

# Analyzing the Problem

## CHAPTER OUTLINE

- ▶ **Document the need for change.** Collect and analyze data to define what the problem is, where it is, how big it is, and who is affected by it. What evidence of the problem exists?
- ▶ **Describe the history of the problem.** How long has the problem existed? How has it changed over time?
- ▶ **Examine potential causes of the problem.** What causes the problem? What theories do we have? The intervention *must* target one or more specific causes supported by research.
- ▶ **Examine previous interventions** that have tried to change this problem, identify the most promising interventions, and choose a preferred intervention approach. We need to analyze available information to direct decisions about a possible course of action.
- ▶ **Identify relevant stakeholders.** Do different groups of people have different definitions of the problem? Who is affected by the problem?
- ▶ **Conduct a systems analysis.** Conduct research on the system within which the problem exists, and determine how the system may create, contribute to, or maintain the problem.
- ▶ **Identify barriers to change and supports for change.** Who is likely to support a certain course of action, and who is likely to resist it?

Some preliminary analysis is needed to identify the issues involved with trying to change a particular problem. This important analysis sets the stage for all subsequent planning activities. Beware of the *activist bias*: the notion that we already know what to do, so let's get on with it. In almost all cases, the person who expresses such a view has a vague definition of the problem and its causes, and little knowledge of successful interventions. Without intending it, he or she is advocating a process of unplanned change that maximizes the likelihood of a poorly planned, poorly implemented, and ineffective intervention. The many hours of hard work and the motivation that must surely guide any successful change effort should not be wasted on unplanned change. How we analyze the problem guides what kind of interventions we come up with. If problem analysis is flawed, subsequent program or policy planning is also likely to be faulty.

## Document the Need for Change

We begin analysis of a problem by examining information about the problem. We are interested in questions like the following: How do we define the problem? How big is it, and where is it? Is there a potential for change? We especially want to provide evidence for the existence of a need or problem.

We need to be very careful here. The media, politicians, or even criminal justice officials socially construct many problems. By *social constructions*, we mean that certain problems are perceived, and decisions are made to focus attention and resources on a particular problem.<sup>1</sup> However, *perceptions* of a problem and *reactions* to it may be quite different than the actual size or distribution of a problem. We need methods to document, describe, and analyze problems. At minimum, we need to be sure that a problem actually exists before taking any specific action, but we also need to know about the size and distribution of a problem in order to plan effective solutions.

Although the distinction is somewhat arbitrary, it is often worthwhile to differentiate a *need* from a *problem*. Students often point out that many "conditions" could be stated either way: for example, if victims of domestic violence lack access to shelters, then is there not only a need

but also a problem, such as repeat incidents of abuse of this population? However arbitrary the distinction might appear at first glance, it might make a large difference in the problem analysis (what kind of information we collect), analysis of

### Need

A *lack* of something that contributes to the discomfort or suffering of a particular group of people. For example, we might argue that there is a need for drug treatment programs for convicted offenders, or that there is a need for shelters for abused women. In each case, an existing lack of services perpetuates the difficulties experienced by the target population.

### Example 2.1

#### School Violence: A Problem Out of Control?

Shootings in and around schools have fueled a national debate about school violence. Following tragic incidents such as the Columbine High School massacre in 1999, the Virginia Tech shootings in 2007, and other widely publicized shootings on school properties, many school districts and campuses have scrambled to improve their security measures and disciplinary policies. While dramatic incidents fuel perceptions that school violence is out of control, available data suggest a more modest interpretation. One primary source of national data about school crime and safety is the annual report, *Indicators of School Crime and Safety*.<sup>2</sup> Using indicators from various sources, including the School Crime Supplement added to the National Crime Victimization Survey in 1989 (and repeated in 1991, 1995, 2001, 2003, and 2005), results showed that:

- Between 1992 and 2005, the total crime victimization rates for students age 12 to 18 declined both at school and away from school.
- The self-reported nonfatal, violent victimization rate (simple assault, aggravated assault, rape, sexual assault, and robbery) of students ages 12-18 at school declined from 48 per 1,000 students in 1992 to 24 per 1,000 students in 2005.
- Among youth ages 5-18, there were 17 school-associated violent deaths from July 1, 2005, through June 30, 2006 (14 homicides and three suicides).

Fortunately, tragedies such as Columbine are rare. Based upon current evidence, it is neither clear that school violence is out of control, nor that revision of school security policies is the proper (or only) solution. Thorough, localized problem analysis should precede the revision or development of school policies in any district.

causes (explanations of why certain conditions are lacking, versus why other conditions are present), and identification of relevant interventions (do we attempt to provide services that fill an important gap, or do we attempt to apply some intervention to change a problem?). Needs and problems are clearly related, but not identical.

Next, we attempt to apply some *boundaries* to the problem. For example, we might begin by stating a concern with juvenile violence. However, we are

#### Problem

The *presence* of something that contributes to the discomfort or suffering of a specific group. For example, we might argue that a specific community experiences a high rate of robberies committed by addicts to buy drugs, or that there is a high rate of repeat incidents of abused women applying to courts for protection orders. In each case, there is a clearly defined condition present that perpetuates the suffering of a particular group of people.

quickly overwhelmed with information about the problem, different causal explanations, and different interventions.<sup>3</sup> Are we really concerned with all types of juvenile violence, or with more specific settings? Are we really interested in specific types of violence, such as gang violence, school violence, gun-related violence, drug-related violence, interpersonal conflicts versus violence committed against strangers, or instrumental (goal-oriented) versus affective (emotional) violence? This is an important point. We need to do some research first to narrow our definition of the problem. It is entirely possible that we might decide to focus not only on a specific type of violence, but upon a specific age group (say, middle-school children), a specific jurisdiction (e.g., a community with a high rate of violence, or a specific city, county, or state), or a particular demographic group (e.g., poor children living

in inner-city areas). Whatever our reasons for choosing to set boundaries in particular ways (personal, political, or theoretical interests), identifying boundaries involves making judgments about how widely or narrowly to define a problem.

We first attempt to document the need for change through an analysis of existing conditions. Is there a problem? How big is it? What is the level of "need"? What is the evidence for a problem? One way of documenting a problem is to look at its incidence versus prevalence.

### **Incidence**

The number of *new* cases of a problem within a specific time period (e.g., the number of new cases of AIDS diagnosed in a specific calendar year). According to the Joint United Nations Programme on HIV/AIDS, an estimated 2.5 million people worldwide acquired the human immunodeficiency virus (HIV) in 2007.<sup>4</sup>

### **Prevalence**

The *existing* number of cases of a particular problem as of a specific date (e.g., the *total* number of people with AIDS as of a specific date). As of December 31, 2007, 33.2 million people worldwide were estimated to be living with HIV/AIDS.<sup>5</sup>

Where do we find this kind of statistical information, as well as more descriptive information about the problem? We usually need to look at some kind of data to estimate the degree and seriousness of a problem. There are several techniques available; we'll briefly review four of them for now. Wherever time and resources allow, it is always desirable to use as many techniques as possible to converge upon a specific problem.

Social indicators are perhaps the most accessible and widely used type of data for analyzing criminal justice problems. For example, the Uniform Crime Reports (UCR), collected by the FBI, consist of all crimes reported to the police, and all police arrests for specific crimes. Data are available for each state and for the nation as a whole. These figures are widely used to calculate changes in the homicide rate, for example, from year to year. Another widely used indicator is the National Crime Victimization Survey (NCVS), which is a survey

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administered to a national probability sample, asking respondents to report whether they have been a victim of specific crimes within a specific time period (e.g., the previous six months), as well as other information about any victimization, such as degree of injury suffered and characteristics of the offender (if known).

Figure 2.1

### Data Collection Techniques: Documenting the Need for Change

- **Key informant approach:** We could conduct interviews with local "experts" to assess level of need or seriousness of a problem (e.g., community leaders, police officers, social service agents, clergy, etc.). One problem with this technique is that people to be interviewed need to be selected carefully for their expertise. We need to be aware that their views may be biased or inaccurate.
- **Community forum:** We could bring together a wide variety of people interested in a particular problem. Through discussion and exchange of ideas, we attempt to identify major problems or needs to be addressed. One common difficulty is that the most vocal groups may not necessarily be representative of a given community (e.g., special interest groups).
- **Community survey:** We may decide to conduct a survey by sampling part of a community or specific areas in a city. We might ask people, for example, "how serious would you rate the following problems in your community...?" A common problem with this technique is that it requires skilled researchers, and it can be very expensive and time-consuming.
- **Social indicators:** Social indicators are statistics reflecting some set of social conditions in a particular area over time. For example, the U.S. Bureau of Census collects and reports extensive data on unemployment, housing, education, and crime. Common problems include difficulty in collecting data on certain questions (e.g., underreporting of illiteracy due to embarrassment), and samples that are unrepresentative of the population (e.g., the census undercounts transients and unregistered immigrants).

Examination of social indicators often leads to the definition of a problem and attempts at change. For example, as part of a Community Corrections Program Development Project, the National Institute of Corrections entered into a contract with researchers at Temple University to provide consultation to agencies developing specific community corrections programs. Orange County and Los Angeles Probation Departments filed a joint application that was selected for assistance under this project. Their analyses identified a small group of juveniles (about 8% of the juveniles in their study) who accounted for the great

majority of repeat referrals to juvenile court. Programming for this high-risk population became known as the "8% Solution."<sup>6</sup> Various county agencies (probation, health, mental health, social services, and the school district) participated in a multi-agency task force to address program planning.

**Figure 2.2**

### Examples of Social Indicators for Criminal Justice Problems

Government documents and other public data sources provide valuable (but free) information resources on a multitude of criminal justice topics.<sup>7</sup> Here are two examples.

- *Drug use by high school seniors.* In 2006, in response to the question "On how many occasions, if any, have you used marijuana/hashish during the past 12 months?," 32 percent of high school seniors reported using these drugs at least once. This figure was up from 27 percent in 1990, but down from 39 percent reporting such use in 1997.<sup>8</sup>
- *Domestic violence.* In 2006, a "nonstranger" (i.e., a friend, acquaintance, spouse, ex-spouse, parent, child, brother/sister, other relative, boyfriend/girlfriend) committed fully 70 percent of all nonfatal violent crimes against females.<sup>9</sup>

Social indicators are extremely useful for identifying the seriousness of a problem, how it varies across groups (e.g., income), and how it is changing over time (is it getting better or worse?). Such data are not without biases, however, and the potential user needs to be aware of these.<sup>10</sup> For example, crime victimization measures may be biased by numerous factors (e.g., respondent misunderstanding of questions or crime definitions; faulty recall of incidents and time periods; deliberate underreporting due to fear, embarrassment, or the respondent's participation in illegal activities). Police-reported crime rates such as the UCR also carry potential biases, including police errors in recording and coding crime incidents. Many crimes are never even reported to the police for various reasons (e.g., victim or witness fear, embarrassment, or mistrust of the legal system). Social indicators, like the problems they measure, can be viewed as social constructions rather than objective indicators of reality. As Reiss and Roth noted: "Any set of crime statistics, therefore, is not based on some objectively observable universe of behavior. Rather, violent crime statistics are based on the events that are defined, captured, and processed as such by some institutional means of collecting and counting crimes...."<sup>11</sup>

programming for this solution.”<sup>6</sup> Various social services, and ask force to address

## Problems

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### Example 2.2

#### The New York Crime Story: Fact or Fiction?

*The following example demonstrates some of the difficulties involved in analyzing problems and potential causes. How does this example illustrate the points discussed so far in this chapter?*

Should we hesitate before praising public officials for decreases in crime (or blaming them for increases)? Former New York Mayor Rudolph Giuliani and former Police Commissioner William Bratton claimed that reductions in police-recorded crime rates from 1991 to 1996 (including a 55% decrease in homicide rates) were due to improved crime-fighting strategies and their “zero-tolerance” strategy toward crime. There were reasons to be skeptical.<sup>12</sup>

- The decline in the murder rate began in 1991, three years before either Giuliani or Bratton took office.
- Murder and violent crime rates dropped nationwide for the same time period; New York was not unique.
- Public officials often assume that police policies and resources are the major influences on crime statistics. Much criminological research over the past 50 years suggests otherwise.
- Many different factors influence crime rates, including changes in illegal drug markets, weapon availability, social and economic conditions, incarceration rates, age distribution of the population, and youth involvement in legitimate labor markets. It is extremely difficult to parcel out specific causes for crime decreases (or increases).

