The lectures gave her the facts, but the panel gave her the feeling. "One of the most heart-wrenching hours that I have ever had to sit through. Three individuals offered their life's hardest moments, to teach us the realities of drinking and driving. It was an experience that I feel unable to explain. Having sat in the room with them, and feel the emotion they are living with each and every time they tell the story of their loved ones being taken away from them in an instant, an instant that was completely avoidable, is an experience that can only be explained in the same way by themselves."

Then, she went to visit her friend. Her paper on that experience was profound. She told the story of her friend, and going out back-roading, and getting another six pack, then another, and then deciding to drive to a party. Her friend and his buddies were in a smash up, and they were all hurt. Her friend, who was not driving, had a bad break to the femur. His family was relieved that he was alive, but the break did not heal, and infection set in, and he went through painful treatment, twice a day for two months. But that did not work. Then, he went through a series of bone scrapings every other day, and that did not work, and the leg had to be amputated, with skin grafts that did not take. Now, nine months later, the bone still has not healed, and her friend, "once a bubbly, outgoing person who loved the outdoors and people, he's now depressed and rarely leaves the house."

It is clear from the final paper that Kristi gets it. It seems a safe bet that she will not reoffend.

Questions

1. By going through each essay, explain what types of offenses were handled by restorative justice.

2. Many people see restorative justice as best suited for juveniles. How did the examples show that it should not be limited to juveniles.

3. Other people think that restorative justice is best suited for minor problems. How was it used successfully for major concerns?

4. Do you think there are any issues that would be better suited to a formal legal trial than to a restorative justice solution? Explain.

5. Can you have restorative justice aspects in a traditional legal system? Explain.

6. Why is restorative justice cost effective?

Community Justice Sanctioning Models: Assessing Program Integrity

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Community justice is taking hold throughout North America and the world. This movement is broadly inclusive of community-based crime prevention programs and community partnerships with various criminal justice agencies including policing, adjudication, and corrections. This chapter examines community justice approaches to sanctioning offenders. Viewed as a whole, the movement toward community justice sanctioning encompasses a wide array of processes, goals, and practical and philosophical rationales. The enthusiasm associated with community involvement in sanctioning
as a new reaj to crime appears to be a result of both crisis and opportunity in the justice system. Advocates of these approaches view them as an opportunity to build support for a justice system frequently criticized as insular and out of touch with community needs and expectations (Bazemore and Day, 1996).

Stated and implicit objectives for community-based sanctioning initiatives include the following:

- giving citizens a greater role in sanctioning
- increasing overall citizen involvement in the justice process
- providing a more meaningful and immediate response to criminal incidents
- encouraging alternative dispute resolution, such as mediation
- reducing fear of crime
- improving the quality of offender monitoring
- increasing awareness of the harm crime causes to the fabric of the community (and conversely the ways in which weaknesses in the community fabric contribute to crime)
- diverting more offenders from the court
- building or strengthening relationships among community members

Underlying philosophies in community justice sanctioning run the gamut from traditional prevention and diversion paradigms to those emphasizing reparation and offender accountability (Bazemore, 1997a; Umbreit, 1995) to various adaptations of shaming (Karp, 2000) and/or reintegrative shaming (Braithwaite and Mugford, 1994; Retzinger and Schell, 1996). Four emerging models—family group conferencing, community reparative boards, circle sentencing, and victim-offender mediation—share several common characteristics and are generally representative of a community justice approach to criminal sanctioning (Clear and Karp, 1999). As part of a growing, but still emergent and loosely connected national and international movement around "restorative justice" (Bazemore and Schill, 1996; Braithwaite and Mugford, 1994; Messmer and Otto, 1992; Van Ness, 1993; Van Ness and Strong, 1993; Young, 1995; Zehr, 1990), these approaches stand as case studies in an effort to give citizens, victims, and community groups an explicit decision-making role in an informal sanctioning process.

Although in-depth descriptions of important differences among the four models is beyond the scope of this paper, the following brief summary illustrates the different trends and themes within this larger movement. Like many other initiatives in community justice (Barajas, 1995; National Institute of Justice, 1996), perhaps the most important shared characteristic of the new sanctioning models is the fact that relatively little is known about their impact, objectives, or the nature of the process itself. The four models are the context for this examination of critical attributes of community justice sanctioning.

**Model One: Family Group Conferences.** In cities and towns in the United States and Canada—as well as in Australia and New Zealand—family members and other citizens acquainted with the offender or victim of a crime gather to determine what should be done in response to the offense. Often held in schools, churches, or other facilities, these family group conferences are facilitated by a community justice coordinator or police officer, and are aimed at ensuring that offenders are made to face up to community disapproval of their behavior, that an agreement is developed for repairing the damage to victim and community, and that community members recognize the need for reintegrating the offender once he or she has made amends. Based on the centuries old sanctioning and dispute resolution traditions of the Maori, the modern family group conference was adopted into national juvenile justice legislation in New Zealand in 1989. "Conferencing" is now widely used in modified form as a police-initiated diversion alternative in Australia, and is being rapidly introduced in communities in Minnesota, Pennsylvania, Montana, other American states, and in parts of Canada.

