and Coles 1996). Nevertheless, the focus of these is essentially crime control. In more liberal times, the domain of outcomes included justice concerns such as race bias in

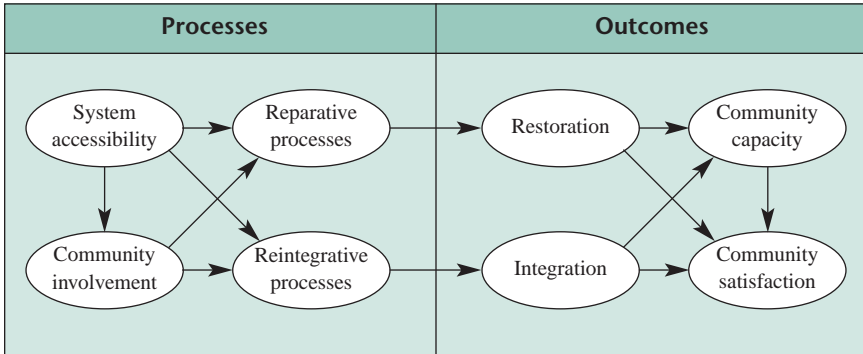


court processing and offender rights protections such as Miranda. Outcome domains have also included treatment and rehabilitation concerns. We use a different approach by conceptualizing justice outcomes from the perspective of community life. This perspective broadens the scope of criminal justice interests without dismissing concerns for individual rights or social order. In particular, the integrity model developed here emphasizes *restoration* of the community in response to the damaging consequences of crime and *social integration* of marginalized individuals, particularly offenders and victims. These twin foci of restoration and reintegration distinguish community justice from traditional or procedural justice approaches as well as from atavistic versions of local justice originating in either vigilantism or racial discrimination.

The integrity model presented here is not a causal model. Community involvement, for example, is not predicted to lead automatically to a reparative process. Indeed, one great concern raised by critics of the community justice movement is that communities will advocate narrowly retributive responses to crime, even suspending traditional procedural protections of alleged offenders. The integrity model illustrates the conceptual organization of community justice: what system and community processes are necessary to achieve desired community justice goals and how each dimension is meant to facilitate the next. It provides a grounded way to evaluate the programmatic elements of community justice initiatives. A given community justice strategy that deviates from the integrity model can be seen as a programmatic failure to express a principled community justice process. That is, a program might profess a commitment to community justice but undertake and succeed at something quite different—something that, whatever its potential merits, we would not call community justice. Methodologically, the integrity model speaks to the problem of construct validity rather than to the problem of reliability. The question is basic: Is what we observe community justice? Once this question is answered, we will be in a position to ask whether particular processes are predictive of community justice outcomes. The purpose here is to establish a framework that defines core features of community justice and to develop a set of theoretical and empirical indicators for assessing the extent to which initiatives in the field conform to the theoretical model.

The integrity model is divided into two domains (see exhibit 1). First, we posit four process-oriented categories: system accessibility, community involvement, reparative processes, and reintegrative processes. Because this movement appears to be guided by efforts of criminal justice practitioners to include the community, system accessibility is conceptualized as an antecedent factor. Coupled with community involvement, the community justice model initiates concurrent reparative and reintegrative programmatic agendas.

**Exhibit 1. Community justice integrity model**



The second domain refers to intended outcomes of the community model. Restoration and social integration serve two important community goals. First, they facilitate community capacity, or the ability of communities to solve future problems and provide collective goods. This is consistent with the premise of social disorganization theory that effective communities are able to realize common values (Bursik 1988; Kornhauser 1978). Second, restoration and social integration affect community satisfaction, such that community members feel a strong measure of public safety (Miethe 1995), believe that justice is served in response to violations of the normative/legal order (Tyler 1990), and have a strong sense of community (McMillan and Chavis 1986). Thus, community quality of life is emphasized in this criminal justice model.

## The processes of community justice

A description of the integrity of community justice begins with its process components. These functions of community justice initiatives are areas of activity for community justice workers and their partners. We define them as core concerns around which programs can be designed and developed. The four are described as follows.

### *System accessibility*

The recent movement in community justice is propelled by the search among criminal justice practitioners to find new approaches to community safety and community satisfaction with the justice process. Police chiefs embrace community policing practices, such as foot patrols, citizen surveys, and problem solving (Skogan 1997); public defenders create new services at the local level, such as the Neighborhood Defender Service of Harlem (Stone 1996); prosecutors

devise new strategic priorities, such as the creation of resident-driven search warrants in Portland (Boland 1998); community courts specialize in quality-of-life issues, such as the Midtown Community Court in Manhattan (Rottman 1996); and correctional departments hire staff to develop community justice solutions, such as a restorative justice planner in Minnesota (Pranis 1996) and reparative board coordinators in Vermont (Karp 1999). Is there a common philosophical underpinning to these various criminal justice system initiatives? Foremost, it appears that such efforts represent an explicit concern for making the system more accessible to community residents. This may be especially true in three domains.

First, community justice efforts appear to take seriously the location of the criminal justice process. To what extent, for example, are agencies physically accessible? How far is it that a crime victim would need to travel to participate in the justice process? The storefront community police stations may be axiomatic of this strategy of accessibility.

Second, community justice is concerned with flexibility in the delivery of services. Line staff, for example, are meant to have the authority to respond immediately and creatively to residents' concerns as they are raised. Both the range of services by an agency and its mode of delivery is deemed flexible in response to perceived needs, changing conditions, and/or efficiencies that can result from collaborations and problem solving. Accessibility is engendered by the responsiveness of agencies and their staff to local problems in a timely, productive, and energetic manner.