### Describe the History of the Problem

As part of a problem analysis, we need to know something about the history of the problem: how long has a given problem existed, and how has it changed over time? Some of this information will have been gathered through research methods such as “key person” interviews, community forums, surveys, or examination of social indicators. Most likely, however, we will need to look further in published literature for specific, important historical events that shaped the definition of something as a social problem in need of attention, and how responses to the problem changed over time. What significant event or events helped shape the perception of certain conditions as a social problem in need of change? Such historical events often include lawsuits, legislation, dramatic public events, or specific social indicators such as crime statistics.

Lawsuits often fuel the perception of a problem, as they did with domestic violence. Liability issues led police to seriously consider calls for reform. The first of several major cases was *Thurman et al. v. City of Torrington* (Connecticut).<sup>13</sup> After the defense successfully demonstrated that police showed deliberate indifference to continued pleas for help from Ms. Thurman, the court awarded Ms. Thurman \$2.3 million in damages. This case not only raised awareness of the problem of domestic violence, but led many police departments to favor a presumption of arrest.

Legislation may also create an important push for change. For example, changes in the federal Juvenile Justice and Delinquency Prevention (JJDP) Act led to ongoing state initiatives to reduce minority overrepresentation in juvenile justice (see Example 2.3 below).

Dramatic, violent, well-publicized events often raise awareness of a problem, as did riots at New York's Attica prison in September of 1971, which resulted in enormous damages and the deaths of 32 inmates and 11 guards. The Attica riots led to the most intensive investigation of prison violence in U.S. history to date, and drove prison management policies for years afterward.<sup>14</sup>

One useful technique for summarizing the history of responses to a problem is to construct a "critical incidents" list: a chronology of specific events explaining how a problem was recognized as such and how a specific type of intervention has developed. Once again, we caution

### Example 2.3

#### A Critical Incidents List: Reducing Disproportionate Minority Confinement (DMC) in Juvenile Justice

Here is a "critical incidents" list specifying major historical events and milestones in an important national policy initiative.<sup>15</sup>

1988	DMC was brought to national attention by the Coalition for Juvenile Justice in its annual report to Congress, <i>A Delicate Balance</i> .
1988	In the 1988 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Congress required that states address DMC in their state plans. Specifically, under the Formula Grants Program, each state must address efforts to reduce the proportion of youths detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if it exceeds the proportion of such groups in the general population.

**Example 2.3, continued**

1989	OJJDP developed a seven-point technical assistance strategy to help states fulfill the DMC requirements of the JJDP Act: (1) prepare instructions for the states; (2) conduct a national training workshop on the requirement for State Juvenile Justice Specialists and State Advisory Group members; (3) develop a work group to advise OJJDP and serve as training and technical assistance (TA) consultants; (4) prepare a TA manual; (5) provide training and TA to states upon request; (6) conduct training workshops at regional and national meetings; and (7) develop and distribute information concerning innovative approaches to address DMC.
1989	OJJDP issued instructions for the states on the statutory and regulatory requirements of the DMC core requirement.
1989 to date	OJJDP's Formula Grants Program training and technical assistance (TTA) contractor provided such services upon request on all aspects of this core requirement.
1990	OJJDP conducted a four-day national training conference, "Implementing the Disproportionate Minority Confinement and Native American Pass-Through Amendments: A Workshop for State Planning Agencies and State Advisory Groups."
1990	OJJDP issued the <i>DMC Technical Assistance Manual</i> to guide State Juvenile Justice Specialists and State Advisory Groups to address DMC in three phases—identification, assessment, and intervention. Identification and assessment matrixes and the calculation of index values were provided as a measure of proportionality.
1991-94	Through five competitively selected states (Arizona, Florida, Iowa, North Carolina, and Oregon), OJJDP established the DMC initiative to test various approaches to assessing DMC and experiment with approaches to reduce DMC.
1992	In the 1992 Amendments to the JJDP Act, DMC was elevated to a core requirement, with future funding eligibility (25% of the states' JJDP Formula Grants allocations) tied to state compliance. Each year, OJJDP reviews states' compliance with the DMC core requirement.
1993	A report, <i>The Status of the States: A Review of State Materials Regarding Overrepresentation of Minority Youth in the Juvenile Justice System</i> , was based on material submitted by the states to OJJDP through January 1993.

Example 2.3, continued	
1993	Publication of an OJJDP Report, <i>Minorities and the Juvenile Justice System: Research Summary</i> . <sup>16</sup> This report concentrated on the official processing of minority youths. A comprehensive literature search on the processing of minority youths in the juvenile justice system from 1969 to early 1989 was conducted. The report identified existing programs and policies and examined methodological problems with previous work in this area.
1994	Publication of OJJDP Fact Sheet, <i>Disproportionate Minority Confinement</i> . <sup>17</sup>
1995-96	A national discretionary grants program was instituted to refine previous assessment findings, improve data systems, develop new interventions to reduce DMC, develop model DMC programs, and encourage multidisciplinary collaborations at the community level to reduce DMC. Eleven DMC discretionary grants were awarded.
1996 to 2006	Through a cooperative agreement with OJJDP, the Coalition for Juvenile Justice held the first National DMC Planning and Strategy Meeting, and has since made the DMC Conference an annual event with OJJDP financial support.
1997	Publication of <i>Disproportionate Confinement of Minority Juveniles in Secure Confinement: 1996 National Report</i> . <sup>18</sup> This report was based on a review and analysis of states' 1994-96 JJDP Act Formula Grants Comprehensive State Plans and the DMC Assessment Reports submitted by states to OJJDP. It provided a national summary of the nature and extent of DMC, the activities chosen to address it, and challenges experienced by the states.
1997 to 2004	OJJDP launched a National DMC Training, Technical Assistance, and Information Dissemination Initiative to foster development of effective strategies nationwide, using training, technical assistance, information dissemination, and public education. Recent activities include: (1) conducting a DMC training of trainers, (2) reviewing data-collection instruments and identifying strengths and weakness, and (3) compiling a state-by-state status report on state DMC activities.
1998	An OJJDP Bulletin, <i>DMC: Lessons Learned From Five States</i> , <sup>19</sup> explained the DMC initiative and described how five pilot states (Arizona, Florida, Iowa, North Carolina, and Oregon) assessed DMC and implemented interventions to address identified problems.

## Example 2.3, continued

1998	An OJJDP Bulletin, <i>DMC: 1997 Update</i> , <sup>20</sup> summarized the strategies promoted by OJJDP to reduce minority overrepresentation at all points of the juvenile justice system. Pennsylvania's multiyear, systematic, and data-driven effort to reduce DMC was examined.
1998 to 2002	The Building Blocks for Youth Initiative: This five-prong approach consists of: (1) conducting new research; (2) analyzing decision-making in the juvenile justice system; (3) directing advocacy for minority youths in the justice system; (4) building a constituency for change at the local, state, and national levels; and (5) developing communications, media, and public education strategies.
1999	An OJJDP Bulletin, <i>Minorities in the Juvenile Justice System</i> , <sup>21</sup> updated statistics on racial/ethnic makeup of juvenile offenders from arrest, court-processing, and confinement records.
1999 to 2002	The DMC Intensive Technical Assistance Project began with five states (Delaware, Kentucky, Massachusetts, New Mexico, and South Carolina) and expanded to include three more (Arkansas, California, and Tennessee).
2000	The <i>DMC Technical Assistance Manual</i> was published. This report summarized lessons learned over the preceding 10 years, and stressed the importance of ongoing DMC efforts to include ongoing evaluation of DMC strategies and monitoring of DMC trends.
2000	State DMC reports were compiled, <sup>22</sup> offering a central repository for historical records of DMC efforts and achievements in each state. This catalog is continually updated.
2000	OJJDP created a DMC web site <sup>23</sup> containing critical information, useful tools, and relevant publications. This web site is updated on an ongoing basis.
2000-01	OJJDP expanded DMC training for state personnel from one- and two-hour sessions to one-day sessions at regional and national training, and also provided one-day training at the OJJDP National Conference and the CJJ's National Pre-conferences.
2000 to date	OJJDP encouraged states to designate State DMC Coordinators to promote focused DMC efforts. The number of states with designated State DMC Coordinators increased from 10 in 1999 to 35 in 2006.

<b>Example 2.3, continued</b>	
2000 to date	OJJDP's DMC Coordinator assisted OJJDP's State Representatives to develop individualized DMC compliance determination letters to states. The letters provide specific recognition of states' accomplishments and provide guidance for ongoing plans.
2001	OJJDP provided a one-day, in-depth DMC training to its state representatives to enable appropriate monitoring and the use of uniform methodology in determining DMC compliance.
2001	OJJDP's DMC Intensive Technical Assistance Project was expanded to include three additional states (Arkansas, California, and Tennessee).
2001	The Juvenile Justice Evaluation Center (JJEC) assists OJJDP in building evaluation capacity in the states, especially as those efforts relate to projects funded by the Formula Grants Program.
2002	A new OJJDP Bulletin, <i>Disproportionate Minority Confinement: A Review of Research Literature From 1989 Through 2001</i> , <sup>24</sup> provided an updated review and analysis of the literature.
2002	OJJDP sponsored a researchers' focus group to help the office develop a DMC research agenda.
2002	The JJDP Act of 2002, signed into law on November 2, 2002, modified the DMC requirement of the Act: "Addressing juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system." This change required an examination of possible disproportionate representation of minority youths at all decision points along the juvenile justice system continuum.
2003	OJJDP convened seven research consultants to consider a range of feasible methods to calculate disproportionality and to recommend an improved method to be recommended to OJJDP. The group recommended the DMC Relative Rate Index (RRI). Training on the new index was subsequently offered.
2004	As part of their FY 2004 Formula Grant applications, states submitted DMC Relative Rates Indexes with the most recently available data on various juvenile justice system contact points for the state and three counties with the largest minority concentration/localities with targeted DMC-reduction efforts.

**Example 2.3, continued**

2004	OJJDP published <i>Disproportionate Minority Confinement: 2002 Update</i> . <sup>25</sup>
2004	OJJDP awarded a two-year grant to the Youth Law Center to develop new and accurate data-collection methods for Hispanic youths and implement activities to reduce DMC at critical points in the juvenile justice system at two sites.
2004	OJJDP provided two regional training sessions for state staff, entitled: <i>Diagnosis Determines Treatment: Interpreting and Using the DMC Index Numbers</i> .
2005	The Juvenile Justice Evaluation Center published <i>Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC)</i> . <sup>26</sup>
2006	OJJDP launched its web-based DMC Data Entry System, providing a central repository of state and local data across the country, and facilitating within-state or within-locality comparisons of DMC changes over time. <sup>27</sup>
2006	OJJDP published online its <i>DMC Technical Assistance Manual, 3rd edition</i> , <sup>28</sup> providing detailed guidance on DMC identification and monitoring, assessment, intervention, and evaluation.
2006	OJJDP awarded an 18-month grant to the Justice Research and Statistics Association to conduct an evaluation of the efficacy of DMC reduction efforts of selected sites.
2007	In San Diego, CA, OJJDP conducted its first DMC Training of Trainers for 13 experienced, state-designated DMC coordinators.

readers that reactions to a problem are social constructions, not objective indicators of the problem. An example is given below.

### Examine Potential Causes of the Problem

This is a critical stage of the problem analysis. Different causes imply different solutions. If you choose a solution before you examine causes, it is likely that your intervention will be ineffective. Any intervention should be aimed at a specific cause or causes. By attempting to change

one or more causes, the goal is to bring about a specific change in the problem. Causes mediate the effect of an intervention on a problem.

When we talk about examining causes, we are analyzing the *etiology* of a problem: the factors that cause or contribute significantly to a specific problem or need. A theory attempts to describe and explain relationships between cause and effect (e.g., a specific problem). A theory will describe causes of a specific problem, and it will outline proposed relationships between different causes. A theory may also suggest solutions to a problem: it provides a logical rationale for using one intervention over another.