**Model Two: Community Reparative Boards.** Recently institutionalized by the State of Vermont, in this model, nonviolent offenders meet with local citizen community reparative boards whose members recommend a plan that generally requires that they complete community service, make restitution to the victim, and become involved in educational activities or treatment (Karp and Walther, 2001). At the end of the session, the offender signs an agreement or contract to complete the plan within a specified time period. Community reparative boards, which may be formally coordinated by probation, court, or diversion personnel, are generally composed of five or more local citizens who make dispositional recommendations for eligible cases referred by courts, intake departments, schools, or police officers.

**Model Three: Circle Sentencing.** In Canadian towns and First Nation communities, and in two communities in Minnesota, residents sit sometimes for hours in a circle listening to
offenders, victims, their advocates, and other community members speak about the impact of specific criminal incidents. When the feather or “talking stick” is passed to them and it is their turn to speak without being interrupted, circle participants may comment favorably on rehabilitative efforts already begun by the offender, who may be a chronic and sometimes violent perpetrator well known to the community. Speakers in these circle sentencing sessions also express concerns for the victim or about the continuing threat posed by the offender and, at the end of the session, attempt to come to a consensus about a rehabilitative plan for the offender and an approach to “healing” the victim and the community. As a recently updated version of ancient sanctioning and settlement practices adapted from the traditions of Canadian aboriginals (Stuart, 1995)—as well as those of indigenous people in the Southwestern United States (Melton, 1995)—circle sentencing was resurrected in 1991 by supportive judges and community justice committees in the Yukon and other northern Canadian communities. These committees and community members are now working with judges, police, justices of the peace, and other supportive criminal justice officials to assume increasing responsibility for offender sentencing and supervision.

**Model Four: Victim-Offender Mediation.** Throughout North America, in many cities in Europe, and in other parts of the world, crime victims and offenders meet with trained mediators to allow the victim to tell his or her story to the offender, express feelings about the victimization, make the offender aware of the harm caused by his or her crime and get information about the offender and the offense. At the conclusion of most of these victim-offender mediation sessions, the victim and the offender work with the mediator to develop a reparative plan, which ensures that the offender provides appropriate restoration to the victim and/or the community based on direct input from the victim. Originally, and still frequently referred to as Victim Offender Reconciliation Programs, mediation is still unfamiliar to some mainstream criminal justice audiences and marginal to the court process in many jurisdictions where they do operate. However, mediation programs now have a long and respectable twenty-five-year track record, and more than 300 programs now serve victims and offenders in Canada and the United States (Umbreit, 1998; Umbreit and Coates, 1993).

Although there is a long tradition of evaluation research on community-based programs, research on community sanctioning is in its infancy. Relevant recent studies for the most part offer findings on specific applications of selected restorative justice sanctions and processes. Primarily, this research has been focused on one model, victim-offender mediation (Umbreit and Coates, 1993; Umbreit, 1994), and one sanction, restitution (Bazemore and Schneider, 1985; Butts and Snyder, 1991; Schneider, 1986; 1990).

Research focused on describing and evaluating the new community sanctioning approaches is critical for several reasons. On the positive side, these new models represent some of the most promising approaches for changing the nature of the sanctioning function in criminal justice (Bazemore and Umbreit, 1995; Karp and Clear, 2002). Some have suggested that meaningful citizen involvement in decisions about the disposition of offenders is an important “gateway” to broader and deeper participation in all aspects of the response to crime (Bazemore and Day, 1996; Braithwaite and Mugford, 1994). On the negative side, the movement to devolve justice to the neighborhood level is fraught with dangers such as concerns about net-widening (Polk, 1994), power imbalances for young offenders and adults in conferencing settings (Umbreit and Stacy, 1996), insensitivity to victims (Braithwaite and Parker, 1999), and concerns about the “tyranny of community” in cases when community dynamics result in a variety of abuses such as vigilantism or discrimination (Grilliths and Hamilton, 1996; Karp, 1999).

While these emerging and informal justice decision-making models present some unique challenges to researchers, at this stage, the primary obstacle to meaningful evaluation of these approaches is neither technical nor methodological. Rather, a first step is to get clear about what it is the new models are trying to accomplish and how they are trying to accomplish it. What is needed is an evaluation protocol that defines the intended outcomes in community sanctioning, describes intervention inputs, and provides theoretical rationales that link inputs, sanctioning processes, and outputs.

Toward this end, our focus in this chapter is limited to the “independent variable” in community justice sanctioning. Currently, there is little common knowledge about how the four models described actually work in practice and the underlying principles that guide the informal decision-making processes employed. Although it is important to also articulate the intended outcomes of these and other similar approaches, the primary purpose of this paper is to suggest the dimensions of variation that can help to define the appropriate research questions and propositions for assessing the “integrity” of community sanctioning interventions (Karp and Clear, 2000).
The Independent Variable in Community Justice Sanctioning: Defining Dimensions of Variation

For purposes of this discussion, we will divide what could be a wide range of dimensions for classifying the inputs of community justice sanctioning into four conceptual categories. First, several dimensions of variation reflect the concern for community partnership with criminal justice agencies in community justice. These are classified here under the larger conceptual category of community involvement. Second, several characteristics have to do with the environment in which sanctioning is undertaken, such as if offenders are treated fairly and with dignity or if line staff in agencies are given the discretion to be responsive to immediate problems that arise in the sanctioning process. These dimensions are grouped according to their concern for the justice system’s accessibility to the public. Third, several dimensions reflect a community justice approach to sanctioning, emphasizing offender accountability for the victim and community restoration. These dimensions are categorized by their emphasis on repairing harm caused by crime. Finally, we use the category reintegration to refer to dimensions focused on managing the reintegration of the offender into the community.

