

The logo for Restorative Justice International (RJJI) features the letters 'R', 'J', and 'I' in a large, bold, sans-serif font. The letters are white with a subtle gradient and are set against a dark grey rectangular background.

Restorative Justice International

White Paper on Restorative Policing

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Restorative Justice International is an association and network committed to victims-driven restorative justice with over 5000 members active through social media and affiliate members globally.

Restorative Policing Definition and Description

Part 1 of this White Paper by Restorative Justice International - June 2016^{*}

A new policing paradigm is called for as an integral part of policing, and not just an interjection of restorative justice processes into current policing practice. Restorative practices should underpin all policing and be guided by restorative justice values of respect, dialogue and relationships, and not focused on crime, but broadly on harmful wrongdoing and conflict and support for victims and affected communities.

Restorative policing is a relational paradigm of policing that focuses on creating safer, more connected communities through restorative justice practices underpinned by restorative principles of safety, accountability, sustainability, relationship building and constructive engagement. The policing function is understood to be a whole community responsibility with police as part of a broader social maintenance effort. Restorative policing actively support victims, offenders, their families and communities to respond creatively and positively to conflict through restorative justice processes. The goal of restorative policing is reducing harmful wrongdoing and conflict through the positive engagement of community and governmental resources.

Restorative policing is described by the following:

Police as peacemakers and master facilitators, largely of informal processes focused on engagement [as opposed to involvement] and collaboration [rather than cooperation].

Police recognise that offender accountability, responsibility and obligation are primarily to those directly affected and then to the community, where the first priority is the needs of victims and the relationships harmed. In talking with the victims, the initial conversation needs to be about the impact of the incident rather than a preoccupation with the details.

Police create conditions for reflection and learning for all involved — where crime becomes an opportunity to make sense and meaning of what has happened and what is needed to strengthen relationships and keep people safe.

Policing by community [as opposed to community policing], engaging and empowering families and community organizations in responding to and managing conflict with officers acting as community leaders and resource brokers.

Police view rituals and processes for reconnection as vital elements in community reconciliation and restoration.

Police use their discretion in such a way that prioritises problem-solving over crime control with emphasis on possibilities rather than problems.

Police ensure there are constructive community responses to potentially harmful situations rather than waiting [reacting] for an offence.

Police view law enforcement as a regrettable last resort; contributing to everyone living in safe and supportive relationships is the first resort for crime prevention.

ORGANIZATION

Restorative policing has both proactive and reactive elements. The proactive part is actively facilitating restorative capacity-building within their own agency and among local governmental, non-governmental and faith organizations. The reactive part is ensuring safety and restorative responses in the aftermath of harmful action. For minor offenses, police collaborate with community organizations to respond. For serious offenses, referral to court authority may be necessary to ensure safety for those affected. Police, as first responders, are expected to provide safety, compassionate support, and restorative/emotional first aid where needed, followed by referral to appropriate restorative resources for follow-up. Law enforcement is a last resort reserved for serious dangerous incidents that require judicial oversight or where the parties invoke their legal rights to due process. Criminal prosecution is seen as regrettable and not as the primary purpose of policing.

^{*} Restorative Justice International conducted a modified Delphi process among restorative policing experts late in 2015. Respondents were: Terry O'Connell (AUS), Kerry Clamp (AUS), Nicola Preston (UK), Debra Parr (UK), Eliza Jones (AUS), Gert Jan Slump (NL), and Matthew Johnson (US).

Restorative Policing Organization

*Part 2 of this White Paper by Restorative Justice International - June 2016**

Excerpts from Colleen McLeod (2003). Toward a restorative organization: Transforming police bureaucracies. Police Practice and Research, 4(4): 361–377. Reprinted with permission of the author.