Third, community justice initiatives enhance accessibility through their informality. Rejecting the impersonal authority of the court setting, sanctioning processes—such as the reparative board hearings of Vermont or the family group conferencing models arriving from Australia and New Zealand—disclose the personal relations of criminal disputes. The shift is consistent with Gilligan's (1982) contrast between the "logic of justice" and the "ethic of care" in moral decisionmaking. Accessibility is enhanced by an atmosphere of personal respect, sensitivity, and consideration as well as a facilitation process that emphasizes good communication, consensus, and conflict resolution.

### ***Community involvement***

Making the system accessible to the public is a precondition for initiating reparative and reintegrative justice processes. It sets the parameters for deliberation based on local priorities, egalitarian principles, and responsiveness rather than rulebound coercion or single interest usurpation. Most important, accessibility is designed to enlist community members in a process typically controlled by

*Community justice is likely to be most successful when those involved in the justice process are directly related to the incident. As their link to the incident diminishes, so too may the impact of their participation.*

State agents. Community involvement is grounded in a basic understanding of democratic process: Decisionmaking is devolved, citizenship is valued, and residents are invested and empowered (Barber 1984). Community involvement is emphasized in efforts to identify relevant parties, recruit participants, and offer a significant determining role for community members in exchange for participation.

Community justice begins with a process of defining immediate parties to criminal incidents and/or criminogenic situations. The community justice process is concerned foremost with victims and offenders. Indeed, a major movement in community justice over the past two decades has been victim-offender mediation (Umbreit 1994). More recently, the notion of relevant parties has expanded to include supporters of

victims, such as family and friends, and supporters of offenders, such as family members and others who share a concern for both the offenders and conformity to the law. Family group conferences (Braithwaite and Mugford 1994; Hudson et al. 1996) are organized by bringing such groups together in a problem-solving session following a criminal incident. The community question is partly resolved by the immediacy of the salience of the incident and finding persons directly linked to the incident by participation or close personal ties. Recent concern over the damaging effects of social and physical disorder on neighborhoods (Kelling and Coles 1996; Skogan 1990) expands the number of relevant parties to include those indirectly affected by criminal incidents because of the fear the incidents engender, possibly causing community residents to withdraw from community life (Mieth 1995). One hypothesis regarding the definition of community is that community justice is likely to be most successful when those involved in the justice process are directly related to the incident. As their link to the incident diminishes, so too may the impact of their participation.

Once relevant parties have been identified, recruitment for participation is necessary. Community justice tries to avoid coercion whenever possible. Often, even offenders are given a choice about the nature of their involvement. For example, they may be offered the option of participation in a family group conference or proceeding with traditional court adjudication. Victim participation is often viewed as highly desirable, and one question about implementation may be how much they are pressured to participate in a voluntary justice process. This second dimension of community involvement, therefore, revolves around processes of recruitment and the nature of participation. How are they recruited? How much do they participate?

A third dimension of community involvement reflects the relative efficacy of community participants in the justice process. This dimension reflects the community partnership with the criminal justice system. Even if the community's involvement is extensive, it may also be superficial and unimportant to justice outcomes. Such would be the case when agencies develop community justice initiatives as strategies of public relations rather than as a true commitment to power sharing. Community volunteers are at a technical and political disadvantage against professional criminal justice staff, and attendance to this imbalance is a critical dimension of evaluation (Crawford 1995). To what extent are decisionmaking processes democratic and inclusive of community members? What authority is given to community groups to develop their own agendas and complete them? What resources and other supports are given to these groups? What formal agreements are established in community/justice agency collaborations? What arrangements are made for contingencies in the event that agreements are abrogated or unfulfilled? If power is devolved from the system to the community, another central issue is the development of new systems of accountability. Are citizens subject to the same rules as agency employees? When community groups are unsuccessful or irresponsible (for example, racially discriminatory), how are they held accountable, if at all?

### ***Reparative processes***

The reparative process is grounded in the problem-solving model common to community policing. Rather than emphasizing strict adherence to precedence and procedure, the focus is continually cast on the problems caused by crime and the problems that cause crime. When harmful conditions and criminal damage is identified, a decisionmaking process is undertaken to rectify this harm. Unlike traditional just deserts philosophies, emphasis is not placed on imposing proportional costs on offenders for the harm they have wrought. Nevertheless, offenders are believed to be in debt to both victims and the community. Holding offenders accountable in a manner that facilitates their making amends is a critical part of the community justice process. Traditional punishment that is not directly constructive is outside the community justice model. However, both incapacitation (to ensure public safety) and potentially onerous work may be requirements of both the reparative and reintegrative processes.

The reparative process is defined by two categories: an identification process that delineates reparative tasks and an implementation process that facilitates the completion of these tasks. Reparative decisionmaking is often done in a negotiation process that includes offenders and victims. Victims have an important role in specifying how they have been harmed by the criminal incident and what they might need to be healed. Monetary restitution might be only one of a

long list of needs, and even though offenders may have an important contribution to make, they may not be the appropriate or only parties to take responsibility for reparations. In Vermont, reparative boards negotiate contracts with offenders, in large part to identify appropriate reparative tasks. When an offender signs a contract, he or she commits to fulfilling its terms as the condition for completing probation.

The term “reparation” is generally used in conjunction with a sanctioning process. However, it is equally applicable to problem solving and prevention-oriented needs and tasks. Hence, reparative sanctioning is theoretically similar to problem-oriented policing in its focus on rectifying specific community problems. The crucial element is an overt decisionmaking process that identifies a problem or harm and articulates a reasoned strategy for resolving the problem or fixing the damage. The problem, for example, might be subway graffiti, with a solution crafted by affected parties, including commuters, transit authorities, and police, as was the case in New York (Kelling and Coles 1996).

Once a reparative need and solution have been identified, carrying out this solution requires a considerable organizational effort. Typically, solutions transcend the compartmentalized responsibilities of individual staff or agencies, and it is necessary to organize a collaborative team (Schorr 1997). When offenders are assigned community service tasks, they may need training in addition to supervision. What efforts are made to create reparative opportunities is itself a subject for evaluation. One element of this is the amount of time and effort agency staff or community volunteers commit to building reparative opportunities that are relevant to the identified need, as opposed to relying on default service opportunities already in place but poorly linked to the problem-solving process. For example, offenders picking up trash along a highway may be relevant for litterbugs but would do little as redress for the consequences of a burglary or assault.