Each category adds theoretically and practically important evaluation criteria that can be used in defining the inputs or independent variables in community sanctioning. In describing these dimensions, we use family group conferences, community reparation boards, circle sentencing, and victim-offender mediation as ideal types to illustrate the general range of variation in community sanctioning inputs.

Community Involvement

Community justice has been defined as:

... 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 an explicit 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 (Clear and Karp, 1999, p.25).

The new practice and emerging theory of “community justice” suggest a preference for neighborhood-based, more accessible, and less formal justice services that to the greatest extent possible move the locus of the justice

<table>
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<td>Key Concerns</td>
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<td>Community and Stakeholder Identification</td>
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<td>Stakeholder Participation</td>
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<td>Community Partnership</td>
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response closest to those affected by crime (American Probation and Parole Association, 1999). What community justice adds is that it is unique is a change in the role of the community in the justice process. This change has three important dimensions: identifying those who should be part of the sanctioning process; eliciting their participation; and clarifying the relationship between community organizations and criminal justice agencies in community justice partnerships. These dimensions are here labeled Community and Stakeholder Identification, Stakeholder Participation, and Community Partnership (see Table 1).

Community and Stakeholder Identification

The first dimension, identify who should be involved in the sanctioning process, has been a conceptually problematic area in all neighborhood or community-based interventions. “Community” is often an amorphous concept that is unfortunately used more often to obfuscate rather than to clarify issues of citizen involvement in government-sponsored processes. How the community and key stakeholders are operationalized for purposes of community justice sanctioning—who is at the table—will have tremendous importance for all
other key dimensions of community justice (Bazemore, 1997b). Critical questions about community involvement include the following: Who is affected by the criminal incident? How do they define their community and are those people included in the sanctioning process? Are the representatives of community institutional leaders included? Who do agency representatives believe should be included?

While the community may be defined de facto as anyone who "shows up" for a community sanctioning meeting, the specific definition of community in each model runs the gamut from the most restricted focus on the victim-offender dyad in traditional victim-offender mediation, to a highly inclusive definition in circle sentencing, to the rather hand-picked "community" of reparative board members present in community reparative boards. In comparing two models such as victim-offender mediation and family group conferencing, for example, one may examine outcomes to determine the impact of the participation of what would be viewed as "third parties" in victim-offender mediation (for example, family members, friends), but essential participants in the family group conferencing or circle sentencing process. Or, one may compare sanctioning processes where the victim was not present with those where they were involved.

Stakeholder Participation

The second dimension in community justice, stakeholder participation, has to do with the extent to which the community is not only granted a seat at the table, but assumes a significant role as participant in justice processes (Clear and Karp, 1997; Griffiths and Hamilton, 1996; Pranis, 1996). Such designations as "coparticipant," "stakeholder," or "partner" suggest meaningful input as well as significant responsibility for the response to crime (Barajas, 1995; Bazemore and Day, 1996; Stuart, 1995). In particular, we are concerned with the role of key stakeholders, victims, and offenders. Additionally, we are concerned with those who are connected less directly such as "onlookers" (witnesses to the event or family and friends of the key stakeholders) and community institutional representatives such as civic leaders, justice agency staff, school staff, and so forth.

One of the most important tasks for empirical research concerned with this dimension will be to examine the extent to which citizens wish to participate in community sanctioning. While systematic surveys by the Vermont Department of Corrections prior to establishing community reparative boards answered this question in the affirmative for that state (Dooley, 1996; Perry and Gorczyk, 1997), other initial questions included the extent to which a community sanctioning process really invites participation, how volunteers are recruited, the clarity of expectations for citizen participants, and how much authority, responsibility, and accountability are given to stakeholders.

Particularly important is the issue of democratic representation within community members who are typically marginalized brought to the table. Indeed, in practice, subtle differences exist along this continuum of involvement that may be driven both by the nature of the specific sanctioning intervention and by the willingness of justice professionals to assume the role of collaborator and facilitator, rather than the primary provider of services (Bazemore, 1997a; McElrae, 1993). Community sanctioning approaches may therefore be ranked along a continuum that attempts to assess intensity and type of participation.

Examining the four models, community reparative boards are the only one of these interventions that tend to formalize participation, generally by appointing a group of semipermanent board members. Other models rely more or less on word of mouth and hope to sustain enough interest to attract interested participants. Some examples of Australian family group conferences have suffered from an apparent lack of commitment to ensuring citizen, and especially crime victim, participation (Alder and Wundersitz, 1994), while New Zealand conferences appear to have devoted resources to ensuring that "communities of concern" are present (Maxwell and Morris, 1993). Circle sentencing relies heavily on word of mouth with apparent success, at least in Aboriginal communities (Griffiths and Hamilton, 1996; Stuart, 1995), although it is possible that committee members themselves are often the core participants. Victim-offender mediation depends on victim and offender participation, but does not usually recruit family and other community members.

