RESTORATIVE COMMUNITY JUSTICE: COMMUNITY BUILDING APPROACHES IN JUVENILE JUSTICE

Associate Professor Rob White
University of Tasmania

Paper presented at the
4th National Outlook Symposium on Crime in Australia,
New Crimes or New Responses
convened by the Australian Institute of Criminology
and held in Canberra 21-22 June 2001
Abstract

The aim of this paper is to explore ways in which community building can be integrated into the practices of juvenile justice work. It begins by discussing how the extent of community cohesion and societal resources at the neighbourhood level has a major bearing on the propensity of young people to engage in criminal and anti-social behaviour. The paper then describes recent trends in the area of 'restorative justice', in which the main focus is on individual offenders repairing social harm via juvenile conferencing and through active recompense measures. Following this, the paper provides a model of what can be called 'restorative community justice', one that builds upon the conferencing model by attempting to fuse social justice concerns with progressive juvenile justice practices. The paper concludes by describing a range of interventions that might be adopted in areas such as youth crime prevention and youth sanctioning processes. The emphasis is on ‘good practice’ examples of community building, drawing upon case studies from both overseas and Australia.
Introduction

The aim of this paper is to explore ways in which community building can be integrated into the practices of juvenile justice work. A central theme is that addressing juvenile offending, both in terms of crime prevention and juvenile sanctioning, needs to be conceptualised as a community task. The ‘community’ includes a wide diversity of people with varying perceptions, interests and safety concerns. The local neighbourhood provides the physical site in which material resources and community amenities are distributed (in many cases unequally), and is where young people partake in most of their social interactions and daily activities. As the first part of the paper demonstrates, the extent of community cohesion and societal resources at the neighbourhood level has a major bearing on the propensity of young people to engage in criminal and anti-social behaviour.

Responding to youth crime, therefore, is a matter of enhancing community prospects, as well as dealing with specific factors pertaining to individual behaviours.

The second part of the paper describes recent trends in the area of ‘restorative justice’. This is a model of responding to youth offending that places great emphasis on repairing social harm through involving the offender, victim and relevant community members in the sanctioning process. The typical form adopted in Australia is that of juvenile conferencing. The strengths and limitations of this approach are briefly discussed, particularly from the point of view of the necessity to infuse social justice concerns directly into the conferencing process.

The final part of the paper attempts to provide a model of ‘restorative community justice’, an approach that is explicitly built upon the concepts of solidarity, compensation and community empowerment. After exploring general principles of youth intervention, the intent of this section is to describe a range of measures that might be adopted in crime prevention and youth sanctioning processes. The main areas of concern include an emphasis on social inclusion, practice based upon communal objectives, formation of communities of support, and enhancement of community resources. The emphasis is on developing a reservoir of ‘good practice’ examples of community building, drawing upon case studies from both overseas and Australia.

Juvenile Offending in Community Context

The transformations in the material resources available to young people have had a profound impact on their lifestyle and life opportunities. The issue of economic provision is not, however, simply quantity but quality as well. The cash resources available to young people, whether through the labour market or as a result of state transfers, mean different things in real terms, depending upon the overall economic situation of particular young people, their position in the class structure, family and community resources that can be drawn upon, and their immediate work, study or lifestyle requirements.

Social problems such as unemployment, poverty and declining opportunities directly affect the physical and psychological well-being of young people. The marginalisation of young people economically, socially and politically undermines their own self-conceptions of ‘worth’. It also is linked to feelings of resentment at promises unfulfilled, boredom and frustration in their present social state, and a search for meaning and satisfaction in an era of no jobs. It has been pointed out that the specific experience of economic adversity ‘will affect different groups of young people in very different ways, depending upon family resources, community amenities and services, neighbourhood networks, availability of formal and informal paid work in the local area, and the extent and quality of state-provided institutional supports such as education and health services’ (Polk & White, 1999: 297). This is demonstrated in recent Australian studies of how local conditions shape youth behaviour and opportunities, and how these in turn influence engagement in criminal and anti-social activity.
Research on youth unemployment, for instance, shows a clear regional, and neighbourhood level, bias in youth unemployment rates (Centre for Labour Studies, 1997; Hunter, 1998). The work of Hunter (1998) in particular has been very informative of the impact of unequal distributions of unemployment, employment and educational opportunities at the local level. By comparing low and high socioeconomic status areas, Hunter showed, among other things, that:

- teenagers in the low status areas are more than 10 percentage points more likely to be unemployed
- the residents of low status areas are more than 50 per cent less likely to be attending either secondary school or a tertiary institution
- not only is the proportion of unemployed students higher in low status areas but such people are more likely to be searching for full-time employment (which raises questions concerning the commitment of students in low status areas to the educational process)
- there is a 10 percentage point difference between the proportion of youth working part-time in high rather than low status areas (and even greater differences in the case of full-time students being employed part-time)
- greater numbers of youth in low status areas were relatively inactive compared to high status areas, as measures by patterns of involvement as either full-time students or full-time workers
- the peer group provides less job finding information in lower SES areas (due to the lesser likelihood that there friends, contacts and relatives are employed)
- based upon experience, individuals, families and peers of low status youth tend to place a lower valuation on education (an issue partly influenced by government financial incentives and quality and availability of local educational infrastructure).

Similarly, recent state-wide research into youth unemployment and social disadvantage in New South Wales demonstrated that ‘a lack of jobs for the young can be embedded in a lack of other community resources, including education, income, work qualifications, work experience, and links via members of one’s family and social networks with the world of work’ (Higgins and Vinson, 1998; see also Devery, 1991). In other words, the social and economic character of a region has an influence on the activities and opportunities of unemployed individuals.

**Local neighbourhood conditions** therefore have major ramifications for schooling and employment prospects. This is significant insofar as poverty and unemployment are being entrenched at a spatial level; they are being increasingly concentrated in specific locational pockets around the country (Gregory & Hunter, 1995). It has been observed that income inequality across households ‘exert a strong and systematic neighbourhood effect’ that, in turn, results in fewer opportunities for young people and greater likelihood of negative ‘neighbourhood pathologies’. At a very general level, then, it would appear that local community context is an integral part of why some young people have a greater propensity than others to commit crime.

But the circumstance of economic adversity, in and of itself, is insufficient to explain fully the relationship between disadvantaged youth and crime. For instance, Weatherburn and Lind (1998, 2001) examined the role of parenting and delinquent peers are mediating factors in the relationship between economic stress and youthful criminality. They found that parental neglect was a major factor in juvenile participation in crime (more so than abuse), and that ‘economic and social stress exert most of their effects on crime, at least in urban areas, by increasing the risk of child neglect’ (Weatherburn & Lind, 1998: 4). They further argue, in a similar vein to Reiss (1986), that living in a high crime rate area influences the likelihood of a person from a low-income background engaging in criminal behaviour. In this case, the argument is that parenting and peer group activity interact in shaping the rate of entry into crime. Specifically, in addition to a correlation between
reported parental neglect and poverty, there are higher rates of crime in those neighbourhoods in which the level of economic stress is sufficient to push the number of juveniles susceptible to crime past a certain limit. Thus, according to Weatherburn and Lind (1998: 4), ‘Low socioeconomic status neighbourhoods will generally have larger populations of delinquents and will therefore produce higher rates of interaction between juveniles susceptible to involvement in crime and juveniles already involved in crime’.

The precise nature of peer group interaction is, however, also influenced by other local neighbourhood factors. It is not simply a case of there being a critical mass of young people who together collectively contribute to the creation of a crime-prone neighbourhood. The social dynamics of specific areas also shape the nature and extent of juvenile offending. American (Sampson, 1991, 1993) and British (Hirschfield & Bowers, 1997) research has pointed to the importance of social cohesion in understanding the relationship between crime and disadvantage. Here it is argued that areas of disadvantage with high levels of social cohesion will tend to have lower levels of crime than similarly disadvantaged areas with low levels of social cohesion. Social cohesion, albeit a difficult concept to define and measure, generally refers to ties at the local level that bind people together in a positive way – such as familiarity with one’s neighbours, shared interests, sense of community, engagement in formal and voluntary organisations, presence of local friendship and acquaintance networks, and so on. Neighbourhoods that have strong social cohesion (which tend to be fairly stable in terms of residential tenure and home ownership) are able to exert greater degrees of (informal) social control by the area’s residents. This takes the form of the monitoring of play by local children, intervention to prevent acts of truancy or vandalism by local youth, through to confrontation of persons who are exploiting or disturbing public spaces (Sampson, Raudenbush & Earls, 1997). These types of analysis suggest on the one hand that, ‘The more than an area that is at a disadvantage economically pulls together as a community, the greater its capacity to combat crime’ (Hirschfield & Bowers, 1997: ). On the other hand, it is argued that concentrated disadvantage will decrease collective efficacy, and thus informal controls will be undermined (Sampson et.al., 1997).