Causes may be identified at different levels of analysis ranging from individual to social structural:

- **Individual:** Presumed causes lie within individuals (e.g., personality traits such as “aggressiveness”).
- **Group:** Presumed causes lie within the dynamics of particular groups to which a person belongs (e.g., patterns of roles and relationships within a family).
- **Organizational:** Presumed causes lie within the particular culture and procedures of a specific organization, such as the police, courts, or prisons (e.g., how police are recruited, selected, or trained).
- **Community:** Presumed causes lie within the behavioral patterns and dynamics existing within a specific community (e.g., community “cohesiveness”: degree of involvement in community organizations such as churches and community associations; attitudes toward deviance; supervision of juveniles).<sup>29</sup>
- **Social structural:** Presumed causes lie within the underlying social structure of society (e.g., the unequal distribution of wealth and power engendered by the economic system of capitalism) or its cultural attitudes regarding behaviors such as drug use, sexuality, education, crime, and so on. Factors commonly examined at this level of analysis include poverty, unemployment, and discrimination.<sup>30</sup>

Any individual or agency who proposes any intervention always has some theory about what causes what, and at least a “hunch” about what kind of strategy would solve a specific problem and why (even if they haven’t clearly thought about it or articulated it). In planned change, we very carefully think about theories and articulate them before we begin some intervention. We must explicitly tell the rest of the world what our causal assumptions about a specific problem are, and we must support these assumptions before proposing a specific type of change.

*Where do we find causes and theories?* By reading published material and doing library research on a problem. One should look at journal articles, books, and government and agency reports (e.g., U.S. Department of Justice, National Institute of Health). There are many

different theories of different kinds of social behavior, including criminal behavior. While some theories are very general, and most theories are constantly refined, we highly recommend that anyone proposing a criminal justice intervention acquire at least a basic knowledge of criminological and criminal justice theories, either through a course such as Criminological Theory, or by reading one of several excellent books on criminological theory.<sup>31</sup> As we investigate causes, we should be guided by two major questions:

- What is the *evidence* for competing theories? No intervention should be aimed at causes that are not supported by empirical evidence of some sort.
- What kind of *intervention* is suggested by a particular causal theory? How can a specific cause be affected by an intervention?

### Examine Previous Interventions

#### Example 2.4

#### Causes and Correlates of Domestic Violence

There are at least four general categories of causes (theories) or correlates of domestic violence.<sup>32</sup>

- Individual
- Family structure
- Organizational
- Social-structural

**Individual-oriented theories:** Researchers often examine characteristics of offenders and victims that increase the likelihood of domestic violence. Causes or contributing factors that lie within offenders may include poor self-control, low self-esteem, immaturity, depression, stress, poor communication skills, and substance abuse. Characteristics of victims contributing to domestic violence may include low self-esteem, psychological and financial dependence, and passivity.

**Family-oriented theories:** Certain kinds of family structures or roles may create high potential for violence. For example, *social isolation* of families neutralizes potential support and increases risk of abuse. The best family-centered predictors of spouse abuse are: family conflict over male substance abuse, and conflicts over control in the relationship. Such conflicts tend to escalate over time. In addition, children who have been victimized themselves or who have witnessed domestic violence in the home are at higher risk for domestic violence (the “violence begets violence” thesis).

**Example 2.4, continued**

**Organizational theories:** Processes within criminal justice agencies may unintentionally contribute to domestic violence. In particular, reluctance by police to arrest suspected abusers received much criticism in the 1970s. Possible reasons for the “hands-off” response included:

- *Police culture and training:* Police are socialized into a “crime-fighting” culture; they dislike tasks that imply a “social worker” role.
- *Disincentives:* Police performance is often evaluated on the basis of numbers such as arrest rates and clearance rates, not “mediation skills.”
- *Perceived futility:* Police perceive, often accurately, that few arrests for domestic violence actually result in successful prosecution (e.g., victims drop charges; prosecutors decline to proceed).

**Social-structural perspectives:** Broad-based patterns of gender inequality in Western society are seen by many researchers as significant contributors to high rates of domestic violence. For example, patriarchal (male-dominated) religions have been said to affirm a family structure dominated by the authority and power of males. Economic patterns have also discriminated against women: women’s traditional role as housewife was not as highly valued as men’s “breadwinner” role, and women have historically been more economically dependent on men as a result. Other researchers point to the influence of a class-based social system: men have traditionally exerted domination over women in all areas of private and public life. According to this view, men retain more power and social advantage than women in a stratified society.

Some thorough research is needed to discover what types of interventions have previously been attempted to change a specific problem. Often, a single study will report both causal factors and the intervention that was designed to address those causes, but this is not always the case. The planner or analyst must attempt to find out what major interventions have addressed the problem of interest, and they should identify which specific causes the intervention was attempting to modify.

Excellent sources of information about interventions include key persons working in justice-related positions, criminal justice journals and books, and government reports. Numerous databases can be searched by key words and terms. Criminal justice literature searches can be conducted online, via university library systems and public web sites, including the National Criminal Justice Reference Service (NCJRS) sponsored by the U.S. Department of Justice.<sup>33</sup> It is necessary to familiarize oneself with the various search instruments and techniques available.

## Identify Relevant Stakeholders

Next, we identify the stakeholders in the change process. A *stakeholder* is any person, group, or agency who has a legitimate interest in the problem and/or the proposed intervention. We need to decide whose views should be considered in the planning process. Some stakeholders will provide essential cooperation; others may provide potentially fatal opposition. If the intervention is to be successful, it is important that the right individuals, groups, and organizations are involved in the planning process. Otherwise, the intervention may run into insurmountable difficulties stemming from a lack of adequate information, resources, or cooperation. Who, then, should be included in the planning phase?

- Experts?
- Agency heads?
- Agency staff?
- Clients?
- Community groups?
- Business people in the neighborhood?
- Other community organizations (e.g., church, school)?

Before we can answer these questions, we need to review the information we have already collected, and answer some key questions. For

### Change Agent System

Who begins the planning process to design an intervention? Who gets the ball rolling to address the problem? The change agent system usually includes the change agent and his or her sanctioning institution (e.g., the State Department of Corrections announces plans for developing offender reentry programs). Change agents come from many different backgrounds: legislators, criminal justice policymakers, professional planners, administrators, and service professionals.

### Initiator System

This includes those who bring the problem to the attention of the change agent. Initiators raise awareness about a specific problem (e.g., professional lobbyists, national groups such as the ACLU, National Organization of Women, the Urban League, etc.).

### Client System

This includes the specific individuals, groups, organizations, or communities that are expected to benefit from the change (e.g., juveniles, families, and their community might be expected to benefit from a delinquency prevention program that requires performance of community service).

### **Target System**

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This includes the person, group, or organization that needs to be changed in order to reach objectives. For example, to reduce domestic violence, do we need to change abused women? Their spouses? The police response? The court response?

### **Action System**

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This includes all those who, in some way, assist in carrying out the change plan, including program planning, implementation, monitoring, and evaluation. Particularly important is the agency responsible for providing programming or implementing a policy.

example, what expectations do various individuals and groups have for change? What results are expected? Are there differences of opinion? We can think of potential stakeholders in terms of several key roles that participants may play in the change process.<sup>34</sup> Major roles include the following.

Sometimes, overlapping roles are possible. For example, the change agent may be part of both the target system and the action system: A Police Commissioner orders sweeping changes in police policy for dealing with domestic assault complaints. In such a case, the change agent, by virtue of overlapping roles, enjoys a degree of credibility or authority with both patrol officers (target system) and their supervisors who are responsible for implementing the new policies (action system). Overlapping roles may also enhance continuity: for example, the same person who initiates change (initiator system) carries it out (action system) with the cooperation of other participants. On the other hand, there are clearly instances in which overlapping roles are undesirable. For example, the person or agency actually carrying out the intervention should never be held responsible for program or policy monitoring and evaluation, due to their potential subjectivity or bias.

## **Conducting a Systems Analysis**

Current thinking about criminal justice as a "system" was largely influenced by the 1967 President's Commission report.<sup>35</sup> Criminal justice problems and policies, the Commission concluded, are shaped by the *interactive* actions and decisions of various actors and agencies in any jurisdiction (e.g., a particular city, township, county, or state). At the same time, criminal justice projects, programs, and policies are shaped in a volatile political environment. Diverse interest groups and agencies compete for attention, and fragmented decisionmaking is common. Because criminal justice officials and agencies often act without consideration of how their decisions might affect those else-

where in the system, the criminal justice system has often been called a “nonsystem.” While the past 20 years have occasionally witnessed increased coordination among criminal justice units, there is still a long road to travel.<sup>36</sup>

A *system* can be defined as “all aspects of criminal justice case processing that relate to punishment or sanctions from the time of arrest—including decisions about pretrial custody—through the execution and completion of a sentence—whether that sentence is served in the community and/or in a correctional institution.”<sup>37</sup> All individuals, groups, and organizations that play a role in such decisions in a specific jurisdiction are part of the relevant system.

The change agent, whether a consultant, a criminal justice or government official, or an academic, must identify relevant individuals and agencies in the policy environment: those whose decisions potentially have shaped the problem, and those whose decisions may potentially shape the development and implementation of change (i.e., new or modified policies, programs, or projects). Once identified, the change

### Example 2.5

#### Examples of “Systems” Problems

**Jail Overcrowding.** Jails interact extensively with law enforcement agencies, courts, probation, and local government. Local police decide whether to arrest and book accused offenders, and thus control the major intake into the jails. Local courts influence jail populations through pretrial release decisions and sanctions for convicted offenders. Charging decisions by district attorneys influence the efficiency with which pretrial suspects are processed. Probation may administer both pretrial release programs, such as “ROR” (release on own recognizance), and intermediate sanctions for sentenced offenders, such as electronic surveillance, intensive supervision probation, and work release. County government is responsible for financial and personnel allocations to each of these agencies. In turn, county government decisions are affected by financial allocations and legislation determined at the state level.<sup>38</sup>

**Sentencing Disparities.** Concerns about disparities in sentencing (i.e., individuals committing similar offenses receive different penalties), the use of judicial discretion (wide variations in sentences across different judges and jurisdictions), and perceptions of excessive leniency or harshness have led to the development and revision of state and federal sentencing guidelines. But actual “sentencing” policy in any jurisdiction is an outcome resulting from the input of numerous individuals and agencies. Judges obviously impose criminal sanctions, but they must do so within the limits of state criminal statutes, set by the state legislature. Prosecutors make decisions about charging, which depend upon the strength and quality of evidence supplied by police, the abil-

**Example 2.5, continued**

ity and willingness of witnesses to testify, and so on. Prosecutors' charging decisions determine which criminal statutes apply to a case, and thus influence legal procedures and outcomes. Pretrial service providers make decisions about which defendants are eligible for release pending trial, which in turn affect a defendant's ability to assist in the preparation of his or her defense. Defense attorneys participate in negotiations with prosecutors regarding admissible evidence, appropriate charges, potential plea bargains, and so on. Probation usually prepares a presentence report on convicted offenders, and their recommendations influence judicial options for sanctioning. At the time of sentencing, elected judges also consider the values of their constituents, their colleagues, and local justice officials. Judges must be at least to some degree aware of and responsive to their local political environment.<sup>39</sup>

agent must consider how various officials and agencies have impacted the problem and solutions in the past, and how they might do so in the future. Many of the problems we seek to address in criminal justice are "systems" problems. Consider the following examples.