Community Partnership

The third community involvement dimension is characterized by concepts such as "power sharing," "community empowerment," "active collaboration," "devolution of justice decision-making" (Griffiths and Hamilton, 1996), and citizen "ownership" over a process that is to some degree outside the absolute control of the formal justice system. One practitioner, Pranis (1996), has described this dimension as an evolving relationship between justice systems and communities in which the government role slowly changes in relation to the community role.

This change in the system role from "expert" crisis manager with no need for community input to partner with the community occurs as citizens take on more responsibility and provide more input in an emerging collaborative process. Stages along the way may reflect intermediate steps in which the justice system attempts to become more "information-driven" (Clear, 1996) and community-focused (a stance in which information is seen as valuable, and interventions focused on community level outcomes; citizen involvement, for example, is seen as important goal) before reaching the highest level of collaboration in which the system may be said to be "community-driven."
process that makes community involvement meaningful, often results in isolated programs that are in but not of the community (Byrne, 1989; Clear, 1995). Commenting on how much participation and involvement occurs in community courts today, Rottman infers that simply adding new programs and staff to improve accessibility of justice services is a one-dimensional approach to community justice:

The demand (of citizens for personal involvement) is not met by adding more legal aid centers and more pro bono work by attorneys. What people want challenges the professionalization of the court and their dominance by lawyers—forces that originally contributed to the drift from community ties. Court and community collaboration today consequently depends on balancing the role of lawyers and the formalism they bring that militate against the influence of extralegal factors on the one hand and public expectations for user-friendly, problem-solving courts on the other (Rottman, 1996, pp. 50-51).

Four dimensions reflect making the justice system more accessible to the public: location/proximity, flexibility, informality, and sensitivity (see Table 2).

### Table 2: Accessibility

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<tr>
<th>Accessibility</th>
<th>Research</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location/Proximity</strong></td>
<td>Distance as barrier to receiving service; neighborhood location of sanctioning process</td>
<td>Does neighborhood location increase participation?</td>
</tr>
<tr>
<td><strong>Flexibility</strong></td>
<td>Limited operating hours; narrow range of services; rigidity of staff roles; &quot;compartamentalization&quot; of functions; decentralization of staff authority and accountability</td>
<td>Do hours and services meet community needs? Do staff &quot;work to rule&quot; or do they show initiative and have autonomy? Is staff trained sufficiently for multitasking and independence?</td>
</tr>
<tr>
<td><strong>Informality</strong></td>
<td>Adversarial and administrative rules/procedures as barriers; failure to address emotional needs and other concerns</td>
<td>Are informal dispute resolution processes available? Is the process open to expressing of participant concern or is it &quot;rule-driven&quot;? Is process consensus-based?</td>
</tr>
<tr>
<td><strong>Sensitivity</strong></td>
<td>Stakeholders are treated as individuals—personally, respectfully; acknowledgment of rights, dignity</td>
<td>How are victims treated? How are offenders treated? What types of relationships evolve between stakeholders? What is the staff role?</td>
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</tbody>
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The community justice movement is explicitly concerned with the quality of neighborhood life. Yet, most justice functions operate at levels which aggregate neighborhoods, and often fail to address concerns at the local level. The assumption underlying the concern with location is that distance is a primary barrier to participation in and satisfaction with justice services. This assumption at various periods in recent history has prompted a movement to physically decentralize justice services. Decentralization often occurs with a special focus on those inner-city neighborhoods thought to need these services most. Such decentralization is a primary motivator for community-based corrections, team and neighborhood policing, neighborhood dispute resolution, and foot patrol. This theme is also heard within the community sanctioning movement—though it is clearly only one of several themes that address lack of access.

Assessing variation in proximity as an independent variable involves measuring to what extent distance varies for individuals involved in a community sanctioning process. Where was the incident in relation to the sanctioning process? What is the relationship between stakeholders' residence and the sanctioning process? Does distance affect participation and/or overall satisfaction with the process?

Turning to the four community sanctioning models, each takes place in neighborhood locations such as in community centers, schools, churches, and other informal settings. Actual proximity to most users is not known. It has not been discussed or investigated in existing evaluations, though, in practice, some models like victim-offender mediation seem less concerned with neighborhood location than others. They may even hold mediation sessions in centralized locations (near courthouses, for example) to attract more participants, or, in the victim's home if agreed to by all stakeholders. While advocates of all models express preference for holding community sanctioning sessions close to participants, only community reparative boards view neighborhood setting as a key concern.