The contemporary organizational literature provides the foundation for the implementation of restorative justice practices at the organizational level, prioritizing notions of shared leadership, supporting risk-taking and innovation, collaboration, teamwork, and organizational learning (pp 368-9). [Restorative policing is] one way in which police departments can better assist in ... reformation of justice – that is, by beginning to reform themselves as organizations in ways that resemble and are consistent with the values, principles, and practices they endeavor to support in communities (p 373).

[C]ommunity-oriented policing in its purest implementation promotes autonomy for officers working directly with community members in problem solving to carry and utilize the common values and vision of the organization as context for community values (p 367). [Restorative policing includes] the necessity of structural and procedural changes identified through the community policing experience in areas such as policies and training, hiring and promotional consideration, in formal structures and hierarchy, and decreasing numbers of administrative components and managerial levels (Mastrofski and Ritti, 2000; Maguire and Katz, 2002) (p 373).

Consistent with the restorative justice paradigm, the customer/community is the main focus of the post-bureaucratic organization, which stresses teamwork and the empowerment of front-line personnel to effectively and appropriately work with customers to solve problems and make decisions about how to improve customer service (Barzelay, 1992) and potentially, customer–agency relations. With a shift from rules and regulations to an orientation focused on results and outcomes, the needs of the customer move the organizational focus to a new level and have potentially significant implications for bringing offenders, victims, and communities to the forefront of criminal justice system purpose, service and care (pp 364-5).

Elements of the [restorative] organization such as its mission, recruitment procedure, case plans, and promotional criteria are grounded in the core principles of restorative justice (Van Ness and Strong, 1997). These elements reflect the purpose of justice intervention to address the needs of those most affected by crime, to be both restorative and preventive (Bazemore and Washington, 1995; Maloney, Bazemore and Hudson, 2001) and are less formal and more open-ended to allow for creativity and risk-taking.... [T]he organization is concerned with outcomes and results, rather than inputs and means. Effectiveness, quality, and value are central tenets of all evaluation procedures, and production becomes more important than administration (e.g., Epstein, 1984; Osborne and Gaebler, 1992). Quantitative outputs such as the number of tickets written no longer dictate resource allocation and incentives of police agencies. Rather the focus is on resource provision so that agencies can best make qualitative impacts (see Carey, 2000 for a restorative justice organizational assessment) (p 370).

Centered on the concept of the ‘learning organization,’ there is a commitment to continual education, innovation, flexibility, and collaboration. A restorative system is value-driven, as opposed to program-driven, and committed to a process of innovation, problem solving, deliberation, and risk-taking in order to effectively respond to issues internal and external to the organization and those of interest to stakeholders (p 368).

The [restorative] agency is inter-connected with other organizations and accessible by the public, with a flat hierarchy, few levels of command and control, and decentralized decision making. Dependent upon the expertise and experience of employees (and community members) rather than on rules and regulations, a restorative organization has low levels of formalization. (p 370)

* RJI Restorative Policing Delphi respondents read McLeod’s full article in preparation for the process. Respondents enthusiastically agreed with McLeod conception of a restorative policing organization. This section summarizes part of that vision. McLeod’s full article describes a roadmap for police agencies to transition from bureaucratic to restorative organizations.

A final condition necessary to promote organizational intelligence is *limited corporate government* which involves acknowledging that... organizations [need to] have some form of internal government. However, in such an organization the purpose of this government is not to be dictatorial or controlling, but to be responsible for creating the conditions necessary to empower others to do what is their responsibility to do – a body that leads not dictates [see Pinchot and Pinchot (1993)] (p 366).

[A restorative organization] focuses on ‘winning adherence to norms,’ focuses on means and principles over rules and regulations and challenges organizations to perform socially useful work and solve problems.... The movement is away from enforcing responsibility and authority to building accountability – making people accountable by fostering the environment in which they feel accountable (Barzelay, 1992).... [R]ather than continuing to operate administrative systems, service becomes separated from control, incentives are provided, collective action is encouraged, and organizational results are both measured and analyzed (p 364).