### *Guidelines for Systems Analysis*

A criminal justice system assessment involves gathering and analyzing information that may exist in the experiences of individual decision-makers, in agency information systems and databases, and in agency reports and communications. In general, "a system assessment is a collaborative effort to synthesize individuals' experiences with the criminal justice system into a shared understanding of how things work now. This provides a common base upon which to evaluate the present, to shape a common vision for the future, and to make that vision a reality."<sup>40</sup>

Based upon a model developed by the Center for Effective Public Policy (CEPP),<sup>41</sup> this approach assumes the presence of two key elements: (1) a set of policymakers are committed to understanding and shaping their system to operate in a more collaborative manner (i.e., readiness to engage in a formal "systems" policy process); and (2) a team of outside consultants committed to working with the jurisdiction to complete the assessment. This approach requires the involvement of key decisionmakers who have the authority to make major decisions and who are willing to make a commitment to system-level policy analysis and development. No single individual can develop system policy, and absent system-level policy, criminal justice responses will continue to occur randomly and unpredictably. Five broad steps for criminal justice system assessment are described below; sources of information

**Table 2.1**  
**Criminal Justice System Assessment: Steps and Information Sources**

Category	What is it?	Where is it?	How do we get it?
<b>Map the System</b>	A visual depiction and description of how offenders flow through the criminal justice system and of each decision point in the process.	<ul style="list-style-type: none"> <li>• Agency operating manuals.</li> <li>• State statutes.</li> <li>• Qualitative information to be collected through interviews and focus groups.</li> </ul>	<ul style="list-style-type: none"> <li>• As a team, discuss each decision point in the criminal justice system. Who are the decisionmakers? Who has influence on that decision?</li> <li>• Consult with other practitioners and policymakers to gain a greater understanding of the informal decision-making process.</li> </ul>
<b>Document and Assess Current Policy and Practice</b>	A summary report that describes the policies, procedures, and protocols of each of the agencies that impact the criminal justice system.	<ul style="list-style-type: none"> <li>• Legislation.</li> <li>• Court decisions.</li> <li>• Agency descriptions.</li> <li>• Agency operating manuals.</li> <li>• Staff training curricula.</li> <li>• State statutes.</li> <li>• State sentencing policies.</li> <li>• Agency annual reports.</li> <li>• Audits.</li> <li>• Program evaluations.</li> </ul>	<ul style="list-style-type: none"> <li>• Make a list of all the agencies and statutes that guide sentencing policy and the use of sanctions.</li> <li>• Compile written documents from each.</li> <li>• Note all policies (both minor and major) that impact the system.</li> <li>• Note all agency descriptions and summarize.</li> <li>• Observe similarities and differences between agency goals and priorities, policies and procedures, guidance about use of sanctions.</li> </ul>
<b>Gather Information on the Offender Population</b>	Statistical analyses, quantitative information, and profiles of the offender population. Population analyses could include trend analyses, recidivism studies, and/or population studies.	<ul style="list-style-type: none"> <li>• Automated information systems: courts, probation, parole, corrections.</li> <li>• Manual records such as offender files, court records, police reports.</li> <li>• Manual data collection.</li> </ul>	<ul style="list-style-type: none"> <li>• Make a list of the questions and/or kinds of information desired about the offender population.</li> <li>• Develop a data collection instrument and/or list of variables to be collected.</li> <li>• Determine a strategy for collecting and analyzing the data.</li> </ul>

Table 2.1 *continued*

Category	What is it?	Where is it?	How do we get it?
Identify Sanctions, Services, and Programs	A description of all of the options available for offenders and ex-offenders in a jurisdiction. These may be punitive incapacitative, or rehabilitative in nature.	<ul style="list-style-type: none"> <li>• Agency policy.</li> <li>• Statutes/sentencing laws.</li> <li>• Court policy.</li> <li>• Human services directories.</li> <li>• Bench books.</li> </ul>	<ul style="list-style-type: none"> <li>• Brainstorm a list of all of the sanctions available to respond to criminal offenses.</li> <li>• Determine what is known about each sanction, and develop a strategy for compiling this information.</li> <li>• Consider the development of a bench book and/or guide for supervising agents about each response that is available and for what kinds of offenses, or update an existing one.</li> <li>• Observe the range of sanctions. Are there gaps? What are the per diem costs of each program? Is there a set of principles underlying the use of sanctions?</li> </ul>
Identify Community Resources	A summary of the resources available in the community that can support the team's goals.	<ul style="list-style-type: none"> <li>• Organizations' annual reports.</li> <li>• United Way reports.</li> <li>• "Health of the community" reports.</li> <li>• Chamber of Commerce reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Make a list of all the human service agencies, businesses, charities, civic organizations, faith organizations, community leaders, and others that might have an interest in criminal justice.</li> <li>• Conduct a community survey or hold focus groups to learn more about the ways the community is interested in participating in criminal justice and the resources that exist in the community.</li> </ul>

Source: Adapted from McGarry, P. and B. Ney (2006). *Getting It Right: Collaborative Problem Solving for Criminal Justice*. Silver Spring, MD: Center for Effective Public Policy.

are summarized in Table 2.1. Restorative justice, an approach ripe for systems analysis, is presented in Case Study 2.3.

**1. Map the System.** How is the criminal justice system organized to carry out its mission? How do offenders flow through the system from time of arrest through sentencing? One effective strategy for gaining a shared understanding of the entire criminal justice system is to complete a map, or flowchart, of the criminal justice process. A policy team documents all of the decision points in the criminal justice process, the decisionmakers at each point, and the flow of offenders through the process. A general model of case flow through the criminal justice system is shown in Figure 2.3.<sup>42</sup>

There is enormous variety in how justice functions are distributed across jurisdictions. At the state level, for example, typical actors and agencies include a Commissioner and Department of Corrections, the Attorney General, the Probation and Parole Department, officials in the State Planning Agency and/or the Governor's Office of Criminal Justice, a Senate Judiciary Committee, and so on. Often, a state Sentencing Commission or other state body sets policy and makes decisions about the distribution of justice funds. The actual structure and operation of policing, courts, and corrections vary substantially by state and locality. At the county level, various public and private agencies may provide pretrial assessment and services, prevention and treatment programs, halfway houses, and so on. We want to find out what agencies have responsibility for different elements of the sanctioning system, and how they relate to each other.

**2. Document and Assess Current Policy and Practice.** Sentencing and sanctioning policy in any jurisdiction is usually the result of formal and informal interactions between diverse policymakers. Here, we conduct an analysis of the formal policies in place in each agency that provide the framework for how those agencies operate. We want to develop a picture of how things work in a specific system: the steps in the process, how long the steps take, and the kinds of options available to decisionmakers.

Next, we want to develop an understanding of why things happen as they do. First, we complete a factual profile of each agency in the system. Second, we gather and summarize those agencies' policies as they affect the system and its process. Part of understanding why the process works as it does is to understand what each organization within the system brings to its work in terms of its mandate, its resources, and its policies.

However, formal policy often only begins to define the manner in which decisions are made and processes are carried out. In most communities, written policy guides only a small portion of activity. Inevitably, informal practices emerge to fill the gaps. Informal practices

How do we get it?

Develop a list of the sanctions available to respond to criminal offenses.

Determine what is known about each sanction, and develop a strategy for compiling this information.

Consider the development of a bench and/or guide for supervising agents at each response. What resources are available and what kinds of responses, or updates, are needed to update the existing one.

Define the range of sanctions. Are there any? What are the estimated costs of each? Is there a guiding principle underlying the use of sanctions?

Develop a list of all the service agencies, businesses, charities, organizations, community leaders, and others that might have an interest in criminal justice.

Conduct a community survey or hold focus groups to learn more about the ways the community is interested in participating in criminal justice and the resources that exist in the community.

Problem Solving for

sometimes are developed with clear purpose and great care; sometimes they simply evolve over time. Understanding informal practice is therefore as critical as understanding current policy; informal practice both accounts for most of what occurs and is ultimately more readily changed than formal policy.

**3. Gather Information on the Offender Population.** Who are the offenders in the system and what do they look like? We need to know about the volume and characteristics of offenders that move through each stage of criminal justice processing and sanctioning. We need to understand what types of offenders are receiving what types of sanctions. Ideally, sanctions should be appropriate to individual offenders (e.g., seriousness of offense, past record, specific needs, and level of risk). For example, are scarce jail and prison beds being used for the most high-risk offenders? Are community sanctions being used for appropriate offenders?

**4. Identify Sanctions, Services, and Programs.** Here, we create an inventory of all of the community-based and governmental resources available to manage offenders or to respond to safety issues in the community. Some resources are "official" (that is, part of the criminal justice or local governmental system, such as health, mental health, or education). Others exist outside the system, in the community. Some are formal, such as nonprofit and faith-based organizations, businesses, and associations. Others are informal, perhaps consisting of little more than a group of neighborhood residents.

Sanctions and services may be punitive, incapacitative, or rehabilitative in nature. In addition to jail or prison beds, we want to record treatment beds, educational programming slots, and community service placements. We want to know the number of slots available, average length of stay, per-day costs, and methods of referral or access.

For example, what are the typical options available to prosecutors in charging and dismissal decisions? What discretion do Parole, Probation, and the Department of Corrections have regarding the timing of release, and the use of prerelease programs such as furlough and halfway house placements? How often does the judge follow the recommendations in a presentence investigation?

As we collect this information, we are looking for any major gaps in services and supports (either missing altogether, or deficient in capacity and accessibility to affected groups). As we look at the offender population and its needs, are any obvious needs not being met? Can we identify some groups that are more affected than others?

We also want to consider who pays for what in a specific jurisdiction. To what degree are agencies and programs funded by local, state, or federal funds? Private-sector funds? Nonprofit agencies? There is often tension between state and local governments over budget

responsibility for public services such as criminal justice, education, and health. We need to understand, then, how funding is provided for various elements of sanctioning, the level of funding provided for each, whether the funding is likely to decrease or increase, and what conflicts or changes are likely in the near future.

**5. Identify Community Resources.** To what degree is the community involved in different aspects of criminal justice processing and sanctioning? What are community attitudes toward existing forms of sanctions? Who are active and vocal community leaders on criminal justice issues?

Jurisdictions vary in the degree to which community involvement has been invited or encouraged. For example, citizens may be involved in town-watch and similar community policing efforts. In some cases, citizens may be appointed to local criminal justice councils, police review boards, and other policy groups. Lack of community involvement can create suspicion and resistance; positive involvement can be an asset to planning and policy development.

### Identify Barriers to Change and Supports for Change

We have talked only a bit so far about resistance to change. Even at this early stage, a decision must be made about whether to continue forward. Is the change attempt possible? Are the necessary resources and cooperation likely to be available? Before proceeding, we offer some techniques to identify potential barriers to change. These sources of resistance take many forms:

- *Physical* (e.g., the physical design of a jail prevents adequate supervision)
- *Social*: (e.g., inequalities related to class, gender, race)
- *Economic* (e.g., inequalities related to income and employment)
- *Educational* (e.g., clients don't understand or know about services)
- *Legal* (e.g., criminal justice agencies are often legally obligated to do certain things and not do other things). For example, prison industry programs that could reduce the costs of incarceration are restricted by federal prohibitions regarding the movement and sale of prisoner-made goods.
- *Political* (e.g., some groups have more power than others to make their views heard; political processes can support or block a change).



- 3 *Technological* (e.g., sophisticated information and communications systems may be required to implement a specific program or policy).

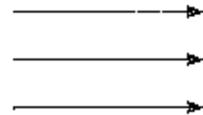
Consider the following example. Under permanent provisions of the Brady Act, effective November 1998, presale firearm inquiries are made through the National Instant Criminal Background Check System (NICS). State criminal history records are provided to the FBI through each state's central repository and the Inter-State Identification Index. The index points instantly to criminal records that states hold. Although the Brady Act required states to develop their criminal history record systems and improve their interface with the NICS, states complained bitterly that the federal government did not provide sufficient technical or financial resources to implement the informational requirements of the Brady Act (see Chapter 5).

Consider a second example. A county is under court order to reduce its jail population. Everyone agrees that a new jail is needed. However, when certain locations within the county are proposed as sites for the new jail, citizens with economic and/or political power organize community opposition to fight the construction of a jail in their own neighborhood. This "NIMBY" response ("not in my back yard")<sup>3</sup> may take the form of protests or even lawsuits by powerful citizens to block construction. Is it fair that some can more effectively resist unwanted change than others?

One particularly useful technique for analyzing sources of support and resistance is called *force field analysis*. Remember that participation and communication are keys to change, and that collaborative strategies are preferred to conflict strategies. This technique requires us to consider diverse views and use collaborative strategies to reduce resistance and increase support for change.

Figure 2.4

Forces in Support

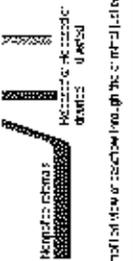
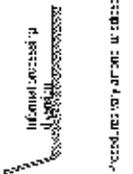
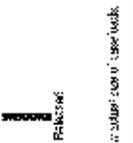
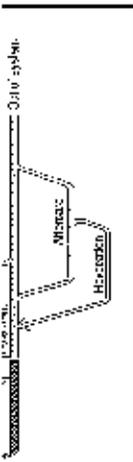


Equal Forces =  
No Movement

Resistance



The technique of force field analysis, developed by Kurt Lewin,<sup>11</sup> is based upon an analogy to physics: a body will remain at rest when the sum of forces operating on it is zero. When forces pushing or pulling in



Note: This chart shows a model of how a political system works. It shows the way that the political system works. It shows the way that the political system works.

Source: President's Commission on Law Enforcement and Administration of Justice (1967), *The Challenge of Crime in a Free Society* (Washington, DC: U.S. Government Printing Office).

if one direction exceed forces pushing or pulling in the opposite one, the body will move in the direction of the greater forces. The difference is that, in planned change, we are dealing with *social* forces rather than *physical* ones. To succeed in implementing any intervention, we want to try to reduce resistance to change.