Flexibility

The flexibility dimension refers to efforts to adapt working hours, staffing patterns, and the nature and range of services to the needs of residents in local neighborhoods (Rottman, 1996; Stone, 1996). One component of this dimension may include decentralization (Clear, 1996). This may occur because an objective of such efforts may (but does not necessarily) allow and encourage managers to reorganize agencies to avoid multiple units, narrow specializations, and compartmentalization (Schorr, 1997). Moreover, decentralization reflects a flexibility in accommodating the concerns of citizen stakeholders who are seeking a significant role in the sanctioning process. Bureaucratic systems add to the difficulty citizens have in understanding (and thus accessing) the justice process. They also limit the capacity of professionals to respond to the diverse needs of communities. This dimension is frequently mentioned by advocates of community sanctioning (McElrue, 1993; Stuart, 1995), and by more mainstream advocates of court reform (Edwards, 1996).

One of the most theoretically interesting aspects of the flexibility dimension refers to the ability of justice professionals to adapt their professional role definitions to various and often diverse community needs outside of their job description. Community policing initially provided the prototype for this "role stretch" or "role blurring." This occurred when officer assignments included service provision, prevention, capacity-building, and problem-solving (Moore and Stephens, 1991). Such role transformations require new sets of expectations on autonomous initiative and personal accountability. This is indicated by individual attitudes and performance, and also by agency expectations and agency support and training for these role changes. Ultimately, such role adaptations are measured by stakeholders' interactions with line staff—the frontline representatives of the justice system to the public.

Practitioners of each model attempt to adapt the process to meet local needs, but role stretch occurs primarily in circle sentencing. Here, police officers, judges, and prosecutors, after fulfilling their legal responsibility (for example, reading the charges), begin to play the role of a citizen participant in the circle process (Bazemore, 1997b). In two of the models, victim-offender mediation and community reparative boards, justice system professionals are involved in only the most distant sense, usually as sources of referral. Family group conferences using the Australian (or Wagga Wagga) model involve police as facilitators of a sanctioning process. The nature of this role may vary depending on the extent to which the officer views his or her function as more of a coordinator and facilitator rather than one who administers sanctions and leads a "shaming" process (Alder and Wundert, 1994; Umbreit and Stacy, 1996).

Informality

Informality may also affect community involvement if it offers a process that limits formal legalistic barriers and procedures that alienate many citizens from courts and other justice agencies. The informality dimension may include the following:

- getting away from rules and procedures
- providing a wide array of nonlegal or paralegal services not typically provided by courts (for example, counseling or victim support)
- offering an array of informal mediation and problem-solving options, which allow citizens to speak, and which seek to enhance the human and humanistic qualities of the process (National Institutes of Justice, 1996; Zehr, 1990).
In practice, informality speaks to the concern that justice is a function of the community rather than the state. It is meant to resolve disputes in human relations rather than technical discrepancies between behavior and legal codes.

The level of informality can be measured in part by the number and range of nonadversarial processes offered. It also can be assessed by observing how services are provided and the extent to which the process itself is rule and procedure-driven or informal. We also would consider whether informal dispute resolution processes are available, if the process is responsive to immediate and unexpected concerns of stakeholders, and the extent to which the process is driven by consensus decision-making over Robert’s Rules of Order.

On the dimension of formality, in comparing the four models (with the exception of most community reparative boards, which tend to deliberate cases), decision making occurs more or less by consensus of participants (including victim and offender). No case is there anything resembling an adversarial process. While all models are informal in focus, process and protocol vary substantially. They range from ancient rituals involving passing the feather or talking stick, to the “script” of the family group conferences, to the nondirective and facilitative approach now taught to many, if not most, mediators in victim-offender mediation (Umbreit, 1994).

The amount of time allowed in the decision-making process is also an indicator of the extent to which the process is driven by court case processing or caseload requirements. A central critique of the formal court process among advocates of victim-offender mediation, for example, has been the primary emphasis on speed and efficiency. Mediation practitioners insist on ensuring that time allowed in victim-offender mediation is based primarily on the needs of what are the primary clients of justice processes—the victim and the offender.

Sensitivity

A fourth dimension of accessibility reflects the capacity of those engaged in the sanctioning process to treat one another with sensitivity. Sensitivity means that the justice process takes seriously the rights and dignity of individuals. It treats them with respect and acknowledges them as persons who are members of the community. This is not simply “justice with a smile,” for the interactions embedded in the various sanctioning models tend to take a serious tone, and the damage done by offenders is not to be made light. Rather, it is based on the Kantian imperative that:

Persons are not merely subjective ends whose existence as an effect of our actions has a value for us; they are objective ends—that is, things whose existence is in itself an end... Act in such a way that you always treat humanity, whether in

your own person or in the person of any others, never simply as a means, but always at the same time as an end (quoted in Lukes, 1973, p. 49).

The Kantian imperative is exemplified in a sanctioning process where an offender easily can be vilified (Braithwaite and Mugford, 1994; Garfinkel, 1955). Sensitivity is a response to a human tendency toward degrading offenders and minimizing the plight of victims. It serves as an alternative to the traditional justice system’s responsiveness to this problem by demanding impartiality and routinization. The community justice approach invites a higher standard of communal engagement in which stakeholders meet in a face-to-face process without denying the severity of the offense or the “personhood” of the offender. Thus, this process dimension is characterized by the emotional sensitivity stakeholders and facilitators bring to the sanctioning process that links the parties together by an “ethic of care” rather than a cold “logic of justice” (Gilligan, 1982).