Rather than catering to the needs of institutional structure, a restorative agency is focused upon the needs of individuals and has a high level of transparency. Community and crime problems are identified and solved with the community and the organizational structure supports these actions (p 370). ... Accountability is developed not because of authority, rules and regulations, but because employees are part of the decision- making process and valued – employees value the organization and feel accountable to it and each other. Police officers are empowered to work in teams and collaborate so as to generate creative energy. Given flexible lines of interaction, communication in a restorative agency is essentially about dialogue as opposed to dictation (e.g., Senge, 1990; Isaacs, 1999). Police officers and employees believe that their perspective has merit and as a result are more likely to treat their stakeholders similarly. While community members own the process of reconciliation and reintegration, police agencies support them in that endeavor (p 370).

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Frequently Asked Questions (FAQ)

Part 3 of this White Paper by Restorative Justice International - June 2016^{*}

1. Why call for a new paradigm of policing? Isn't restorative justice just another tool?

Risks Cooptation of RJ. There is little merit in the police simply offering a restorative intervention as an option without a change in the underlying philosophy. If a restorative intervention is not underpinned by an understanding of the philosophy, then the practice is at least unsustainable and at worst causes further harm. A new criminal justice paradigm is one where the dominant philosophy is about harm and relationships, rather than blame and punishment; where the emotional and psychological needs are paramount; where the 'end game' is about holding people accountable in a way that builds relationships and strengthens communities. Such a system is only possible when the restorative ethos underpins how stakeholders relate to one another at a professional, organizational and service delivery level. Nothing less than this is going to change the criminal justice paradigm.

Consistent with RJ. A new paradigm of policing is consistent with the transformative view of restorative justice as a philosophy re-directing our professional scope and strategies/ways of intervening. Restorative policing should be a new way of 'thinking', not just another way of 'doing', although it may be more useful to think of it as a framework for change. There is a strong case for restorative justice principles and values to be embedded within police practice and policing beyond responding to crime, which is that people are more likely to obey rules and comply with requests if treated with respect.

Consistent with current policing reform. The existing policing paradigm is and has been since the 1980's communitarian in nature. Restorative justice/practice is not a tool —rather it is the toolbox needed to give expression to communitarian policing. Restorative policing provides a sound basis for how restorative processes can be used to build a healthy police culture, which is fundamental if communitarian policing is to be realised.

Restorative policing can lead necessary justice system reforms. It is unrealistic to think a paradigm shift can be achieved across all parts of the criminal justice systems in a unified way, yet we reject the supposition that the whole CJS needs to change before any shifts in policing can occur. The police as an agency are an essential and important gatekeeper for the whole system – they determine what enters and stays out of the criminal justice process. Further, policing should not be defined by the criminal justice paradigm as its role in our society is very different to that of criminal justice systems. The problem with the 'law enforcement' mindset is its reliance on criminal justice systems to solve a whole range of social issues.

Policing is more than the police. Restorative justice is a philosophy that approaches crime and justice from a relational perspective. Human beings exist within familial and social networks that need to function well to support individual growth and well-being. Harmful acts affect individuals and the relational networks of all parties involved. Restorative justice seeks to activate and empower the affected networks to repair and strengthen damaged relationships. This is how past harms are repaired and future harms are prevented, not just in theory but in the experienced reality of restorative justice practitioners. Ultimately, the basic function of keeping the peace (policing) is the responsibility of the whole of society and each of us in our capacities within social and familial systems.

^{*} For a complete description of the theory and practice of restorative policing, please see Kerry Clamp and Craig Paterson (2016) *Restorative Policing: Concepts, Theory and Practice*. London: Routledge.

2. What is the role of police in a restorative justice paradigm? Is restorative justice inconsistent with the prosecution function of policing?