### *Reintegrative processes*

The twin goals of community justice are restoration of victims and communities and social integration of marginal community members, particularly withdrawn victims and antisocial offenders. Reintegrative processes, like defining the relevant community and specifying problems to solve, require an initial identification process that articulates local behavioral standards and establishes consensus around them. What does it mean to be “integrated” into conventional social life? Without a specification of behavioral norms, community justice processes can quickly devolve into a tyranny of the majority in which stultifying conformity is demanded without reflection on why social control processes are necessary. Integration is an ambiguous concept, for it necessarily adjudicates

toleration for individual expression, with expectations for communal self-sacrifice. In a society premised on basic freedoms, community justice processes need to be conscientiously specific and justifiable. One approach, advocated by Kelling and Coles (1996), is to generate, through consensus processes, lists of appropriate and inappropriate behaviors, such as conduct in parks, on sidewalks, or in subway stations. The result, therefore, is a focus on problem behaviors rather than on types of persons, such as homeless people, who are often targets of social control or order maintenance activities. This ensures a focus on behavior that generates clearly identified harms to community members rather than on behavior or lifestyles that may be ideologically controversial.

Reintegrative processes begin with *norm affirmation* strategies. The object is not to ignore significant normative dissensus where it exists, such as possession of small amounts of marijuana or the permissibility of panhandling. Instead, the focus is on identifying criminal harm by disclosing the consequences of particular, sometimes aggregated, behaviors on community residents. The basic question is to determine what harm is caused by a particular behavior, thereby justifying its regulation. Given that criminal behavior violates normative expectations, criminal incidents become an important moment for communal reflection on the purpose of the norm and the need for consensus in its observation. In Vermont, for example, an explicit purpose of the reparative board hearing is to restate local behavioral standards. This is strengthened by the presence of victims who clearly express the justification for the norm by virtue of their victimization, and it is strengthened by board members who are not impersonal representatives of the State but volunteers who have a clear stake in the viability of their community. In this norm affirmation process, it is hoped that the offender will gain a greater understanding of the rationale for the norm and express both remorse for the violation and a commitment to follow the norm in the future.

The reintegrative process is also explicitly concerned with public safety, particularly the supervision of offenders in the community. Whether or not offenders are incarcerated, the sanctioning process generally concludes with the return of the offender to the community. However, this transition has been relatively weak in traditional justice practices. Community justice, which is primarily concerned with the quality of community life, pays much closer attention. A first step in the process is the determination of offender risk. Instruments such as the Levels of Service Inventory (Andrews and Bonta 1996) and the Risk and Protective Factors Scale (Hawkins, Arthur, and Catalano 1995) are used to assess the likelihood of recidivism. Considerations include prior offending, types of offenses, individual characteristics of the offender, and assessment of offender compliance with sanctioning processes, such as completion of reparative agreements. Risk then determines the level of supervision necessary.



Reintegrative considerations must include determinations of who is responsible for supervision, what form it will take, and how long it will continue.

Another approach to reintegration is the development of support networks for offenders and victims. Because of the acute vulnerability of crime victims (Farrell 1995; Pease and Laycock 1996) to further victimization, support mechanisms are crucial for victims' full reintegration in the aftermath of a crime. Part of this entails an examination of a victim's social ties to the community, such as family, friends, coworkers, and neighbors—people who can be called on to provide extra attention in the crisis period following the crime. In Great Britain, this has been described as building “cocoons” around the victim (Farrell 1995). When possible, victim services may be offered to facilitate the cultivation of social ties or to provide direct support to isolated victims. Offenders are also in need of social support, and an examination and development of their social ties is necessary. In addition to overcoming offender isolation, it is also important to offset criminal social ties with conventional ties.

***In linking microlevel and macrolevel crime problems, restoration becomes an overarching goal of community improvement over status quo conditions: When victims have been harmed, they are to be healed; when property has been damaged, it is to be fixed; when disorder undermines community-level functioning, order needs to be restored; when institutional failure creates conditions that foster crime, institutional investment is indicated.***

A final aspect of the reintegrative process is the creation of programs for *competency development*. What skills do victims and offenders need for effective reintegration? How can these skills be promoted? What programs are offered to develop skills? For victims, these may include strategies of self-protection. For offenders, programming may focus on education, job training, drug treatment, family planning and parenting, or money management. A specific approach to competency development may be the use of mentoring or regular home visits that both impart skills and offer supervision and social support (Sherman 1997).

## The outcomes of community justice

The dimensions described in the preceding section pertain to community justice processes, or the means for achieving community justice goals. Together, these processes should foster a set of important community justice outcomes—the operationalized meaning of community justice as a collective experience. We



next describe these four outcomes, focusing on measures that are directly relevant to the quality of community life.

### **Restoration**

A concern for restoration links two conceptual domains of justice, a micro-macro domain and a reaction-versus-prevention domain. Restorative justice typically highlights the needs of crime victims and their general exclusion from the justice process. The community justice model not only prioritizes the needs of crime victims, it also locates them in the context of communal membership. Thus, community justice focuses on the needs of particular parties to criminal incidents (offenders, victims, onlookers) and attends to the relationships between community members, restoring damaged social ties. This provides one macrolevel focus for community justice. A second macrolevel focus refers specifically to harm done to the community as a result of crime. Such harm ranges from the tangible effects (e.g., damage to public spaces) to less tangible effects (e.g., fear of crime).