Young people caught up in the web of no money, no job and no future nevertheless often have very creative survival skills and a rebelliousness sparked by knowledge that they are most disfavoured and disowned by society. The existential dilemmas of many of those on the margins of society reduces the probability that they will care either for the legitimate institutions of society (e.g., private property) or for those who wield the sanctions designed to protect the interests of the propertied and the respectable (e.g., the police, private security firms).

Perhaps the main irony and tragedy of contemporary reactions to youth crime is that young people themselves are seen as the focus for action. The reasons for this relate directly to perceptions regarding the position of particular sections of the youth population as part of a new underclass in society, and an emphasis in official policy on policing this section of the population. The marginalisation of young people economically, socially and politically is uneven, and it is based upon wider social divisions in Australian society linked to class position, ethnicity, indigenous background, and gender relationships. At the centre of these processes stand working-class people, broadly defined and including many people from middle-income households, who are experiencing the so called ‘broken transitions’ of youth. It is the affairs and activities of these people that the state is most anxious to manage and keep under close control.

All of this is bound to have an impact on the self-image of marginalised young people and their efforts at self-defence in a hostile environment. The pooling of social resources and the construction of identities which are valued by others (if only one’s peers) finds expression in a range of cultural forms, including various youth subcultures and ‘gang’ formations. Their experiences are shaped by situational factors, such as the nature and extent of policing in particular social locations, and young
people respond with diverse personal coping strategies, from substance abuse and suicide through to petty crime. Any strategy designed to address youth crime must therefore seek to transform the reality of young people at the structural, situational and personal levels.

If we are to respond adequately to the issue of youth crime, then it is essential that we come to grips with changes occurring in the spheres of production and consumption, and how these are radically transforming the life experiences of young people in Australia today. It is common to relegate unemployment, poverty and inequality to the too-hard basket. This postpones vitally needed societal reform and reconsideration of political priorities. It also tends to push people in the direction of short-term and medium-term ‘solutions’ that, ultimately, do not address the real determinant factors behind youth offending or the substantive role of official social reaction in shaping the criminalisation process. It also raises the question of whether policies to prevent juvenile crime are genuinely seeking to change the existing situation or merely seeking to control it via new methods of widening the net (see Cohen 1985).

**Restorative Justice**

The social profile and social location of youthful offenders is largely indicative of gross disparities in life chances and community circumstance among young people. The marginalisation, and criminalisation, of the most vulnerable sections of the population is a complex social process which embodies aspects of political economy, racism, gendered behaviour and political disenfranchisement. How, then, should we respond to issues of youth offending?

When discussing broad system orientations and imperatives, a distinction is often made between retributive justice and restorative justice, although the terminology varies depending upon the writer (see for example, Zehr, 1990; Braithwaite & Pettit, 1990). The weaknesses and limitations of the former are generally juxtaposed with the strengths and opportunities of the latter (see Zehr, 1990; Bazemore & Umbreit, 1995). The former is deemed to be backward looking and grounded in the past; the latter progressive and looking to the future. One perspective is guided by notions of blame, guilt, individual responsibility and punishment for past harms. The other perspective is informed by concepts such as repairing harm, social restoration, community harmony and problem solving. A retributive system of justice is essentially punitive in nature, with the key focus on using punishment as a means to deter future crime and to provide ‘just deserts’ for any harms committed. A restorative approach (or, as it is sometimes referred to, republican justice) is concerned with promoting harmonious relationships by means of restitution, reparation and reconciliation involving offenders, victims and the wider community.

In abstract terms, clear differences can be drawn between a system of justice based primarily upon the concept of retribution, and one based upon restoration. This is recognised in most of the literature dealing with restorative justice (see for example, Bazemore & Umbreit, 1995; Zehr, 1990). There are nevertheless different analytical emphases within the broad restorative justice literature – some writers placing greater importance on community than others, some putting the victim at the centre of the criminal justice process, and others paying most attention to how best to respond to the offender (Bazemore, 1997; Church Council on Justice and Corrections, 1996). Different approaches thus emphasise different objectives. These include victim restoration, shaming and denouncing offenders, citizen involvement, through to community empowerment (Bazemore, 1997).