The essential questions for the sensitivity dimension have to do with the treatment of stakeholders.

- How are victims and offenders treated?
- What types of relationships evolve between stakeholders?
- What roles do staff coordinators and facilitators play in managing the emotional process?

Such questions have taken particular prominence in discussions of the dynamics of shaming that appear to be embedded in informal sanctioning processes (Karp, 2001; Moore and McDonald, 1995; Scheff, 1996; Tomkins, 1992).

Repairing Harm

Community justice sanctioning takes a cue from the problem-oriented perspective of community policing in emphasizing the resolution of specific problems caused by crime and problems that are the antecedent causes of crime (Goldstein, 1990). Taking a second cue from the philosophy of restorative justice, community sanctioning begins with value statements about the primary goal of intervention and the process itself. Specifically, because crime is defined by its harm to individual victims and communities, the justice intervention is focused on repairing this harm through a problem-solving process (Karp, forthcoming; Van Ness et al., 1989; Zehr, 1990). The process itself necessarily elevates the role of the victim. It focuses attention on the victim’s needs, while allowing for victim, offender, and community input and involvement in a process that is focused on finding common ground and attending to the mutual needs of each coparticipant.

Despite the prominent and elevated role of the victim, restorative justice cannot be reduced to a “victim rights” agenda, and interventions are certainly
Community justice sanctioning has a strong emphasis on providing alternatives to incarceration, yet ones that are symbolically expressive in condemnation of the crime (Kahan, 1996). Accountability is defined in terms of offender commitments to obeying the law and offender appreciation of the damage wrought by the crime. Primarily, offenders are held accountable by making restitution to their victims and providing meaningful service to repay the debt to their communities. For offender accountability, critical questions include:

- Does the offender admit responsibility for the crime, particularly by acknowledging its harmful consequences?
- What role does the offender play in negotiating reparative agreements?
- What is the correspondence between the damage done and the reparative tasks assigned—is there proportionality and symbolic linkage between the offense and community service tasks?

Answering Zehr's third question, concerning responsibility for repairing harm, requires that the process focus on the future in ensuring that these obligations are fulfilled. While formal restitution programs have devoted extensive effort to documenting harm and to developing clear and workable payment schedules (Schneider, 1985, 1990), much more observation of the various community sanctioning processes is needed to determine the extent to which obligations and action steps are identified and follow-up occurs. Community sanctioning processes are perhaps best situated to engage citizens in the monitoring and follow-up process. Each seeks this desirable goal of having citizens assume responsibility for monitoring and enforcing obligations. Typically, restorative sanctions include apology, mediation, restitution, and community service (Karp, forthcoming). Little is known about the ability of most of these processes to ensure that reparative agreements are carried out, however.

### Victim Restoration

Although victim restoration is not the only dimension of restorative justice (Bazemore, 1996; Bazemore, and Maloney, 1994; Van Ness, 1993), it is the victim's central, essential, and elevated role in the justice process that perhaps most distinguishes community justice sanctioning from traditional approaches. For the victim, community justice offers the hope of restitution or other forms of reparation, information about the case, the opportunity to be heard, and expanded opportunities for involvement and influence.

Assessing this dimension in evaluation could involve a range of observation, interviews, and victim-impact surveys aimed at tapping the extent to which the process is attentive to victim needs and concerns, provides for the victim's safety, allows victims to express their feelings, meets victims' needs.

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### Table 3: Repairing Harm

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<th>Key Concerns</th>
<th>Research Questions</th>
<th>Indicators</th>
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<td>Offender Accountability</td>
<td>Offender takes responsibility for crime; offender participates in sanctioning process; offender makes commitment to opportunity for restoration</td>
<td>Nature of reparative agreements; offender's view and role in process; use of apology and other demonstrations of responsibility and remorse</td>
</tr>
<tr>
<td>Victim Restoration</td>
<td>Victim input on reparative needs and the sanctioning process</td>
<td>Effects of victim's contribution to the process; stakeholder views of victim's role; victim satisfaction</td>
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<tr>
<td>Community Restoration</td>
<td>Problem-solving and capacity building at community level; focus on group versus individual offender intervention; use of creative community services</td>
<td>Efforts to measure community effects; linkages between sanctioning agreements and community-level needs; staff effort in capacity building</td>
</tr>
</tbody>
</table>

not limited to victim services or a focus on victim impact alone. From a restorative perspective, the emphasis on victim healing and repair itself, in fact, implies a critical, though at times indirect, role for offender and community. The theory underlying restorative justice is that neither offenders nor victims are well served when the needs of the other, and of the community, are neglected. Justice is best served when the needs of each are addressed and all are involved in crafting the response to crime (Van Ness, 1993; Zehr, 1990). Community justice therefore provides three unique dimensions of variation in repairing harm: offender accountability, victim restoration, and community restoration (see Table 3).