In linking microlevel and macrolevel crime problems, restoration becomes an overarching goal of community improvement over status quo conditions: When victims have been harmed, they are to be healed; when property has been damaged, it is to be fixed; when disorder undermines community-level functioning, order needs to be restored; when institutional failure, such as joblessness, poor schools, family disruption, or inadequate housing, creates conditions that foster crime, institutional investment is indicated. Thus, restoration is a response to identifiable problems in the community that need resolution—problems of both individual community members and the community as a whole.

The goal of restoration also links a second important domain: reactive versus proactive crime prevention. In linking the response to a crime incident and crime prevention activities, restoration strengthens a community's response to crime and the causes of crime. Because individuals and communities suffer from both, restorative outcomes address individual community members in need of help and structural conditions in need of repair. Conceptually, restoration is synonymous with problem solving in community policing. When there

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is a problem that is a result of a crime or that can lead to a crime, fixing the problem becomes the focus of the intervention.

One important indicator of community justice is restoration of crime victims. Identifying the extent of harm to victims that is caused by crime is a first step in identifying how they can be compensated. Two arenas of compensation are important. First, victims may be restored by receiving restitution, particularly in the form of monetary compensation and property replacement or repair. Second, victims may be offered services to aid in their recovery from the crime, including medical, mental health, and other relevant social services. Although victims may choose not to avail themselves of these services, they would be made available under a community justice model. Although these services would be offered, and often used, it is also understood that some harms are so profound that full recovery cannot be assumed. Typically, the burden of restitution will fall on the offender, but alternative compensation models in which compensation is offered by the community have also been proposed (Wright 1992). Victim services, however, generally require a commitment by the community to provide these as a public good.

A second critical focus of community justice is restoration of the community. In this case, restoration applies to both reparations for criminal damage to the community and problem-solving efforts to reduce criminogenic conditions. Incident-driven community restoration generally includes community service by offenders to offset their harm. Typically, the link between the offense and the community service, however, has been weak. Under a community justice model, every effort would be made to make the service relevant to the harm. For example, in Vermont, one drunk driver was required to provide hospital care for another drunk driver who was badly hurt in his own accident. In New York, graffiti artists have been required to scrub and repaint affected property. In Texas, burglars provided labor for the installation of target-hardening devices in victims' homes (though not necessarily, or even ideally, the same homes that the offender had burglarized).

Restoration is a broad concept that also includes restorative efforts aimed at preventing future criminal harm in the community by targeting specific criminogenic conditions. The trajectory in this integrity model follows from community identification of a community problem thought to be linked with crime, such as social disorder, concentrated poverty, or family disruption. This dimension reflects *criminogenic problem solving*. For example, public drinking or unsupervised congregations of youths on street corners may create the conditions for violent crime. More generally, according to the broken windows model (Wilson and Kelling 1982), disorder may foster a normative environment that invites criminality. The unfixed broken window may serve as data on the

strength of local social controls. Thus, order maintenance may be prioritized as a strategy of prevention, a means of restoring order by reducing criminogenic conditions. Other strategies may focus on the manipulation of criminal opportunities in particular settings (Clarke 1995), including economic, educational, or housing development (Sampson 1995), or family support situation (Hirschi 1995).

### ***Integration***

Integration is the second broad-based goal of community justice. Community justice is an inclusive perspective about the nature of community. Marginalized members are not shunned, displaced, or exiled. Instead, every effort is made to enlist their participation and provide protection of their rights as citizens and also to make claims on their responsibilities for prosocial contributions to the collective good and curbs on antisocial activities. The model is responsive to criminal incidents in its focus on reintegrating victims and offenders. It also looks forward by emphasizing the need for greater commitment, attachment, and democratic participation in community life. There are several indicators of the social integration of victims and offenders. These are particularly relevant to community justice efforts that respond to crime incidents. Additional indicators of integration that may be incorporated in the future pertain to marginalized community members (and marginalized communities) such as at-risk youths or racial minorities.

First, integration may be indicated by the establishment of *normative consensus*. For example, do offenders come to agree that their behavior was harmful to the victim and to the community? Do the various stakeholders agree on the extent of the harm? Second, integration may be observed by considering the extent of *victim inclusion*. This refers to victims' engagement in community life. Have they withdrawn from participation as a result of the crime? Did community justice efforts redevelop their social ties? To what extent do victims engage in self-protective measures that reduce the likelihood of further victimization? Similarly, to what extent has the community made an effort to insulate them from further harm?

Three additional indicators refer to the integration of offenders: recidivism, inclusion, and competency. First, to what extent has the offender refrained from criminal activity? Has the offender complied with a sanctioning agreement? Second, to what extent has the offender become a fully participating member of the community? Is there a shift in the social bonds away from his or her criminal ties and toward conventional ties? Is the offender perceived by other community members as a social pariah? Have the stigmatizing consequences of the offender status been reduced? Is there an issue of racial integration, perhaps in

*Community capacity is reflected in the vitality of local institutions such as families, schools, churches, health and municipal services, and commerce. It is also reflected in the ability of community members to enforce mutually agreed on behavioral standards.*

the form of undue suspicion, surveillance, and prosecution of minority offenders, or in terms of discrimination, such as in the housing or labor markets, that prevents full community participation? Finally, have offender competencies been improved as a result of the community justice process, making reintegration more likely? Has the offender attained a new educational level, participated in job training, gained employment, or, more fundamentally, participated in civic activities such as voting or volunteering?

### **Community capacity**

The penultimate objective of the community justice model is the development of community capacity, which refers to the ability of the community to realize common values or to provide collective goods.

Community justice must result not only in just outcomes but also in an increase in a community's ability to solve its own problems. Thus, community justice is a means of achieving criminal justice and a strategy for community building. Community capacity is reflected in the vitality of local institutions such as families, schools, churches, health and municipal services, and commerce. It is also reflected in the ability of community members to enforce mutually agreed on behavioral standards.