Figure 2.5

Objective: To remove abandoned cars from city streets by June 1.	
Driving Forces (the pros)	Restraining Forces (the cons)
<ul style="list-style-type: none"> <li>• Interest in the problem has recently been expressed by advocacy groups.</li> <li>• The public service director supports the plan.</li> <li>• The City Council supports the plan.</li> <li>• Public climate favors cleaning up the city.</li> <li>• Local auto salvage yards have agreed to take the cars at no cost.</li> <li>• Health department cites old abandoned vehicles as potential health hazards.</li> </ul>	<ul style="list-style-type: none"> <li>• The definition of "abandoned cars" is unclear to the public.</li> <li>• Owners of older cars feel threatened.</li> <li>• It is difficult to locate abandoned cars.</li> <li>• The cost of transporting the abandoned cars once identified.</li> <li>• The expense involved in locating and disposing of abandoned cars.</li> <li>• Need a procedure to verify vehicles declared "abandoned" and notify owners.</li> </ul>

Social change, like physical change, requires one of three options: (1) increasing forces in support of change; (2) decreasing forces against change (usually creates less tension and leads to fewer unanticipated consequences), or (3) doing both in some combination. There is always resistance to change. At best, there is inertia that the change agent must anticipate and overcome. Force field analysis is a valuable tool for doing this. Figure 2.5 illustrates potential driving forces and restraining forces associated with a city initiative to remove abandoned cars from the streets.

Generally, we focus on reducing, rather than overcoming, resistance. Case Studies 2.1 and 2.3 provide opportunities to apply these concepts. Three steps are involved in a force field analysis:

1. *Identify driving forces* (those supporting change) *and restraining forces* (those resisting change).
2. *Analyze the forces* identified in Step 1. Assess (for each):

Figure 2.6

### Kurt Lewin and “Action Research”

In our travels to academic conferences, we often hear complaints by researchers that policymakers ignore the results of their research. In our consultations with policymakers, we often hear complaints that researchers use excessive jargon, research results are inconsistent, and research rarely provides the timely and specific information needed to base decisions upon. Clearly, researchers and policymakers need to interact more closely to facilitate relevant research and informed policy decisions.<sup>45</sup> Few social scientists took this task more seriously than Kurt Lewin, who asserted: “Research that produces nothing but books will not suffice.”<sup>46</sup>

Lewin coined the term “*action research*” to describe an intentional process of change whereby social science research intentionally and explicitly informs and shapes social action (including organizational and public policy decisions), and evaluates the results of that action. It involves fact-finding, planning, execution, and evaluation. Results from action research provide new information that gives planners a chance to learn and gather new insights about the strength and weaknesses of their decisions. Lewin emphasized that action research is a *dynamic* and *interactive* process. Successful action research requires attention to the “field” or system in which particular decisions are made, and identification of different “forces” (individuals, groups, or agencies) pushing for and against a particular type of change.

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## DISCUSSION QUESTIONS

1. Define each of the following:
  - (a) Change agent system
  - (b) Initiator system
  - (c) Client system
  - (d) Target system
  - (e) Action system
2. Define: (a) "need," and (b) "problem."
3. Define: (a) "incidence," and (b) "prevalence."
4. What techniques can we use to estimate the degree and seriousness of a problem? Describe each method of documenting the need for change: (a) key informant approach, (b) community forum, (c) community survey, and (d) social indicators.
5. What does it mean to say that a problem is "socially constructed"? Give an example.
6. (a) Define "etiology." (b) Describe the five levels of etiology, and give an example of each.
7. Define "theory."
8. What is a "systems analysis"? Describe the five steps in a criminal justice systems analysis. Use examples to illustrate your understanding of these concepts.
9. Discuss different types of barriers to change, and give an example of each: (a) physical, (b) social, (c) economic, (d) educational, (e) political, (f) legal, and (g) technological.
10. (a) Define "force field analysis." (b) Describe each of the three steps.
11. Define "action research."

## Case Study 2.1

### Domestic Violence

**Instructions:** Read the hypothetical case scenario on the next page. Then, break into groups (assigned by the instructor) and answer the questions below. Each group member should take some notes about the discussion, but the group will appoint a spokesperson to report the group's findings to the class. Plan on preparing a five-minute summary.

A headline in a local newspaper, the *Bigtown Chronicle*, read: "Woman killed by husband in domestic dispute." Bigtown Police said that Betty Benson, age 32, died of multiple stab wounds allegedly inflicted by her husband, Bill, age 34, following a violent argument in the couple's home. Police had been called to the home four times in the previous six months in response to complaints by neighbors that "there was a lot of yelling, and she was screaming like she was being beaten." Ms. Benson had declined to press charges in each instance.

The next day, there was a noisy protest in front of city hall by a local group called WASA (Women for Action against Spouse Abuse). WASA spokesperson Sarah Smith told reporters, "This kind of nonsense has been going on far too long. The police were called to that house four times before she got murdered, and they didn't do anything to help her. The police should be arresting sick people like Bill Benson and putting them away for a long time, not just talking to them and letting them go right back to beating their wives."

Police Commissioner Frank Fine responded to the criticisms by pointing out that the police don't make the laws. "WASA can complain all they want," Fine said, "but the state legislature makes the laws regarding domestic assault, and right now, the law says that police can't make an arrest unless the victim swears out a complaint. We can't arrest people like Bill Benson just because they appear to be unsavory characters."

WASA began protesting in front of the state capital, and two days later, Rep. Alan Atkinson introduced a new bill calling for sweeping changes in the laws regarding spouse abuse. The bill called for mandatory arrest and a mandatory 48-hour detention period, pending investigation, for anyone suspected of spousal assault. According to the bill, the police would use "reasonable discretion" in enforcing the law. The local chapter of the ACLU (American Civil Liberties Union) expressed outrage, arguing that the new bill would deprive suspects of their constitutional rights of due process and give the police the power to be "judge, jury, and hangman."

Bob Bigheart, a spokesperson for the Bigtown Social Services Agency, said that tough new laws were not the answer. Instead, he suggested, the police should train officers in family crisis counseling so that they can mediate domestic disputes and refer couples to community agencies to help solve their problems. Police Commissioner Frank Fine says that is what the police do

**Case Study 2.1, continued**

anyway: "We are a service-oriented police department," Fine said, "and our officers are among the best-trained in the nation." Claiming that the Commissioner was "arrogant and insensitive to the rights of victims," WASA called for Fine's immediate resignation.

**Questions**

*The governor has asked you, as members of the State Planning Agency, to study the problem of domestic assault and make preliminary recommendations about what to do, if anything, to deal with the problem. Include the following in your answer:*

1. Is there a problem here? If so, what is it? How can you tell?
2. Identify the participants and the role that each plays.
  - Change agent system
  - Initiator system
  - Client system
  - Target system
  - Action system
3. Identify the specific change being proposed, and conduct a force field analysis.
4. Who perceives the need for what kind of change? Are there differences of opinion? Whose views need to be considered, and how do you choose among competing views?
5. Do you need any additional information before you make your report to the governor? Should some kind of change proceed?

## Case Study 2.2

### Club Drugs<sup>1</sup>

“NIDA (National Institute on Drug Abuse)—supported research has shown that use of club drugs can cause serious health problems and, in some cases, even death. Used in combination with alcohol, these drugs can be even more dangerous. No club drug is benign” (ClubDrugs.gov,<sup>2</sup> National Institute on Drug Abuse).

“Club drug” is a vague term that refers to a wide variety of drugs, including MDMA (Ecstasy), GHB, Rohypnol, ketamine, methamphetamine, and LSD. Uncertainties about the drug sources, pharmacological agents, chemicals used to manufacture them, and possible contaminants make it difficult to determine toxicity, consequences, and symptoms (*Community Drug Alert Bulletin: Club Drugs*,<sup>3</sup> National Institute on Drug Abuse, 2004).

To some, club drugs seem harmless. In reality, these substances can cause serious physical and psychological problems—even death. Often, the raves where these drugs are used are promoted as alcohol-free events, which gives parents a false sense of security that their children will be safe attending such parties. These parents are not aware that raves may actually be havens for the illicit sale and abuse of club drugs (*Information Bulletin: Raves*,<sup>4</sup> National Drug Intelligence Center, 2001).

Attendance at raves can range from 30 people in a small club to thousands in a stadium or open field. Because MDMA can cause users to involuntarily grind their teeth, ravers often chew on baby pacifiers or lollipops to offset this effect. Additionally, ravers may use glowsticks and flashing lights to heighten the hallucinogenic properties of MDMA and the visual distortions brought on by its use (*Information Bulletin: Raves*,<sup>5</sup> National Drug Intelligence Center, 2001).

There are numerous dangers associated with the use of club drugs. For example:

- MDMA can cause a user’s blood pressure and heart rate to increase to dangerous levels, and can lead to heart or kidney failure. It can cause severe hyperthermia from the combination of the drug’s stimulant effect with the often hot, crowded atmosphere of a rave (*MDMA (Ecstasy) Abuse Research Report*,<sup>6</sup> National Institute on Drug Abuse, 2005).

<sup>1</sup> National Criminal Justice Reference Service (2008). *In the Spotlight: Club Drugs*. Retrieved January 28, 2008, from the NCJRS web site at: [http://www.ncjrs.gov/spotlight/club\\_drugs/summary.html](http://www.ncjrs.gov/spotlight/club_drugs/summary.html)

<sup>2</sup> <http://www.clubdrugs.gov/>

<sup>3</sup> <http://www.drugabuse.gov/ClubAlert/ClubDrugAlert.html>

<sup>4</sup> <http://www.usdoj.gov/ndic/pubs/656/656p.pdf>

<sup>5</sup> <http://www.usdoj.gov/ndic/pubs/656/656p.pdf>

<sup>6</sup> <http://www.drugabuse.gov/ResearchReports/MDMA/default.html>

### Case Study 2.2, continued

- Studies have shown that some heavy MDMA users experience long-lasting confusion, depression, and selective impairment of working memory and attention processes (*MDMA (Ecstasy) Abuse Research Report*,<sup>7</sup> National Institute on Drug Abuse, 2005).
- Rohypnol and GHB are predominantly central nervous system depressants. Because they are often colorless, tasteless, and odorless, they can be added to beverages and ingested unknowingly (*InfoFacts: Rohypnol and GHB*,<sup>8</sup> National Institute on Drug Abuse, 2006).
- Low-dose intoxication from ketamine results in impaired attention, learning ability, and memory. At higher doses, ketamine can cause delirium, amnesia, impaired motor function, high blood pressure, depression, and potentially fatal respiratory problems (*Community Drug Alert Bulletin: Club Drugs*,<sup>9</sup> National Institute on Drug Abuse, 2004).
- Methamphetamine is a powerfully addictive stimulant associated with serious health conditions, including memory loss, aggression, and potential heart and brain damage. Users can also display a number of psychotic features, including paranoia, auditory hallucinations, mood disturbances, and delusions (*Methamphetamine Abuse and Addiction Research Report*,<sup>10</sup> National Institute on Drug Abuse, 2006).

Because of the dangers associated with the use of club drugs, communities and law enforcement agencies are developing anti-rave initiatives to try to curb the use of club drugs. For example, they are passing new ordinances that establish juvenile curfews and licensing requirements for large public gatherings and are enforcing existing fire codes and health, safety, and liquor laws (*Information Bulletin: Raves*,<sup>11</sup> National Drug Intelligence Center, 2001).

The NCJRS *Spotlight on Club Drugs* contains the following information:

- *Facts and Figures*<sup>12</sup> – Includes the latest information and statistics.
- *Legislation*<sup>13</sup> – A sample of links to online federal and state legislation and testimony.