Restorative policing calls for rethinking the purpose of policing. It is certainly a common tendency to interpret policing in terms of its crime fighting functions, but it is also possible to do it in terms of its crime prevention functions. Both functions are important and have value, but they are appropriate at different times and for different scenarios. Not separating these out causes confusion on the topic. Restorative policing is not only about diversion. The factors that police officers take into account when they make a decision to refer a case for diversionary conferencing is true for all diversion schemes, not only those with a restorative justice orientation. This is different from a 'restorative outcome' – **the police do not have the ability to determine restorative outcomes.** Approaching restorative justice from a crime fighting orientation leads to viewing restorative justice as an alternative punishment rather than an alternative to punishment. Within the original Wagga Wagga Model^{*}, the key architects stressed that police facilitating restorative processes was not about imposing any conditions on any participants. The purpose is to reduce the amount of state control and increase the amount of community control. Police officers are merely providing a context for which those most affected by the incident can resolve it between themselves, whilst providing a check against any human rights violations within that process and ensuring that the outcomes decided by the participants (not the police) do not contravene the upper limits of what would normally be acceptable. Officers can also apply restorative principles to their daily interaction with members of the public, mediate conflicts and resolve problems as part of their routine activities. Restorative justice has also been used within the force in cases of alleged police misconduct and internal disputes – so the applications are only really limited by the skills sets and imaginations of police officers themselves.

Policing is much more than law enforcement. RJ is about viewing crime differently from the perspective of the people affected by crime and the impact it has on them. The statute definition of the crime is not as important as the emotional impact on the people involved. The overall approach to justice needs to focus on what is done in the aftermath of crime to hold individuals accountable, repair the harm, repair damaged relationships and prevent that harm re-occurring. We should not be viewing policing in a 'silo'. The existing systems may currently define the role of police within specific boundaries, but that is what restorative policing is challenging in a realistic attempt to re-define the role and function of key players in the criminal justice system. 'Justice' is about fair process for the key stakeholders in the harm or conflict, which is a key element of the restorative philosophy and not just about 'criminal justice'. The way in which you achieve your statutory functions needs to focus on fair process for the key stakeholders in crime, harm and conflict.

Police are integral to criminal justice reform. An integrated restorative criminal justice system requires all justice stakeholders to buy into restorative processes and the key group is the police. The idea is that by developing restorative programs within all criminal justice areas, the sort of change that we hope for will happen. Whilst this still remains an important part of the change process, changing the criminal justice paradigm requires a very different conversation. The focus is less on changing the system and more about changing the experiences that people have within the system. Restorative processes are not just about victims and offenders, but more about how we engage others in a respectful, fair and challenging way. The issue really is less about who should do what but more about how all the stakeholders can learn to use restorative practice in how they engage offenders, victims and their respective families in every interaction. This requires a fundamental rethinking in terms of how we define restorative justice practice more broadly, as a relational process, well beyond the notion of a conference or other intervention. Most restorative justice programs operate within a narrow victim/offender lens and are limited, not by systems, but a fundamental failure to understand what practice best meets the needs of those involved.

Doing is believing. Restorative processes at their most basic level seek to do nothing more than to create the conditions that support stakeholders talking about issues of harm and relationships, regardless of the causal factors. No one is better placed to deal with the humanity that is everyday policing than police. When police are exposed to what restorative processes have to offer, they can't deny the reality of what they had seen. 'Culture' is like a storybook. Change the stories, change the culture. Stories begin to change among police after they experience first hand a restorative process.

* The Wagga Wagga Model is a scripted version of police-led restorative conferencing developed by Terry O'Connell in 1991 in Wagga Wagga, New South Wales AUS as practiced in the U.K., Canada, U.S., and formerly in Australia (see Clamp & Paterson, 2016)

3. What about police responsibilities as first responders?

Restorative policing does not conflict with emergency responses. Restorative justice does not negate the need for police use of force or restraint where necessary to protect life and/or property. What happens after the immediate threat or danger has passed is where the restorative philosophy can then be used to offer fair process and provide opportunities to move back to the 'with' box.