One indication of community capacity is the extent to which community members are effectively socialized into the culture of the community. In large part, socialization is not a private phenomenon but the work of local institutions and individual community members fulfilling expected institutional roles such as parent or teacher (Bellah et al. 1991). These roles are certainly creatively and variously performed, but their scripts are derived from enduring cultural practices that transcend individuals. To what extent has the community justice process strengthened these community institutions and facilitated their role in the socialization process? More clearly observable is the community's ability to deliver needed services to its members. In community justice, service availability is especially important for competency development (which facilitates reintegration) and restoration.

Community capacity is also indicated by the citizen participation recruitment pool. Is there a roster of volunteers in the community or various networks that facilitate grassroots mobilization? To what extent will volunteers commit their

time and energy? Equally important is the capacity of the community to leverage resources for its development? Can it mount fundraising campaigns at the local level and garner resources from political institutions (e.g., city or State governments), foundations, or through coalitions or collaboratives with external partners? Does the community have the skills, political influence, or technical assistance needed to secure funding for the provision of desired public goods?

In addition to a community's institutional strength, community capacity may also be evident in the ability of community members to enforce local normative standards. Do bystanders intervene when trouble starts on a street corner? Do neighbors admonish inappropriate behavior by youths? A community that can effectively exercise informal social control may be less reliant on the formal controls of the police to intervene in minor disturbances. Police officers, in any case, are unlikely to perform such order maintenance activities without strong inducement, leaving a vacuum in which disorder continues to grow.

### ***Community satisfaction***

Community justice is concerned with citizens' perceptions of the justice system and their experience of community. Although the other three outcome categories specify objective characteristics, the satisfaction category identifies subjective ends. The basic hypothesis is that public sentiment matters and can at times act quite independently of objective indicators, coloring not only public opinion about the justice system but also community identity and attachment. Community justice is ultimately rooted in the experience of community life and the perception of citizens that their own sacrifices for the sake of the general welfare are reasonably rewarded by the community's provision of public goods. Among the most important returns are three subjective perceptions: a sense of safety, a sense of justice, and a sense of community.

A sense of public safety is a basic requirement of community life. When people feel a sense of vulnerability, their attitudes about social life will be affected, as may their behavioral response to social conditions. Fear of crime is quite common in American society, particularly among women, older persons, minority groups, and urban residents (Miethé 1995). Fear of crime is also negatively associated with community social and psychological ties (Perkins and Taylor 1996). To what extent has a community justice approach reduced fear of crime? To what extent has it increased residents' freedom of mobility through their neighborhoods, particularly at night? To what extent do residents report fear, competently assess risk of victimization, and alter their behavior in response to crime fears?

A community justice approach aims to improve citizen satisfaction with the justice system and arrive at a more general sense of justice in the community. This is a multidimensional concept. First, is there evidence of completion in the justice sequence, such as expressions of remorse by offenders and forgiveness by victims, or do cases linger without resolution by the stakeholders? Second, do community members believe offenders are held accountable for their crimes? Third, are citizens satisfied with the normative environment? Do they believe there is consensus on behavioral standards? Do they feel as if they have sufficient opportunity to express their own normative expectations? Fourth, do residents express concerns over rights protection? Are they worried about the prosecution of innocent individuals, of unfairly targeting minorities, or of an excessive reach by the system? Fifth, do citizens ascribe legitimacy to the justice system? Do they perceive it as fair, effective, and responsive to their concerns?

Finally, community justice is a community-building enterprise, and the outcomes of this approach should be an increased sense of community by its members. Based on McMillan and Chavis' (1986) theory, a sense of community is strong when citizens respond favorably to four criteria. First, they believe the community meets their most basic needs: They can find food, clothing, shelter, health care, and so on. Second, citizens feel a sense of membership, or a sense of belonging, in the larger social entity. Third, citizens believe their own contributions to the community make a difference, that they have a sense of influence or efficacy. Fourth, citizens feel an emotional connection to others in the community that bridges their isolation and inspires their commitment to the community because it is grounded in empathy and personal relationships. To what extent, then, does a community justice process increase these dimensions of community satisfaction?

## Current Issues in Community Justice

The integrity model sets high standards for an appropriate community justice practice, and it sets equally high standards for community justice achievements. The model is grounded in the idea that criminal justice agencies must make themselves accessible to the community, and the community must take an active role in the justice process. It emphasizes strategies that repair damage or solve problems in order to restore communities. Community justice also values strategies that integrate marginal members at risk for criminal behavior or criminal victimization. Ultimately, the success of community justice is predicated on the development of community capacity and community satisfaction. To achieve these ends, community activists and justice agencies must struggle to overcome numerous barriers in the implementation process. In this final section, we consider some of the issues that pose significant challenges.

## From due process to due consideration

Contemporary judicial process is grounded in a set of procedural practices that attempt to protect the rights of the accused. Within this individualistic framework, it was inevitable that conflicts of rights would appear. Some now ask, “But what of the rights of victims?” Others, thinking about the neighborhood-level effects of crime, have asked, “But what of the community’s right to live in peace and safety?” From a legal perspective, such questions are not logically parallel to the protections afforded to the accused, given their prosecution by the State. But from the perspective of community justice, the questions are not irrelevant. They speak less to procedural justice than to a broader concern for justice that is captured in substance as well as in process.

The view of justice proposed here is a very different one from the procedural ideal of justice in traditional Western jurisprudence. Rather than an adversarial contest between the State and an accused citizen, the idea of community justice concentrates on a problem-solving process designed to restore safety to the places people live. Under such an ideal, rights are not procedural; instead, they are substantive. Whereas an adversarial ideal extends rights of due process, a problem-solving ideal extends rights of due consideration. The elements of due process are well known: timely notice, physical presence, counsel, permission to confront the other side, and an opportunity to be heard. What would a set of rights to “due consideration” contain?