<sup>7</sup> <https://www.drugabuse.gov/ResearchReports/MDMA/default.html>

<sup>8</sup> <http://www.drugabuse.gov/InfoFacts/RohypnolGHB.html>

<sup>9</sup> <http://www.drugabuse.gov/ClubAlert/ClubDrugAlert.html>

<sup>10</sup> <https://www.drugabuse.gov/ResearchReports/methamph/methamph.html>

<sup>11</sup> <http://www.usdoj.gov/ndic/pubs/656/656p.pdf>

<sup>12</sup> [http://www.ncjrs.gov/spotlight/club\\_drugs/facts.html](http://www.ncjrs.gov/spotlight/club_drugs/facts.html)

<sup>13</sup> [https://www.ncjrs.gov/spotlight/club\\_drugs/legislation.html](https://www.ncjrs.gov/spotlight/club_drugs/legislation.html)

### Case Study 2.2, continued

- *Publications*<sup>14</sup> – A sample of available resources.
- *Programs*<sup>15</sup> – Examples of state and local programs and initiatives available online.
- *Training and Technical Assistance*<sup>16</sup> – A sample of training and technical assistance opportunities available through nationally recognized agencies and associations.
- *Grants and Funding*<sup>17</sup> – Links to federal funding opportunities.
- *Related Resources*<sup>18</sup> – Examples of nationally recognized agencies and organizations that provide services or information.

### Questions

*Assume that you are part of a task force appointed by the White House to address the growing problem of club drugs in the United States. Your committee has just been given a briefing by top White House staff (i.e., the article you just read). Your committee has been asked to answer the following questions:*

1. Describe the need for change. What is the extent of the problem, and what kind of data documents the need for change?
2. What kinds of causes does the report suggest or imply? Give examples.
3. What kinds of interventions might be suggested by this brief analysis? Give examples.

<sup>14</sup> [http://www.ncjrs.gov/spotlight/club\\_drugs/publications.html](http://www.ncjrs.gov/spotlight/club_drugs/publications.html)

<sup>15</sup> [http://www.ncjrs.gov/spotlight/club\\_drugs/programs.html](http://www.ncjrs.gov/spotlight/club_drugs/programs.html)

<sup>16</sup> [http://www.ncjrs.gov/spotlight/club\\_drugs/training.html](http://www.ncjrs.gov/spotlight/club_drugs/training.html)

<sup>17</sup> [http://www.ncjrs.gov/spotlight/club\\_drugs/grants.html](http://www.ncjrs.gov/spotlight/club_drugs/grants.html)

<sup>18</sup> [http://www.ncjrs.gov/spotlight/club\\_drugs/additional.html](http://www.ncjrs.gov/spotlight/club_drugs/additional.html)

### Case Study 2.3

## Incorporating Restorative and Community Justice into American Sentencing and Corrections

**Instructions:** Read the report below and answer the questions that follow.<sup>1</sup>

Restorative justice and community justice represent new ways of thinking about crime. The theories underlying restorative justice suggest that government should surrender its monopoly over responses to crime to those most directly affected—the victim, the offender, and the community. Community justice redefines the roles and goals of criminal justice agencies to include a broader mission—to prevent crime, address local social problems and conflicts, and involve neighborhood residents in planning and decisionmaking. Both restorative and community justice are based on the premise that communities will be strengthened if local citizens participate in responding to crime, and both envision responses tailored to the preferences and needs of victims, communities, and offenders.

In contrast to this bottom-up approach, recent changes in sentencing law are premised on retributive ideas about punishing wrongdoers and on the desirability of controlling risk, increasing public safety, and reducing sentencing disparities. Restorative and community justice goals of achieving appropriate, individualized dispositions often conflict with the retributive goal of imposing certain, consistent, proportionate sentences.

There are many ways to resolve this normative conflict. Restorative and community justice initiatives could continue to confine their efforts to juvenile offenders and people who commit minor crimes. This seems unlikely, as these approaches are expanding rapidly and winning many new supporters who want to extend their application. Alternatively, retributive sentencing laws could be revised or narrowed. But this too seems unlikely in the near term. How precisely the two divergent trends will be reconciled remains to be seen. Nevertheless, it seems likely that restorative and community justice values will to some extent become more institutionalized in criminal justice processes.<sup>2</sup>

<sup>1</sup> Adapted from: Kucki, L. (1999). "Incorporating Restorative and Community Justice into American Sentencing and Corrections." *Sentencing & Corrections: Issues for the 21<sup>st</sup> Century*. Papers from the Executive Sessions on Sentencing and Corrections, No. 3 (NCJ 175723). Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. Retrieved January 30, 2008, at <http://www.ncjrs.org/pdffiles1/nij/175723.pdf>.

<sup>2</sup> This paper is one of four in the first "round" of publications from the Executive Sessions on Sentencing and Corrections. Together the four constitute a framework for understanding the issues raised in the sessions. The other three are *Fragmentation of Sentencing and Corrections in America*, by M. Tonry (NCJ 175721); *Reconsidering Indeterminate and Structured Sentencing*, by M. Tonry (NCJ 175722); and *Reforming Sentencing and Corrections for Just Punishment and Public Safety*, by M.E. Smith and W.J. Dickey (NCJ 175724). All: *Research in Brief—Sentencing & Corrections: Issues for the 21<sup>st</sup> Century*, Washington, DC: U.S. Department of Justice, National Institute of Justice/Corrections Program Office, September 1999.

### Case Study 2.3, *continued*

#### What is Restorative Justice?

Restorative justice has evolved from a little-known concept into a term used widely but in divergent ways. There is no doubt about its appeal, although the varied uses of the term cause some confusion. The umbrella term “restorative justice” has been applied to initiatives identified as restorative by some but not by others. Examples are sex-offender notification laws, victim impact statements, and murder victim survivors’ “right” to be present at executions. Most advocates of restorative justice agree that it involves five basic principles:

- Crime consists of more than violation of the criminal law and defiance of government authority.
- Crime involves disruptions in a three-dimensional relationship of victim, community, and offender.
- Because crime harms the victim and the community, the primary goals should be to repair the harm and heal the victim and the community.
- The victim, the community, and the offender should all participate in determining the response to crime; government should surrender its monopoly over that process.
- Case disposition should be based primarily on the victim’s and the community’s needs—not solely on the offender’s needs or culpability, the dangers he or she presents, or his or her criminal history.

The original goal of restorative justice was to restore harmony between victims and offenders. For victims, this meant restitution for tangible losses and emotional losses. For offenders, it meant taking responsibility, confronting shame, and regaining dignity.

This notion has evolved, with the major recent conceptual development being the incorporation of a role for the community. Many people still associate restorative justice primarily with victim-offender mediation or, more broadly (but mistakenly), with any victim-oriented services. The more recent conceptualization—that offenses occur within a three-dimensional relationship—may change the movement.

All three parties should be able to participate in rebuilding the relationship and in deciding on responses to the crime. The distinctive characteristic is direct, face-to-face dialogue among victim, offender, and increasingly, the community.

#### What is Community Justice?

The concept of community justice is less clear. It can be portrayed as a set of new organizational strategies that change the focus of criminal justice from a narrow, case-processing orientation: operations are moved to neighbor-

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### Case Study 2.3, *continued*

hood locations that offer flexible working hours and services, neighborhoods are assigned their own officers and are provided with more information than is standard practice, and residents may identify crime problems and define priorities for neighborhood revitalization. Most experience with community justice is in the context of community policing, but prosecutors, judges, and correctional officers are increasingly rethinking their roles and goals.

The most frequently cited standpoints for community justice are problem solving and community empowerment. Problem solving is understood broadly: first, as an effort to build partnerships between criminal justice and other government agencies and between government agencies and neighborhoods; and, second, as an attempt to address some of the complex social problems underlying crime.

Community justice proponents suggest that criminal justice agencies change the way they interact with the public, learn to listen to citizens, and work together with local people to prevent crime and solve crime-related problems.<sup>3</sup>

Advocates of community justice believe that to maximize public safety and optimize crime prevention, residents must work on an equal basis with government agency representatives and elected officials. Dennis Maloney,

Director of the Deschutes County, Oregon, Department of Community Justice has described the connection between citizen involvement and crime prevention: "In a community justice framework, the goal is to engage as many citizens as possible in building a better community . . . People who share a strong sense of community are far less likely to violate the trust of others. Their stake in and bond with the community is the strongest force of guardianship to prevent crime from flourishing."

### Should Restorative and Community Justice be Incorporated into the Criminal Justice System?

Advocates of restorative justice and community justice often differ over the desirability of becoming part of the official criminal justice system. Restorative justice proponents believe in the efficacy of grassroots citizen efforts, and thus many want to keep restorative justice initiatives separate from the criminal justice system. Community justice advocates often support a total, systemwide transformation that would incorporate the new principles. Both groups are concerned about the role of government in these approaches and their growing popularity. They emphasize that restorative and community justice represent fundamental change: comprehensive philosophies or theories, not silver bullets or fads.

<sup>3</sup> Barajas, R., "Moving Toward Community Justice," in *Community Justice: Striving for Safe, Secure, and Just Communities*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, 1996.

### Case Study 2.3, *continued*

Proponents are also concerned that criminal justice agencies will add new community or restorative justice programs to appear “fashionable” or to solve a particular problem, but will do so without fundamentally rethinking their missions. Ronald Earle, District Attorney in Travis County, Texas, summarized this concern: “The question is how to focus the criminal justice system and fashion programs on a new way of thinking, not just another way of doing.” Some advocates are skeptical about whether the new goals and principles can be meaningfully adopted by criminal justice agencies, which like many other government agencies tend to value passionless, specialized, professionalized, and routinized operations.

Another worry is that government agencies or experts will establish guidelines, standards, and requirements for programs reflecting these values, thereby bureaucratizing them and once again “stealing the conflicts” from communities. As Ronald Earle put it, the “unstructured lack of standardization is the genius of the movement,” but, at the same time, he added, “there is a great temptation to create a national template for community justice programs.” The challenge for government will be to encourage and support the new initiatives without stifling the spontaneity, creativity, and grassroots ties that are their strengths.

#### What is Happening Now?

A fundamental difficulty in documenting or estimating the impact of restorative or community justice in the United States is the lack of systematic data. No one knows how many or what kinds of programs there are; how many offenders, victims, and volunteers participate; the amounts of restitution paid or community service performed; or the effects on victims, communities, and offenders. It is nearly impossible to monitor what is happening in different states or regions.

Little evaluation research is available, and there is no consensus on how to measure “success.” Most advocates contend that recidivism is not the correct or only measure. Evaluations might also consider such measures as victim and offender satisfaction, amounts of restitution or community service, rates at which reparative agreements are fulfilled, levels of volunteer participation and community action, and victims’ and offenders’ quality of life.

Some advocates do not want to encourage rigorous evaluation because that might create pressure to standardize and “expertize” the movements. But because the varied programs and practices are what make restorative and community justice visible, concrete, and distinctive, it is important to document their types, analyze their characteristics, and evaluate outcomes.

The dearth of information affects the writings of practitioners and academics. There is, however, a sizable literature on the principles and goals of restorative justice, how it differs from traditional criminal justice approaches, and its processes

### Case Study 2.3, continued

and terminology.<sup>4</sup> Other works describe programs or present details of local projects.<sup>5</sup> Most of the literature on community justice focuses on community policing, with little information on community prosecution, courts, or corrections.

#### Restorative Justice Practices

Although something akin to restorative justice has long been observed in premodern and indigenous societies, restorative justice principles, in the form of victim-offender reconciliation programs, appeared in Western industrialized countries only in the 1970s. The first program was established in 1974 in Kitchener, Ontario. By the 1990s, such programs had spread to all Western countries—at least 700 in Europe and 300 in the United States.

**Victim-offender mediation.** Victim-offender mediation is the most widespread and evaluated type of restorative program. Offenders and victims meet with volunteer mediators to discuss the effects of the crime on their lives, express their concerns and feelings, and work out a restitution agreement. The agreement is often seen as secondary to emotional healing and growth. Victims consistently report that the most important element of mediation is being able to talk with the offender and express their feelings, and offenders also emphasize the importance of face-to-face communication. Advocates believe that developing an offender's empathy for the victim has preventive effects.

In many countries, victim-offender mediation is widely used. In Austria, for example, it became an official part of the juvenile justice system as early as 1989. Public prosecutors refer juveniles to mediation, probation officers coordinate cases, and social workers serve as mediators. If an agreement is reached and completed, the case is dismissed.<sup>6</sup> In the United States, most programs are operated by private, nonprofit organizations; handle largely juvenile cases; and function as diversion programs for minor, nonviolent crimes. However, there is a movement to develop programs established and operated (or at least initiated) by corrections departments, police, or prosecutors and used as a condition of either probation or dropping charges. Most studies of mediation programs report high rates of success.<sup>7</sup>

<sup>4</sup> Examples are Braithwaite, J., "Restorative Justice: Assessing Optimistic and Pessimistic Accounts," in *Crime and Justice: A Review of Research*, v. 25, M. Tonry (ed.), Chicago: University of Chicago Press, 1999; and Van Ness, D., and K. Heetderks Strong, *Restoring Justice*, 3rd ed. Newark, NJ: LexisNexis Matthew Bender, 2006.