There are, then, a range of specific models and institutional approaches to restorative justice, including for instance, Family Group Conferencing through to Circle Sentencing and Victim-Offender Mediation programmes (Bazemore, 1997; Braithwaite, 1999). Some approaches are based upon moral categories (e.g., reintegrative shaming) where the aim is to shame the offence, while offering forgiveness to the offender (Braithwaite, 1989). Others are based upon strategic assessment
of offenders and events (e.g., balanced restorative approach), in which case the aim is to design interventions that best address issues of offender accountability, competency development and community safety (Bazemore, 1991; Bilchik, 1998). Some approaches focus almost exclusively on meeting victim needs (usually via some method of restitution or compensation involving the offender); others placing emphasis on widespread community engagement in dealing with underlying problems and issues, of which specific offending is but one manifestation.

Under the restorative justice umbrella there are also differences between those who see restorative justice as, essentially, a form of diversion from the formal criminal justice system, and those who view it as a potential alternative to that system and thus as something that could supplant the existing system in toto (see Bazemore & Walgrave, 1999a). Whatever the specific differences, it appears that the central thread underlying restorative justice is the spirit within which ‘justice’ is undertaken – the intent and outcomes of the process is meant to be primarily oriented toward repairing harm that has been caused by a crime, and this means working to heal victims, offenders and communities that have been directly injured by the crime (Bazemore & Walgrave, 1999a; Zehr & Mika, 1998).

Theoretically, restorative justice promises a more constructive, positive approach to criminal justice than retributive or therapeutic approaches (see Cunneen & White, 1995; Walgrave, 1999). Restorative justice, with its emphasis on repairing harm, emphasises reintegrative and developmental principles. It offers the hope that opportunities will be enhanced for victims, offenders and their immediate communities, with the direct participation of all concerned in this process. The most detailed and sophisticated example of restorative justice is probably the balanced restorative approach (see Bilchik, 1998), although considerable institutional resources have also been put into juvenile conferencing, especially in places such as Australia (Braithwaite, 1999; Daly, 2000). The benefits of restorative justice can be seen in terms of its emphasis on ‘active agency’ (e.g., young people doing things for themselves), cost-effectiveness (e.g., compared with detention or imprisonment), victim recognition and engagement (e.g., often through face-to-face meetings with offenders), and community benefit (e.g., via participation and through community service).

Compared with previous theoretical approaches to offending, restorative justice does appear to offer a practically effective, philosophically attractive and financially prudent method of doing justice. It is peacemaking in orientation, rather than punishment based. It is socially inclusive, rather than reliant upon experts and officials. It attempts to provide a symbolic and practical solution to actual harms, rather than a response to violation of laws (that represent, in abstract, acts against the state). Victims and community, as well as offenders, are central to resolving issues of harm, rather than peripheral to the processes of criminal justice.

Given the apparent attractions of restorative justice, how is it being received by governments, and how is it being translated into practice? To answer the second question first, we can say that the introduction of restorative justice approaches and methods has varied enormously across jurisdictions (Hudson, Morris, Maxwell & Galaway, 1996; Braithwaite, 1999; Bazemore & Walgrave, 1999b). In most cases, it has been designed as either a form of diversionary measure (primarily used at the front end of the traditional criminal justice system), or it has been integrated as a specific form of response applicable or appropriate only for particular types of offenders. For example, most serious and repeat juvenile offenders are not ‘invited’ to take part in juvenile conferences in Australia. One result of this is that indigenous young people are less likely than non-indigenous young people to be referred to conferences due to their early and repeated contacts with the criminal justice system (Cunneen, 1997; see also, Harding & Maller, 1997).
Furthermore, the rhetoric of ‘restorative justice’ is sometimes confused with the notion of ‘conferencing’ per se (at least in the Australian context). Thus, regardless of whether or not the conference has a punitive (e.g., to shame the offender and extract restitution) rather than restorative focus (e.g., to restore peace and repair the harm), it is considered ‘restorative’ because the punishment happened to take place in this sort of forum. It is important therefore to examine closely the actual practices of justice that lay claim to the restorative justice label.

The manner in which restorative justice has been adopted has tended to reflect institutional pressures (e.g., to cut costs), electoral considerations (e.g., appeal of ‘new’ thinking) and administrative considerations (e.g., ‘nothing works’, but this might). It is rare to see restorative justice appropriated as a general philosophical ideal; and even rarer therefore to see it as a systemic alternative intended to replace the existing system. Its marginalisation, its institutionalisation as but a relatively minor component of larger systems, makes it that much easier for it to be overwhelmed by existing system imperatives, both philosophical (i.e., punishment or welfare orientation), and organisational (i.e., unequal and inadequate allocation of resources, staffing and funding).