A right to due consideration based on problem solving becomes an obligation to consider as important a range of needs and interests of victims, offenders, and the communities in which they live. In contrast to an adversarial ceremony designed to demonstrate legal guilt, in which strict rules apply to the admissibility of evidence and the weight it receives, “consideration” permits parties to the process to offer whatever understandings they believe are necessary to resolve the problem. The problem in terms of community justice is expressed as a series of questions and interests:

- What is needed to restore the victim?
- What is needed to ensure the community’s future safety?
- What is needed to foster the offender’s return to constructive community life?

This does not mean an end to traditional procedural rights. Neither victims nor accused parties should be coerced into a problem-solving process they believe cannot apply to them. A defendant who claims innocence must be able to force the accusers to prove guilt. A victim should not be forced to engage in interaction with an admitted victimizer when this will only produce more pain and



suffering on the victim's part. Communities should not be forced to consider embracing offenders who show no willingness to address the problems that make them dangerous to others. It may take repeated efforts on the part of community justice practitioners to pave the way for an interactive, problem-solving process.

In reality, however, full-blown trials are comparatively rare events. Most criminal cases are concluded when the offender enters a guilty plea. For the vast majority of offenders who admit their guilt, community justice activities could begin with the entry of a guilty plea. After the offender has taken public responsibility for having committed the offense, a series of information-gathering activities can address these questions:

- What is the victim's loss, and how can that loss be compensated?
- What is the offender's risk, and how can that risk be managed and reduced?
- How can the community be equipped to become safe in the face of crime, especially in this offender's presence?
- What actions on the part of the offender can publicly symbolize atonement for the crime?

Facts and opinions related to these questions are reviewed by all parties, and a proposed plan is assembled that will meet the needs of the parties. If the plan is agreed to by the victim, offender, and community, it takes the form of a written sentencing recommendation that is submitted to the judge by the community justice panel. The business of the community justice panel would more closely resemble that of an administrative law tribunal than a criminal trial, and broad exploration of the various parties' needs would be undertaken.

A similar process could follow a conviction at trial, but it would face two additional obstacles. First, the task of promoting confidence in the offender's sincerity is undermined by the trial, in which the offender's claim of innocence is found hollow. Second, the victim's belief that a safe and meaningful outcome to the crime is possible is made more problematic by the offender forcing the system to prove its case. Thus, when a criminal trial results in a finding of guilt, a greater burden rests on the offender to find ways to convince a community justice panel that a new adjustment and a sense of personal responsibility is around the corner.

In this model of due consideration, one issue must be carefully considered. Should there be equality before the law? That is, should each person guilty of the same offense be sanctioned in the same (or, at least, equivalent) way? Under a model of due consideration, more variables are in play than simply the nature



of the offense. For example, the harm of a particular offense may have been more severe for one victim than another, perhaps materially, perhaps emotionally. An offense may have a greater impact on the quality of community life, given the particular circumstances of one neighborhood compared with another. Because the justice process demands consideration of such impacts, the offense alone is an insufficient basis for comparison. We argue that some variation in offender sanctioning is not only inevitable under a community justice model but also desirable. The most important criteria are that the justice process meets the needs of the parties involved and that the sanction is clearly tied to identified harms caused by the offense.

Thus, community justice would neither require replacing the existing justice system nor invalidate any existing procedural rights of offenders and victims. Instead, a new process would be inserted that would, upon the establishment of guilt, attempt to broadly arrange a sanction that is procedurally fair and substantively adequate to meeting the needs of the victim, the offender, and the community.

## **Limits of community control**

With increased authority, it is possible that communities will exercise that authority in ways that conflict with broader values of the culture; for example, with vigilantism or discrimination. When power is informal, how may actors (and communities) be held accountable? This problem is especially acute for autonomous community crime prevention efforts because they lack the formal oversight of criminal justice agencies.

We can illustrate these issues by describing a late 1980s police crackdown on prostitution in New Haven, Connecticut's, well-known red light district. One of its unfortunate effects was to displace the sex trade to the surrounding residential neighborhoods, including Edgewood Park, a racially and economically heterogeneous neighborhood. There, prostitutes began their work early in the morning, targeting those heading to work, and continued through the day and into the night. Used condoms littered the playgrounds, and school children waited for buses adjacent to prostitutes waiting for johns. In response, community members organized a campaign to reduce prostitution (Bass 1992).

When neighbors saw a car circling a block or picking up a prostitute, they took down the license plate number and traced the registration through the Department of Motor Vehicles (DMV). They quickly discovered most johns were not from Edgewood Park and came from other neighborhoods. Neighbors sent a letter to the car owner's address advising the owner that the car had been seen "cruising" the neighborhood. The letters detailed the community's campaign against

prostitution and urged recipients to be careful about whom they lent the car to in the future. The group also posted fliers around the neighborhood that noted the “john of the week” and reprinted the john’s name, address, and phone number, based on information obtained from DMV. After some johns complained they were receiving anonymous, threatening phone calls, the group stopped including phone numbers on the fliers.

This community action raises important questions regarding the application of informal control. First, what should be the relationship between the community and the formal justice system? The Edgewood group operated completely autonomously. Obviously, this independence from a formal justice institution has implications for oversight. In other situations, autonomous community groups have been charged with racism (Skogan 1988) and vigilantism (Weisburd 1988). For example, all-Jewish citizen patrols in Brooklyn’s Crown Heights have been known to target blacks, in some cases exercising summary justice on the street (Mitchell 1992). Also, when community members involve themselves directly with criminals, they place themselves at risk, probably without the necessary preparation. What, if any, situations are inappropriate for citizen groups to handle? Under a community justice model, community action is undertaken in collaboration with justice agencies. Typically, police departments work with citizen groups to train, supervise, and assist in the management of citizen patrols. Partnerships have problems (see the next section), but they are vital for community oversight.