<sup>5</sup> Galaway, B., and J. Hudson, eds., *Restorative Justice: International Perspectives*. Amsterdam: Kluwer, 1996; and Messner, H., and H.U. Otto, *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation*, Dordrecht, Netherlands: Kluwer, 1992.

<sup>6</sup> Lösching-Gesandl, M., and M. Kilchling, "Victim/Offender Mediation and Victim Compensation in Austria and Germany—Stock-taking and Perspectives for Future Research," *European Journal of Crime, Criminal Law and Criminal Justice*, 5 (1997): 58–78.

<sup>7</sup> Umbreit, M., *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, Monsey, NY: Criminal Justice Press, 1994. It should be noted that evaluations of restorative justice conducted in the United States are usually not based on experimental and control groups, do not often measure recidivism rates, and seldom use sophisticated research designs.

### Case Study 2.3, continued

Advocates are beginning to challenge the assumption that mediation is not suitable for violent or sexual crimes. Increasingly, in the United States and Canada, for example, victims and offenders meet in prisons. These meetings are not oriented to a tangible goal such as a restitution agreement, nor does the offender obtain benefits like early release or parole consideration. Usually the meetings are held because the victim wants to meet the offender and learn more about what happened to reach beyond fear and anger and facilitate healing. The results of a Canadian survey indicated that 89 percent of victims of serious, violent crimes wanted to meet the offender.<sup>3</sup>

Serious violent crimes are usually mediated on a case-by-case basis, but the need for permanent programs is growing. Such programs are offered, for example, by the Correctional Service of Canada in British Columbia and the Yukon Territory and by the Texas Department of Criminal Justice.

**Family group conferencing.** Family group conferencing is based on the same rationales as victim-offender mediation, with two main differences. Conferencing involves a broader range of people (family, friends, coworkers, and teachers), and family members and other supporters tend to take collective responsibility for the offender and for carrying out his or her agreement. The other difference is that conferencing often relies on police, probation, or social service agencies for organization and facilitation.

Family group conferences originated in New Zealand, where they became part of the juvenile justice system in 1989. There, the new juvenile justice model, which incorporates Maori traditions of involving the family and the community in addressing wrongdoing, has four dispositional options:

- An immediate warning by the police.
- “Youth Aid Section” dispositions in which a special police unit may require, for example, an apology to the victim or community service.
- Family group conferencing.
- Traditional youth court sentencing.

About 60 percent of juvenile offenders receive a warning or go to the Youth Aid Section, 30 percent go to conferencing, and 10 percent go to youth court.<sup>4</sup>

By the mid-1990s, family group conferencing had been adopted in every state and territory of Australia. In South Australia, it is used statewide as a

<sup>3</sup> Gustafson, D., “Facilitating Communication between Victims and Offenders in Cases of Serious and Violent Crime,” *The International Community Corrections Association Journal on Community Corrections* 8 (1997): 4–49.

<sup>4</sup> Maxwell, G., and A. Morris, *Family, Victims, and Culture: Youth Justice in New Zealand*, Wellington, New Zealand: Social Policy Agency and Institute of Criminology, Victoria University of Wellington, 1993.

### Case Study 2.3, continued

component of the juvenile justice system and resembles the New Zealand approach. In Wagga Wagga, New South Wales, conferences (originally part of a police diversion program) were organized and facilitated by police officers who were often in uniform.<sup>10</sup> Responsibility was transferred to juvenile justice agencies in 1998, and trained community members now facilitate conferences. In Canberra, the Federal Police set up a program called the Reintegrative Shaming Experiment, which involved more than 100 trained police officers.

There is evidence that conferencing can be successful. An evaluation of the Bethlehem, Pennsylvania, Police Family Group Conferencing program revealed that typical police officers were able to conduct conferences in conformity with restorative justice and due process principles if adequately trained and supervised, and that very high percentages of offenders, victims, and other participants were pleased with the process.<sup>11</sup> Evaluation of Canberra's Reintegrative Shaming Experiment showed similar results.<sup>12</sup>

**Sentencing circles.** Sentencing circles originated in traditional Native Canadian and Native American peacemaking. They involve the victim and the offender, their supporters, and key community members, and they are open to everyone in the community. They attempt to address the underlying causes of crime, seek responses, and agree on offenders' responsibilities. The process is based on peacemaking, negotiation, and consensus, and each circle member must agree on the outcomes.

Sentencing circles are so named because participants sit in a circle, and a "talking piece" (a feather, for example) is passed from person to person. When participants take the talking piece, they explain their feelings about the crime and express support for the victim and the offender. Separate circles often are held for the offender and the victim before they join in a shared circle.

In Minnesota, sentencing circles are used not only in Native American communities but also in rural white, suburban, and inner-city black communities (see "Minnesota—A Pioneer in Restorative Justice"). Community Justice Committees, established by citizen volunteers, handle organizational and administrative tasks and provide "keepers" who lead the discussions. Judges refer cases, and the committees make the final decision on acceptance. The agreements reached are presented to the judge as sentencing recommendations.

<sup>10</sup> Wundersitz, J., and S. Hetzel, "Family Conferencing for Young Offenders: The South Australian Experience," in J. Hudson, A. Morris, G. Maxwell, and B. Galaway (eds.), *Family Group Conferences: Perspectives on Policy and Practice*, Monsey, NY: Willow Tree Press, 1996.

<sup>11</sup> McCold, P., and B. Wachtel, *Restorative Policing Experiment: The Bethlehem Pennsylvania Police Family Group Conferencing Project*, Pipersville, PA: Community Service Foundation, 1998. This evaluation was sponsored by the National Institute of Justice.

<sup>12</sup> Sherman, L., H. Strang, G. Barnes, J. Braithwaite, N. Ipken, and M-M. The, *Experiments in Restorative Policing: A Progress Report to the National Police Research Unit in the Canberra Reintegrative Shaming Experiments (RISSE)*, Canberra: Australian Federal Police and Australian National University, 1998.

### Case Study 2.3, continued

In some cases, the judge, prosecutor, and defense attorney participate in the circle, and then the agreement becomes the final sentence.

**Reparative probation and other citizen boards.** Reparative probation in Vermont involves a probation sentence ordered by a judge, followed by a meeting between the offender and volunteer citizen members of a Reparative Citizen Board. Together they draw up a contract, based on restorative principles, which the offender agrees to carry out. Fulfilling the contract is the only condition of probation (see "Vermont—Statewide Reparative Probation").

Vermont's program is different from most other restorative justice initiatives in the United States. Designed by the state's Department of Corrections, it operates statewide, handles adult cases, and involves a sizable number of citizen volunteers. Compared with family group conferencing or sentencing circles, the Reparative Citizen Boards work faster, require less preparation, and can process more cases; however, they involve fewer community members. For example, offenders' and victims' families and supporters usually are not present.

Citizen boards also may be established to adjudicate minor crimes. For example, a Merchant Accountability Board in Deschutes County, Oregon, consists of local business owners who adjudicate thefts of property valued at \$50 or less, and some more serious cases involving property valued at between \$51 and \$750. Under an agreement with the district attorney, the police refer all minor shoplifting cases directly to the program. If offenders decide to participate, they are typically ordered by the board to pay fines, make restitution, or both.

Manitoba's Restorative Resolutions Project offers an alternative to custodial sentences for offenders who otherwise are likely to face a minimum prison sentence of six months. Offenders and project staff develop sentencing plans, and victims are encouraged to participate. The plans are presented to judges as nonbinding recommendations. Most plans require restitution, community service, and counseling or therapy. A recent evaluation revealed that offenders who participate have significantly fewer supervision violations and slightly fewer new convictions than those in comparison groups.<sup>13</sup>

### Minnesota: A Pioneer in Restorative Justice

Minnesota has been a groundbreaker in restorative justice. Its Department of Corrections created the Restorative Justice Initiative in 1992, hiring Kay Franis as a full-time Restorative Justice Planner in 1994—the first such position in the country. The initiative offers training in restorative justice principles and practices, provides technical assistance to communities in designing and implementing practices, and creates networks of professionals and activists to share knowledge and provide support.

<sup>13</sup> Bonta, J., J. Rooney, and S. Wallace-Capretta, *Restorative Justice: An Evaluation of the Restorative Resolutions Project*. Ottawa: Solicitor General of Canada, 1998.

### Case Study 2.3, continued

**Sentencing circles.** Besides promoting victim-offender mediation, family group conferencing, and neighborhood conferencing, the department has introduced sentencing circles. Citizen volunteers and criminal justice officials from Minnesota have participated in training in the Yukon Territory, where peacemaking circles have been held since the late 1980s. In Minnesota, the circle process is used by the Mille Lacs Indian Reservation and in other communities in several counties.

**The circle process.** The circle process usually has several phases. First, the Community Justice Committee conducts an intake interview with offenders who want to participate. Then, separate healing circles are held for the victim (and others who feel harmed) and the offender. The committee tries to cultivate a close personal relationship with victims and offenders and to create support networks for them. In the end, a sentencing circle, open to the community, meets to work out a sentencing plan. In the towns of Milaca and Princeton, follow-up circles monitor and discuss the offender's progress.

### Vermont—Statewide Reparative Probation

A pilot reparative probation program began in Vermont in 1994, and the first cases were heard by a Reparative Citizen Board the following year. Three features distinguish this restorative justice initiative from most others in the United States: (1) The Department of Corrections, headed by John Gorczyk, designed the program; (2) it is implemented statewide; (3) and it involves a sizable number of volunteer citizens. In 1998, the program was named a winner in the prestigious Innovations in American Government competition.

**The process.** The concept is straightforward. Following an adjudication of guilt, the judge sentences the offender to probation, with the sentence suspended and only two conditions imposed: the offender will commit no more crimes and will complete the reparative program. The volunteer board members meet with the offender and the victim and together discuss the offense, its effects on victim and community, and the life situations of victim and offender. All participants must agree on a contract, which is to be fulfilled by the offender. It is based on five goals: (1) the victim is restored and healed, (2) the community is restored, (3) the offender understands the effects of the crime, (4) the offender learns ways to avoid reoffending, and (5) the community offers reintegration to the offender. Because reparative probation targets minor crimes, it is not meant as a prison diversion program.

**The numbers.** In 1998, the 44 boards handled 1,200 cases, accounting for more than one-third of the probation caseload. More than 300 trained volunteers serve as board members. Ten coordinators handle case management and organization for the boards. The goal is to have the boards handle about 70 percent of the targeted probation cases. That only about 17 percent of offend-

### Case Study 2.3, *continued*

ers fail to complete their agreements or attend followup board meetings is a measure of the program's success. These offenders are referred back to court.

**Related initiatives.** Other practices based on restorative justice are underway. More than 150 volunteers or Department of Corrections staff have been trained in family group conferencing. A Community Justice Center is operating in Burlington, and others are being developed elsewhere. The department is also looking into sentencing circles and ways to become more active in crime prevention and early intervention.

### Community Justice Practices

People who have no personal experience with community justice are often preoccupied with what "community" means and who is involved. Explanations vary. Reginald Wilkinson, Director of Ohio's Department of Rehabilitation and Correction, says: "In a community, there would exist a sense of hope, belonging, and caring . . . A sense of commitment, responsibility, and sacrifice would be basic tenets of a communitarian." For Minnesota Department of Corrections Restorative Justice Planner Kay Pranis, "Community self-defines around the issue that surfaces, so everybody who sees themselves as a stakeholder in a particular issue [makes up the community]." Vermont Department of Corrections Commissioner John Gorczyk says: "Beyond place, community is defined by relationships and the amount of interaction. In my community, the quality of those interactions, doing favors for one another, is what builds community."

Although in "practicing" community justice it is essential to identify the community and consider possible definitions, it is at least as important to think about the community's role. While many new approaches in criminal justice have improved access to and satisfaction with justice services, often they have not transformed the role of citizens from service recipient to participant and decisionmaker.<sup>14</sup> For many community justice advocates, the ultimate goal is for communities to feel ownership of programs, but that can be achieved only if citizens participate. Even then the question remains whether government genuinely shares power or simply allows communities to supplement its power and exercise it only in certain types of cases.