Restorative policing focuses on routine police activities. There are appropriate instances for the police use of force paradigm to be dominant but this does not apply to the routine activities and crimes at the shallow end. Police as first responders to emergency situations does challenge us to think about what is needed for police to 'normalise' non-coercive police authority. Criminal justice processes constitutes at best 20% of police daily activity. It is of interest to note the symbolic significance of what police officers are now required to wear – vests, powerful automatic handgun; capsicum spray, taser, handcuffs and baton. No surprise that we are seeing more incidents of lethal force resulting in death. With police operating in a climate of increasing fear and community expectation, there is little wonder that dialogue comes a distant second. Restorative processes have lots to offer at the backdrop of the range of critical incidents.

4. Isn't restorative policing already happening without a new police paradigm?

Mission statements are not enough. Most organisations have mission statements and a set of values but the restorative values base is only one small element of the restorative philosophy and there is more to embedding the restorative philosophy into policing culture than just a set of values. An explicit framework that includes fair process, the social discipline window, restorative questions and a psychological framework such as affect theory can successfully be used to develop a restorative culture within an organisation. Without such an explicit framework, you have no frame of reference to evaluate your approach as restorative.

Lack of systematic implementation. There is a 'so what' question given that the police are already doing a lot of the things that restorative policing calls for, but they are not doing this in any systematic way. Further conceptualising and theorising about what restorative policing is and developing a means through which it can be operationalised is important because it helps to critically inform the work that police officers are already doing. This requires police to become more conscious and deliberate about what they are doing and understanding the conditions under which restorative approaches work, but this does require one to embrace a shift of paradigms of policing. There are plenty of instances and examples of the police doing things really badly, so there certainly is room for improvement.

Police need to be treated with restorative justice themselves. Any policing that results in stakeholders being treated fairly and respectfully, and having a say, is likely to be 'restorative' in nature. It is important not to confuse police change with police reform. Ask a police officer what would be happening if his or her police service was 'reformed'. Change is constant, reform is only possible when the emphasis is on honest, fair, respectful and transparent processes. It is important not to be distracted by what is written or contained in policy documents. Many departments include very impressive communitarian policing documents, but what was happening on the ground shows a very different picture. How officers felt they are treated by senior police is not consistent with Restorative justice processes. In fact, police cultural surveys reveal that most police feel undervalued, blamed and that whenever anything went wrong, sanctions against them were automatic. Police agencies need to integrate restorative justice processes into their complaints, discipline and grievance procedures. One thing that police services do very well is to display their values and codes of conduct. What they struggle with is how to reflect those in their day-to-day interactions with one another and the general community.

5. Is restorative policing just another externally imposed requirement for police? Shouldn't police be included in the development of any policing paradigm?

Restorative policing has consistently been police-led. It is easy to feel that these ideas are being imposed from the 'outside-in'. Restorative practice is ongoing in different jurisdictions. However, there is national support for restorative policing in the UK with most of the forces around the country having restorative justice leads within them. It is inaccurate to say that restorative policing is being made from an abstract perspective – academics didn't come up with this idea, police officers did and they have been most responsible for initiating change within police forces around the world. Academics are certainly exploring how we might further develop a conceptual and theoretical framework around policing but this is embedded within policing practice and policing narratives.

Police training police. Some police supervisors are adopting the broad concept of restorative policing and helping frontline policing officer integrate it into day-to-day policing with very impressive outcomes [nothing abstract]. These experiences provide great examples of what happens when frontline police officer are consistently and respectfully challenged in how they police their communities.

The process leading to this white paper was primarily the voice of experienced police. There has been and continues to be involvement of police officers in the development of restorative justice at both a theoretical level as well as a practical level. The views and perspectives of officers are routinely sought within contemporary research undertaken in this area, so they do have a voice. The process leading to the development of the *RJI Restorative Policing White Paper* was designed to bring together a panel of policing experts into a series of structured communications and therefore our individual skills, knowledge and experience as former police officers and the different rounds that have already taken place does reflect the voice of police experience.