Second, to what extent does a community effort represent the entire community? Informal actions by the Edgewood association were undertaken on behalf of the community. To what extent were they consistent with local normative standards? By definition, community actions are designed to tighten local standards and increase their enforcement. Community members thereby claim that what was once acceptable is no longer tolerable. But did the Edgewood group go through some democratic process that enabled community members to clarify their standards and identify appropriate methods of normative enforcement? Such norm affirmation processes are necessary to ensure that special interests in the community do not impose their moral will on those who have legitimate questions about the harmfulness of the sanctioned behavior. The distinction between a communitarian approach, which is consistent with the community justice ideal, and a socially conservative approach is the emphasis placed on democratic processes that ensure the opportunity to deliberate and disagree about communal priorities before informal social controls are introduced.

Third, are the rights of alleged offenders being violated? Clearly, the Edgewood campaign sanctioned individuals who were not formally convicted of any offense. There was no due process, no opportunity to profess innocence, no

opportunity to contest the community's norms. It was certainly possible that a misread license plate would lead to the targeting of innocent people. Police need more justification than "circling the neighborhood" to arrest a john: Should community groups be held to a lesser standard of evidence? What other protections are necessary to protect the innocent from informal sanctions by the community? The criminal justice system has its formal power fairly consolidated and has traditionally emphasized a procedural model to ensure fairness. Community justice advocates decentralization of this power, in part to increase the system's legitimacy in the eyes of the public, but more importantly to increase the effectiveness of local-level collective action. In so doing, community action and autonomy raise the specter of radical militias and the Ku Klux Klan. Community justice, as we have described it, specifies a framework and a set of values that could not result in such communal formations.

## **Voluntarism and democratic representation**

Crime control is a public good. In principle, we would like to reduce crime rather than increase it, but we also would like to reduce the costs (time, effort, and money) of fighting crime rather than increase them. The best strategy for individuals is, therefore, to ride on the crime prevention efforts of others. Unfortunately, when we all depend on others to do the work, nothing gets done. Self-interest overwhelms the public good. One question is: How can we get people to participate in crime control activities when it is not in their immediate self-interest to do so? Furthermore, given the disincentives to participation, it is not likely that volunteers are a random sample of the community. They are more likely to represent special interests. Is this problematic, and if so, how can fair representation be ensured?

Some collective efforts require enormous commitments and provide little return. Davis and Lurigio (1996) have observed that antidrug campaigns of the late 1980s and 1990s have been far more successful than other earlier crime prevention campaigns. This may be because drug sales take place in stationary, visible settings, whereas burglaries and robberies, for example, occur anywhere. Community surveillance is considerably easier in antidrug efforts because the targets are easily found. Washington, D.C.'s, citizen patrol, the Orange Hats, for instance, have targeted one street corner as the focal point of its efforts (Goldsmith-Hirsch 1998). Conducting cost-benefit analyses can resolve long-standing arguments about the likelihood of participation by certain income groups in crime prevention campaigns. Some have argued that those who need to organize the most are the least likely to do so (Dubow and Podolefsky 1982; Skogan 1988). Yet antidrug efforts in disorganized communities do seem to occur when the potential benefits and the efficiency of crime prevention efforts sufficiently outweigh their costs.

Some communities are better organized than are others at the outset. They have strong local institutions (for example, schools, churches, civic associations) and viable communication networks that quickly spread the word that a community campaign is under way. The predecessor to the Orange Hats patrol, for example, was a neighborhood watch program organized in conjunction with the police, and this effort created a local network with a block captain (Goldsmith-Hirsch 1998). Community capacity is often dependent on the social organization of communities (Chavis et al. 1993). To what extent do poverty, inequality, mobility, heterogeneity, urban density, family disruption, and other macrolevel variables have an effect on the stake an individual has in the community? To what extent does this stake, in turn, affect mobilization? Owners, for example, are more likely to be mobilized than renters (Skogan 1988). Thus, the ratio of owners to renters and other such macrolevel characteristics may be important predictors of mobilization. However, the same factors that make an area difficult to mobilize are also likely to identify it as in greater need of community justice efforts because of higher crime and related problems.

Even when mobilization is successful, it is important to consider who is being mobilized. Grinc's (1998) evaluation of a community policing program implies that many individuals and interests are typically underrepresented in crime prevention efforts. This may be a result of fear of retaliation from offenders or the historically poor relationship between the community and the police. It may result from perceptions of low efficacy, in part because community members do not have clearly defined roles with regard to crime prevention and in part because of experience with prior failed collective actions. Underrepresentation may also result from both intergroup tension manifest in the homogeneous and competitive organization of local groups in heterogeneous communities (Skogan 1988) and intragroup conflicts that arise between leaders and group members (Grinc 1998).

In collaborations between law enforcement agencies and private citizens or community organizations, community agendas are often sidelined because of clear power imbalances. Crawford (1995) argues that community representatives do not have the professional expertise to compete with their formal criminal justice partners. Accordingly, various interests are excluded even in ostensibly democratic participation efforts. This may occur because of informal and biased leadership or advisory position selection processes that systematically exclude problematic individuals, groups, or perspectives. The result is not simply a violation of democratic values but a failure to meet the needs of disadvantaged and marginalized groups whose views and concerns are excluded from the table. Such power processes may partly explain the persistence of crime in low-resource communities. Not only is it harder to compete for scarce development and public safety resources, but those that are delivered have so many strings attached to them that community empowerment is undermined.

With each newly established source of informal social controls, community capacity will grow. As we have argued, these forms of control tend to be self-regenerating: One strong community group can plant a seed that grows into greater levels of mobilization. As these stronger community controls grow, they will tend to supplant the official agencies and develop their own agendas for improving community quality of life. The downward spiral of devastation can be changed into an upward cycle of empowerment.

## **Funding new practices**

We have argued that communities struggling with crime problems are typically beset by crumbling institutional infrastructure. These are the same communities that are bereft of the resources that might be needed to undertake innovative community justice efforts. In the face of limited institutional strength, community justice strategies require a kind of bootstrapping of resources. Where can we look to find these resources?