Currently, when a crime is committed, two primary questions are asked: who did it and what should be done to the offender? The latter question is generally followed with another question about the most appropriate punishment. Viewed through the restorative "lens," crime is understood in a broader context than what is suggested by the questions of guilt and what should be done to punish (or sometimes treat) the offender. Zehr (1990) argues that, in restorative justice, three very different questions receive primary emphasis. First, what is the nature of the harm resulting from the crime? Second, what needs to be done to repair the harm? Third, who is responsible for reparations?
for informed consent, and explores the extent to which the victim feels that these things have occurred. In this regard, Umbreit (1997), for example, has developed a "restorative justice" continuum, which focus on the victim's experience in various justice processes, with a special focus on the victim-offender dialog.

The victim's role, the emphasis on preparation, and the nature of the process indicate a primary concern with this dimension in the victim-offender mediation protocol. While victims speak first in victim-offender mediation and extensive preparation is focused on ensuring that the victim's concerns are addressed, community reparative boards and some implementations of family group conferences, for example, appear less structured to do so. Circle sentencing, on the other hand, provides at least equally extensive pre- and post-session work directed at victim concerns. It is the only approach that provides for a victim support group (Stuart, 1995).

It is possible, however, that the broader concerns of both circle sentencing and family group conferences, which include a focus on offender "healing," and "shaming and reintegration" of the offender, respectively, may overwhelm the focus of the process where offender's needs appear to be extensive. These are all empirical questions, however, which should be addressed in a comparison of these processes in achieving victim, offender, and community satisfaction and other outcomes.

Community Restoration

As Byrne (1989, p. 10) has noted, "offender-based control strategies are incomplete, since they take a closed system view of correctional interventions: change the offender and not the community." The third reparative dimension of community justice sanctioning is the extent to which the object of intervention includes not only the offender or victim, but also the community and community groups. This approach underscores the principle that communities as well as individuals are harmed by criminal incidents.

Such interventions seek to strengthen the capacity of the community, community groups, and socializing institutions to control and prevent crime (Barajas, 1995; Bazemore and Schiff, 1996; Clear and Karp, 1999). Such changes follow the innovations of community policing, which alters the emphasis from arresting individuals to working with community members in problem-solving and capacity-building (Sparrow, Moore, and Kennedy, 1990). The focus of community restoration begins with offenders and community service, but extends beyond this to a close assessment of local problems and collective efforts to improve the quality of community life.

In contrast to the microlevel concerns of victim restoration and offender accountability, a primary aspect of community restoration is preventative. Efforts to prevent and control delinquency and crime from this perspective focus less on remedial and ameliorative services, and more on proactive efforts to change conditions in neighborhoods and institutions believed to be criminogenic; less, for example, on targeting individual quents and more on institutional change to promote positive youth development and personal growth for all young people (Lofquist, 1983; Pittman and Fleming, 1991; Polk and Koerner, 1972).

Much more information is needed on what interventions focusing on community rather than individual change actually look like in practice. Yet, in assessing variation on this dimension, it is possible to distinguish commitment to the idea of community as a target of intervention in part by how community sanctioning staff view and operationalize their role. A primary measure of this dimension might be the amount of time that is spent doing individual casework rather than organizing sanctioning panels, developing victim support groups, offering offender community service opportunities, and other such tasks that link the sanctioning process to community quality of life outcomes.

The content of the intervention directed at community change differs substantially from simply attempting to increase the number of citizens participating in community reparative boards. It includes involving residents in a reintegrative shaming process in family group conferences (Braithwaite and Mugford, 1994). Intervention also may differ in scope as shown in the contrast between the holistic efforts of circle sentencing where participants promote "community healing," and "peacemaking," and in building capacity for increased involvement (Bazemore, 1997b; Stuart, 1995). Such interventions include the more micro and incidental efforts of victim-offender mediation staff to involve community by recruiting additional volunteer mediators. What differences in specific outcomes for the victim, the offender, and the community would we expect as a result of the more macro-circle sentencing focus compared with the more specifically targeted intervention of victim-offender mediation? The latter is concerned first with victim outcomes, the second with offender outcomes, and only very indirectly with the community.

Reintegration

To this point, community sanctioning has been discussed in terms of bringing community members to the table (community involvement), showing how the setting matters for active participation (accessibility), and investigating toward what end the sanctioning should be directed (repairing harm). Community Justice is also explicitly concerned with the capacity of a community to maintain a quality of life that is at once inclusive and safe. The perspective of community justice maintains that outcasting and exile are last resorts for offenders; alternatives to incarceration are sought wherever possible.

Therefore, the sanctioning process must consider the implications of sanctioning for offender recidivism and public safety. Reintegration assumes that offenders are operating at the margins of community life and need to become better tied to conventional social institutions and role models. Three
commitment by acknowledging responsibility and complying with repar agreement. A second part revolves around the offender's conventional to the community that can be cultivated as resources for monitoring offender activity and providing social support. Risk intervention by the criminal justice system requires substantial systems of monitoring and supervision by agencies in partnership with the community. These may include regular home visits, drug testing, or Big Brother/Big Sister-style mentoring. Such systems are necessary to instill faith in the community that offenders, although present, are not dissociated from socializers and enforcers of community norms.