**Community policing and prosecution.** Experiences with community policing show there is no shared understanding of the community's role, and that it is difficult to generate citizen participation. Priorities and routines vary; for example, some efforts rely on heavy street-level enforcement, while others emphasize citizen involvement, better-quality public services, delivery of com-

<sup>14</sup> Bazemore, G., "The 'Community' in Community Justice: Issues, Themes, and Questions for the New Neighborhood Sanctioning Models," *Justice System Journal*, 19 (1997): 193-228.

**Case Study 2.3, continued**

munity-based treatment, or diversionary policing that withholds enforcement as a way to build relationships with communities.

Few studies have attempted to measure the extent to which the rhetoric of community empowerment, involvement, and partnership building becomes reality, and the results are not particularly encouraging. Community input is often limited to assisting law enforcement. Many evaluations have not shown positive results, because implementation is often incomplete or partial.<sup>15</sup>

Many applications of community policing and prosecution are not fundamentally different from traditional approaches, although they may shift control to local levels and include the community in law enforcement efforts. They often promote tougher responses to crime than do traditional approaches because the emphasis is on a broader view of crime control that takes seriously minor, nuisance, and quality-of-life offenses. Some approaches, such as the one taken by the District Attorney of Travis County, Texas, however, clearly identify themselves as restorative (see "Travis County, Texas—Community Justice as the Prosecutorial Response").

**Applications in courts and corrections.** The first community court in the United States, New York City's Midtown Community Court, is based on the idea of partnership with the neighborhood and focuses on quality-of-life crimes. Several restorative elements are evident:

- Offenders are sentenced to work on projects in local neighborhoods.
- Court staff try to link offenders with drug treatment, health care, education, and other social services and thus combine punishment with help.
- The community is encouraged to participate in shaping restorative, community-based sanctions.<sup>16</sup>

Nearly 70 percent of those convicted are ordered to perform community work, and of these nearly 70 percent complete it without violations. By the Fall of 1996, almost 33,000 defendants had been arraigned.<sup>17</sup> The court houses health care and drug treatment providers, organizes education and job training, maintains mediation services for community-level conflicts, and provides counseling rooms and space to perform community service.

<sup>15</sup> Skogan, W.G., and S.M. Hartnett, *Community Policing, Chicago Style*, New York: Oxford University Press, 1997.

<sup>16</sup> Feinblatt, J., and G. Beriman, *Responding to the Community: Principles for Planning and Creating a Community Court*, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, 1997.

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**Case Study 2.3, continued**

The Manhattan Court opened in 1993 and was followed by several others. The Portland (Oregon) Community Court began operations in 1998, and plans for community courts are underway in Baltimore, Hartford (Connecticut), Hempstead (New York), Indianapolis, Minneapolis, St. Louis, and no doubt elsewhere.

Deschutes County, Oregon, has made a comprehensive effort to implement community justice in corrections (as distinct from traditional community corrections), reinventing its Community Corrections Department as the Department of Community Justice. Committed to principles of both community and restorative justice, the department differs in this respect from most current community policing and prosecution initiatives.

The Deschutes approach is especially ambitious (see "Deschutes County, Oregon—Reinventing Community Corrections"). A true paradigm shift would combine operational strategies and the crime prevention and citizen involvement goals of community justice with the values and practices of restorative justice.

### Travis County, Texas: Community Justice as the Prosecutorial Response

Ronald Earle, District Attorney of Travis County (Austin), Texas, is a strong advocate of restorative and community justice. Recognizing that people's natural reaction to crime is anger and fear, particularly if they lack power to influence responses, he believes this wasted energy can fuel positive change. This can be done if citizens are empowered and participate in planning and deciding on the response to crime.

To promote such participation, he drafted the Texas law that authorizes in each county a Community Justice Council and Community Justice Task Force. The task force includes representatives of criminal justice agencies, social and health services, and community organizations. With task force assistance, the council, consisting of elected officials, handles planning and policymaking and prepares a Community Justice Plan.

Many efforts are directed at juvenile offenses. In Austin, the Juvenile Probation Office offers victim-offender mediation for young people in trouble. For misdemeanors, juveniles may be diverted from court to Neighborhood Conference Committees. These consist of panels of trained adult citizens who meet with the juvenile offenders and their parents and together with them develop contracts tailored to the case.

The Travis County Children's Advocacy Center provides support and help to abused children through collaboration among social and criminal justice agencies, medical professionals, and private citizens. The Child Protection Team brings together police officers, social workers, and prosecutors to improve responses to child abuse and to reduce traumatization when cases are investigated and prosecuted.

**Case Study 2.3, continued****Can the Justice System Incorporate Restorative Principles?**

Although many activists would prefer that restorative justice remain an unofficial alternative to the criminal justice system, others contend that there are reasons for a systemwide shift to incorporate its values.

**Why Not the Best?**

If restorative justice is a significantly better way to deal with crime, proponents ask why not implement it systemwide? If it really is a better idea, why should it not become the governing principle of the whole criminal justice system rather than be confined to small-scale, grassroots activities? Minnesota Restorative Justice Planner Kay Pranis emphasized the need to focus on community when she said, "It is very important for us to recognize that our current criminal justice interventions actually destroy community. So even to get neutral would be a huge step for this system."

**No Significant or Lasting Effects on Values and Practices**

Advocates contend that restorative justice is unlikely to have significant or lasting effects on the official criminal justice system if it continues to operate primarily as local, unorganized grassroots activities. It is doubtful whether any program can be truly restorative in a system based on retributive values. Even if restorative justice principles cannot completely transform the justice system, they may turn criminal justice policy and values in another, arguably better, direction.

**Increased Control And Punishment**

Advocates argue that if crime is seen in both traditional and restorative ways—as an offense against the state and as harm to the victim and the community—a double system of punishment may be created. Offenders will first be processed through the traditional system and receive punishment and then move to the informal restorative programs to agree to a reparative contract. As a consequence, they often will be subjected to greater social control and more sanctions.

**Deschutes County, Oregon:  
Reinventing Community Corrections**

Deschutes County, Oregon, is attempting to apply community justice principles throughout its correctional system. In 1996 the County Board of Commissioners passed a Community Justice Resolution, which recognizes community justice as "the central mission and purpose of the county's community corrections effort." It calls for incorporating community justice principles

**Case Study 2.3, continued**

into corrections by striking a balance among prevention, early intervention, and correctional efforts; ensuring participation by and restoration of victims; including community decisionmaking in crime prevention and reduction; and fostering offender accountability. In recognition of this major change, the Community Corrections Department, headed by Dennis Maloney, was renamed the Department of Community Justice.

**Basic principles.** A lay citizen body, the Commission on Children and Families, was assigned authority over the department's budget. In 1998, it set budget principles that for the first time included:

- Enhancing public safety.
- Paying particular attention to offender accountability, responsibility, and skill development.
- Incorporating the findings of research on cost-effective interventions.
- Focusing on restoration and defining offenders' accountability as meeting their obligations to victims and the community.
- Encouraging volunteer involvement and reducing dependence on service delivery by professionals.
- Managing crime problems as cost-effectively as possible.
- Directing reallocated resources to crime prevention.
- Viewing investment in prevention as the first order of business.

State law permits the county to apply any savings in juvenile detention to crime prevention.

**Community action and other initiatives.** A number of former juvenile probation officers constitute a Community Action Team, which devotes most of its time and resources to neighborhood crime prevention. The new Community Justice Center contains space for juvenile custody facilities, houses a number of criminal justice agencies as well as victim service and other nonprofit organizations, and has a meeting room available for community groups.

Deschutes County also offers victim-offender mediation in criminal cases and dispute resolution in other conflicts. Merchant Accountability Boards, consisting of local business owners, adjudicate minor shoplifting cases. Reparative community service projects are operated through the collaboration of business owners, neighborhood residents, and community leaders. As part of these projects, offenders have built houses for Habitat for Humanity, cut and distributed firewood for elderly citizens, and built and maintained parks.

### Case Study 2.3, *continued*

#### Trivialization of Restorative Programs

If the criminal justice system endorses restorative justice principles but does not participate in designing, implementing, and monitoring programs based on them, it is not likely to refer other than trivial cases. Criminal justice agencies and officials understandably do not want to rely heavily on practices whose outcomes they cannot comprehend, influence, predict, or trust. For the same reason, judges often are reluctant to divert offenders to these programs.

#### No Resource Savings

Although restorative justice advocates emphasize that the goal is not decreased criminal justice caseloads or costs, it is unrealistic not to consider resource savings in the current climate of exploding correctional costs. Few resources will be saved if restorative solutions only supplement traditional punishments or are used only for minor crimes.

#### Inconsistent Practices and Outcomes

The most common argument against restorative justice is that practices and outcomes vary with the particular program, and that fairness requires comparable crimes and criminals to be punished equally. Restorative justice involves individualized responses to crimes.

Proportionality and equality in punishment are often understood narrowly as calling for the same sentence for people who have committed similar crimes. However, they could just as well be interpreted as requiring comparable sentences for comparable offenses. This would mean punishment or responses may vary as long as they are meaningfully related to the nature and effects of the crime. Thus, in principle, there is no reason restorative justice cannot respect the tenets of proportionality and equality.

In practice, responses to crime will be different and inconsistent as long as restorative justice is not implemented systemwide. Many people are concerned that assigning substantial punishment power to lay volunteers will mean random, inequitable, and capriciously severe sanctions. Restorative justice, with its positive, constructive goals, attempts to move in the opposite direction. If participants, including the offender, understand and accept restorative justice principles, the requirements of fairness will not be circumvented and there will be no extreme consequences.

If there is no systemwide shift, programs based on restorative justice will probably continue to handle only minor offenses, and problems of inequity will likely not become serious. It will not much matter whether one offender is sentenced to 10 hours of community service and \$50 in restitution and another, who commits a similar crime, to 20 hours of service and \$100 in restitution. However, the more serious the crimes, the more unjust the differences could become and the greater the need for consistent practices.

### Case Study 2.3, *continued*

Other matters of equity relate to socioeconomic considerations. Without official encouragement and support, restorative justice initiatives are likely to be concentrated in middle-class white neighborhoods or rural areas, and volunteers will disproportionately be white, middle-class, and middle-aged and older individuals, as these are the demographic groups from which activists tend to emerge. Moreover, if citizen activists work on their own, new practices may be concentrated in areas with relatively minor crime problems. By contrast, disadvantaged urban neighborhoods with large proportions of minority group members and immigrants—who are disproportionately affected by serious crime—would be unlikely to benefit.

### The Future of Restorative and Community Justice

How deeply restorative and community justice ideas will penetrate the traditional justice system remains to be seen. So far, restorative justice approaches are used much more for juveniles than for adults, and for minor offenses rather than for serious crime. Experience with community justice has consistently shown that generating citizen involvement and building relationships with the community is a challenge. Both movements have spread rapidly, however, and both are increasingly reaching out to encompass adult offenders, more serious crime, and disadvantaged urban communities where, arguably, the need is greatest.

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This and other NIJ publications can be found at and downloaded from the NIJ web site (<http://www.ojp.usdoj.gov/nij>).

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**Case Study 2.3, continued****Questions**

1. Describe how the case study illustrates the five basic steps of criminal justice systems assessment. Give one example of each of the following steps:
  - Mapping the system.
  - Documenting and assessing current policy and practice.
  - Gathering information on the offender population.
  - Identifying sanctions, services, and programs.
  - Identifying community resources.

2. Assume now that the following hypothetical circumstances occur:

The governor makes an announcement that restorative and community justice is about to become the preferred practice in your state. The governor states that a new law will require all counties within the state to reduce the number of their court commitments to state prison by 50 percent within two years. There will be substantial financial incentives for compliance and substantial financial penalties for noncompliance. Assume you have been assigned to a county planning committee that has been asked to respond to this change in law.

Now, using force field analysis, do the following:

- (a) Identify "driving forces" and "restraining forces." Try to identify at least two of each.
- (b) Analyze one of the restraining forces in part (a) in terms of its: amenability, potency, and consistency.
- (c) Describe two possible strategies to reduce this source of resistance.

- *Amenability to change* (How likely is it that this force can be changed?)
  - *Potency* (How much impact would reducing this source of resistance have on moving the intervention forward?)
  - *Consistency* (Does this force remain stable or change over time?)
3. *Identify alternative strategies* for changing each force identified in Step 1. Focus on reducing sources of resistance.

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