There is, of course, sufficient money spent on traditional justice to fund the work of a community justice operation. A great deal of money is now spent on punishment—\$31 billion in 1992 (U.S. Department of Justice 1997). Moreover, a community justice initiative need not be costly compared with contemporary expenditures. A few professional community workers can galvanize community efforts toward safer communities by building on residents' strengths and focusing official agency efforts toward strategies that strengthen the communities in which their clients live. A community justice initiative can be paid for by diverting dollars from less effective, contemporary expenditures to more effective, community-oriented initiatives.

This can be stated in stark dollar terms. The average prison commitment (about 2 years) in the United States is also a \$40,000 commitment of public funds. Each year, roughly 650,000 convicted offenders are incarcerated (Maguire and Pastore 1998). Redirection of just a handful of these decisions can alter the calculus of public protection.

The mathematics are particularly compelling at the community level. In Washington, D.C., for example—an area much larger than a community—5,700 residents are sentenced to prison in a given year (District of Columbia Department of Corrections 1997). At an average cost of \$40,000 per sentence, a community that is willing to retain a mere five offenders in a given year has \$200,000 to use to improve its community safety. This is enough money to fully fund a small community development office. It is not radical to think there are five offenders who could safely remain in the community instead of spending the 2 years in prison they would ordinarily serve.

The question is: How can those moneys be redirected from current justice efforts toward community justice efforts? The current system has many vested interests, not the least of which is a prison-industrial complex that has grown increasingly dependent on high incarceration rates to make profits and to economically sustain rural communities in which the State prison provides the only jobs in town (Irwin and Austin 1997). It is unlikely to think that these vested interests will easily or readily change their priorities to a community justice agenda.

### ***A community justice thought experiment***

There is much to be done in communities that suffer heavily from crime: buildings to be refurbished, roads to be repaved, elderly to be transported to day-living facilities, and so forth. These communities cannot afford to purchase these services because they are filled with people who are destitute and cannot afford to pay the manpower costs. By the same token, offenders—especially those wasting away in prisons—are an untapped labor resource. Community organization initiatives could put offenders to work repairing the neighborhoods victimized by their crimes. This work is valuable for these communities in two ways. First, dollars that would be devoted only to the objective of removing offenders from their neighborhoods would be allowed to remain in those localities. Second, entrenched problems in those communities would be attacked through the labor of residents who are also offenders.

Our ideal envisages a professional group that identifies local problems requiring manpower—such as renovation of buildings or assistance to children and elderly residents—and mobilizes those resources to address those problems. A new local agency devoted to the problems would develop work and service projects that the area needs and that can be provided by offenders. It would assess applicant offenders to see what part, if any, they could have in community development. It would then develop and manage the projects necessary to implement the vision of community justice.

The community justice group would also work closely with criminal justice agencies as they provide supervision and services to offenders living in the community. Community mentors would work with juvenile offenders, and adult community sponsors would provide similar supports for convicted adults and their families. Residents would also be partners in crime prevention efforts that emphasize the renewal of public space and voluntary public service. The local community justice activity would have the oversight of a residential board of advisers with whom criminal justice and social service officials would work closely on quality-of-life problems arising from crime and justice activities.

Slowly and deliberately, informal social control capacity would grow, and the local area's reliance on external controls from State efforts would wane.

There are many ways such an approach could be funded. Community corrections acts have attempted, with some success, to achieve these aims. Many attempts have been made to divert offenders from prison, some of them successful. What makes this description different?

In most models of sentencing reform, offenders are treated at best as irrelevant, at worst as antithetical to community safety. A community justice model recognizes reality: Offenders are community residents, and their capacity not only to live crime free in communities but also to contribute to community life is central to the quality of life in a community. If offenders are filtered through incarceration experiences only to return antagonistically to the communities from which they came, little progress is possible on the agenda of community safety and, ultimately, quality of life. But if offenders can be redirected to contribute to community life—especially in the most deeply disadvantaged communities in America—then the calculus of community safety and quality of life is recomputed to include them as potential positive forces.

But this will require a fiscal realization of their contribution, and this fiscal reality relates to both the community and the victim—their fiscal interests—not just that of the offender. Imagine, for example, that:

- For each crime, the offender, the victim, and a community board each receive a “voucher” that can be used to purchase a community justice process in place of the criminal justice process.
- The alternative process can be used *only* if both the offender and the victim purchase it (this will make them have coincidence of interests instead of adversarial interests).
- A percentage of all moneys that would be spent on the incarceration of the offender will remain in the community to be used as the community sees fit, on any community enhancement project.

This would create an incentive for all members to participate in a process that recovers community. It would also redirect investment in crime control toward community development. In the case of Washington, D.C., for example, a diversion of 50 percent of offenders from incarceration each year (roughly equivalent to the percentage of nonviolent offenders sentenced to prison) would net \$114 million for community justice activities.

## Summary

It has been our purpose to describe the elements of the emerging community justice movement not as a series of programs or projects but as a point of view about what justice means and how it is produced. We first described how community justice initiatives are “bubbling up” in the traditional criminal justice functions of policing, adjudicating, and correcting. We then described a strategic vision of justice that has as its primary aim the enrichment of community life through a focus on the way crime interferes with community life. Our argument has identified seven key values of a community justice philosophy. They are:

- Norm affirmation.
- Restoration.
- Public safety.
- Equality.
- Inclusion.
- Mutuality.
- Stewardship.

In support of these values, we propose an integrity model of community justice. This model identifies core processes and critical outcomes that separate the community justice approach from the criminal justice approach. Our view is that an integrity model can inform the design and implementation phases of community justice initiatives, broadening and deepening their contribution to the aim of widely sharing the experience of justice.

Finally, we turn our attention to several important problems of the community justice movement: legal rights, accountability, voluntary participation, and funding. We note that the challenges to community justice are daunting. However, as we envision the possibilities, we are encouraged by the successful efforts already under way in the emerging vision of the justice ideal.

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