**Competency Development**

A second dimension of reintegration is the traditional concern for offender rehabilitation. Does the offender have the educational, employment, and social skills necessary to succeed in community life without resorting to crime? From a community sanctioning perspective, services provided to the offender such as drug counseling or job training are best done within the framework of victim and community restoration. For example, while engaging in community service as part of a reparative agreement, additional efforts would be made by the justice system to provide occupational training, which would benefit both the service project and the future capacity of the offender to gain employment.

Competency development is particularly important in three arenas (Clear and Karp, 1999). First, offenders need to gain mastery of basic educational and employment skills that will serve them in the job market. Second, offenders need to be able to cooperate with others and sustain meaningful relationships without resorting to violence or withdrawing from the social relationships that undergird the community structure. Third, offenders need to be able to exercise self-control in the gratification of immediate interests and show empathy for the needs of others. These competencies support the offender's capacity to act as a contributing member of a democratic community where citizenship is defined by the ability to work for the common good in addition to the pursuit of self-interest.

**Decertification of Deviance**

The third dimension that concerns offender reintegration marks the final stage of the sanctioning process—the point at which the offender is no longer stigmatized by the offense and is fully accepted as a member of the community with all of the rights and responsibilities accorded other members. In theory, the criminal justice system is designed so that once offenders “pay their debt” to society, their slate is clean. In practice, however, reintegration is quite uncertain. Braithwaite (1989) argues that oppositional culture formation is a direct result of offender outcasting by the community. What is
needed, in Athwaite's terminology, are "ceremonies of reintegration" that "decently" the offender status (Braithwaite and Mugford, 1994).

In a community sanctioning model, decertification is a dynamic process responsive to offenders' demonstrations of remorse and reparation. Thus decertification follows from a process of "earned redemption" (Bazemore, 1998). Critical questions about the decertification process include the following:

- Are offenders stigmatized and outcast?
- What demonstrations are necessary for the community, especially victims, to entertain forgiveness and inclusion of the offender into daily community life?
- What concrete strategies or rituals are employed to mark the offender's acceptance and reintegration?

**Conclusion**

In outlining four categories of dimensions that may influence outcomes in community justice sanctioning processes, our goal has been to suggest a systematic way of classifying independent variable influences, which have empirical and theoretical coherence. At this early stage in the development and evaluation of community sanctioning models, it is critical to establish theoretical and value-based criteria for answering the question "how do we know it when we see it?" For example, how do evaluators know that a process referred to as a family group conference, for example, has been carried out in a way consistent with the community justice principles which inform it? Can evaluators know that when an offender recidivates two months after participating in such a conference, or when the victim feels dissatisfied, the theory of intervention underlying this approach was incorrect or inappropriate? Or was this apparent failure due to the fact that the conference was inadequately implemented?

The first concern with determining whether an intervention has actually occurred is an issue of the utmost importance in evaluating any new initiative. The possibility of multiple interpretations of the meaning of terms like "mediation," "shaming," and even "involvement" leave new processes open to the phenomenon by which the name of status quo practices is simply changed to fit new trends (for example, community policing, restorative justice), with little or no actual change in the content of interventions. To avoid situations in which relabeled traditional practices are evaluated as "restorative justice" or "community justice" programs, it is important to establish common definitions and criteria for determining whether and to what extent an intervention has occurred.

Because programmatic consistency with underlying principles in processes such as victim-offender mediation varies dramatically (Umbrett, 1998), it is important in evaluation to have access to common criteria that allow for valid and reliable assessment of intervention integrity. Such criteria would reflect one or more dimensions of practical and theoretical import an to practitioners and participants in the implementation of a sanctioning model, and they could be used in comparing different implementations of the same model or contrasting different models.

A shortcoming of this paper's singular focus on dimensions for defining independent variables in community sanctioning has been our failure to discuss impact measures. While the importance of an effort to develop clear outcome measures for community justice processes cannot be disputed (Bazemore, 1997a), before jumping to impact evaluation, it is important to get a better sense of what it is citizens and professionals are doing (and believe they are doing) in community sanctioning. Specifically, before evaluators impose outcomes and impact designs on interventions we do not fully understand, we should think carefully about whether we can describe inputs, processes, and intended outputs. Then, we will be in a position to build theoretically informed impact evaluation protocols.

**References**


Vocabulary and Questions

- community sanctioning
- community justice
- family group conferencing
- community reparative boards
- circle sentencing
- victim-offender mediation
1. An evaluation of the following models needed:
   a. community involvement
   b. repairing harm
   c. reintegrating offender into the community
2. What is meant by community and stakeholder identification?
3. What are the dimensions of community responsibility?
4. What can be done to improve accessibility on the following dimensions?
   a. location
   b. flexibility
   c. informality
   d. sensitivity
5. Please define and give an example of the following terms:
   a. repairing harm
   b. victim restoration
   c. community restoration
   d. offender reintegration

CONCLUDING VOCABULARY AND QUESTIONS

Discuss each of these terms in light of how it relates to or is impacted by restorative justice.

- recidivism
- victim's rights
- shame
- youth courts
- drug courts
- mediation
- conflict resolution
- accountability for harm caused
- restitution agreement

Answer the following questions in groups or individually.

1. Do you agree that restorative justice is "a revolution?" Support your answer.