

# Colorado Probation Research in Brief

## *The Role of Community in Securing Peace and Delivering Justice*

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**Key Words:** Restorative justice, RJ, victim-centered, reparation, conflict resolution, mediation

### Summary/Conclusions

This article provides the reader with a general overview of the history of criminal justice, the evolution of the system, and the state of justice. The author offers an alternative to the idea that “justice and punishment” are synonymous: restorative justice. Restorative Justice (RJ) is not a program or specific practice but a philosophy, with which the criminal justice system can impact crime at all levels. The RJ philosophy also envelops the victim in the process of restoration, in which the victim, the community, and the offender are provided the opportunity to be made whole. The author of this article, Thomas Quinn, is the current Director of Probation Services in the State of Colorado. Mr. Quinn has extensive experience in criminal justice, management, and policy development.

### Limitations of Information

We cannot prevent crime completely and some crimes are so egregious, the offender must be removed from society; however, a restorative justice approach can be beneficial in the right situations. Furthermore, this model is meant to supplement the traditional approach and humanize the justice process.

**Caveat:** The information presented here is intended to summarize and inform readers of research and information relevant to probation work. It can provide a framework for carrying out the business of probation as well as suggestions for practical application of the material. While it may, in some instances, lead to further exploration and result in *future* decisions, it is *not* intended to prescribe policy and is not necessarily conclusive in its findings. Some of its limitations are described above.

### Restorative Justice

The criminal justice system in the United States has focused on punishment over the past several decades. As a result, we have incarcerated more of our citizens (1 in 100, Pew 2008) than at any other time in history. This punishment philosophy has left the victim and community out of the justice process. However, restorative justice (RJ) “focuses on the harmful effects of offenders’ actions and actively involves victims and offenders in the process.” In addition, there is a recognition that the offender is part of a larger community, which is owed reparation and into which the offender will need to reintegrate.

“Restorative Justice is a philosophy, a set of principles.” The author notes documented success from several justice perspectives:

**Communities** use dispute resolution programs, such as the San Francisco Community Board programs.

**Law enforcement** use alternatives to arrest, such as the Harrisburg, PA Citizen Dispute Settlement program, which demonstrated a reduction in calls to police as a result of implementation.

**Prosecutors** use programs to divert offenders to mediation. A North Carolina study showed 92% of victims were satisfied with mediation only, while 69% were satisfied with court only.

**Courts** using RJ ideas have shown success. In Manhattan, the Midtown Community Court showed higher rates of sentence completion (50% vs. 75%),

quicker arraignments, and decreased crimes.

**Victims** have described lowered levels of fear, as the result of mediation.

### Practical Applications

- √ Become familiar with the process of mediation/conferencing and locate such agencies near you.
- √ Incorporate victim statements and information in presentence investigation reports, as appropriate.
- √ Include RJ principles of reparation in the case plan.
- √ Make referrals to restorative justice programs, when appropriate.
- √ Prioritize restitution payments by making referrals to collections investigators. They can use liens, garnishments, or tax intercepts.
- √ Consider referrals to victim impact panels or victim empathy classes.
- √ Make community service meaningful by matching it with the crime and focusing the benefits to the community harmed.
- √ Involve the victim in choice of community service.
- √ Refer higher risk offenders to cognitive behavior programs to learn conflict-resolution skills.
- √ Ensure that all obligations are met under the Victim’s Rights Act.

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