Partly due to the diversity of opinion, values and models under the restorative justice tag, there has been a tendency for specific forms of restorative justice to be implemented in a manner that actively reproduces the dominant forms of social control. For example, juvenile conferencing may be used solely for first time offenders and/or trivial offences – as a means of diversion at the ‘soft’ end of the juvenile justice spectrum – and therefore as a filter that reinforces the logic and necessity of the ‘hard’ end of the system (the ‘real justice’ of retribution and punishment). The former thus may well help to legitimate the latter, rather than constitute a challenge to it. Substantial variations in the introduction of restorative justice are apparent across diverse jurisdictions, if we compare legislative, administrative and operational frameworks (see Daly & Hayes, 2001). In almost all cases, however, restorative justice has been blended into existing institutional patterns – part of the continuing hybridisation of criminal justice. How this ‘blending’ occurs is important, of course, as it makes a major difference in terms of overall system orientation.

For present purposes, it is important to note that within restorative justice frameworks the idea of social harm is generally conceptualised in **immediate, direct and individualistic** terms (and as such ignores the broader social processes underpinning, and patterns of, both offending and victimisation). One consequence of this is that the emphasis on repairing harm tends to be restricted to the immediate violations and immediate victim concerns, thereby ignoring **communal objectives and collective needs** in framing reparation processes. Thus, the heart of the matter remains that of changing the offender, albeit with their involvement, rather than transforming communities and building progressive social alliances that might change the conditions under which offending takes place.

Responding to juvenile crime via restorative justice does not necessarily have to be premised upon controlling working class youth. But there are dangers in any intervention that targets specific types of offenders, and specific types of offences, if these in turn are socially constructed by the dominant ideologies and institutional regimes in particular ways. Intervention in the lives of working class young people can offer a range of developmental and political possibilities. But the rationale for progressive interventions must be clearly distinguished from ‘crime control’ logics that emphasise working class deviancy, in lieu of approaches that emphasise social empowerment and community development objectives.

Regardless of the explicit rationale for a ‘restorative justice’ programme or scheme, each tends to focus on the ‘victim’, the ‘offender’ or the ‘community’. In most cases, the emphasis is on the immediate harm, and the specific situation and individuals concerned. Less attention is generally paid to the patterns of social inequality or disadvantage which make both victims and offenders, and
indeed their communities, more prone to the experiences of criminal harm and to the processes of
criminalisation (i.e., state intervention). What unites the diverse restorative justice models has been
an emphasis on reparation of harm to victims, as well as a concern to send offenders a message of
disapproval about the impact of the crime (Bazemore, 1997). The practices of restorative justice
tend in fact to be confined to very specific incidents and particular individuals. Thus, ‘community
empowerment’, which connotes a concern to intervene in and perhaps to transform community
relations, does not feature strongly in some of the more popular restorative justice models, such as
family group conferencing (see Bazemore, 1997).

There is a sense in which the basic principles and practices of restorative justice can be thought of
as prefiguring the changes required for creating a just and equal society (see Walgrave & Bazemore,
1999). The key challenge is how to engage in ‘restorative social justice’ (White, 2000), by shifting
the focus of our work much more directly on to the tasks of community building.

**Social Justice and Community Well-Being**

It is possible to re-construct restorative justice in a practice framework that more directly relates to
social justice principles. For example, the guiding concepts might be solidarity, compensation and
community empowerment. **Solidarity** implies that the politically and socially weak members of a
group need to be included rather than excluded in the sense that tasks are to be performed for and
by them, and emotional support is to be given to them. Offenders and victims need to be offered
solidarity, and a voice in what affects them and support in the healing process. **Compensation**
refers to the idea that weakness ought to be compensated. We need to address the social
disadvantages of people who offend, and the social harms experienced by those who are victimised.
The process of repairing harm has to be re-conceptualised as social rather than solely individual in
nature. This involves state-provided resources as well as input from individuals and groups.
**Community empowerment** is about enhancing the welfare and prospects of collectivities, of which
individuals are integral members. The point of intervention is to change the material conditions and
circumstances of neighbourhoods and family networks, with the active involvement of local people.

General intervention strategies targeting young people ultimately need to rest upon the principle of
respect for the rights of young people, and acknowledgement that working with young people
requires that one be sensitive to a wide range of youth needs and methods of interaction. For
instance, the development of specific projects and programmes hinges upon enhancing capacities
and resources across many different areas, including amongst others (see White, 1998):

- provision of a **diverse range of options** for young people - this means that young people need to
  be provided with facilities and spaces which are multi-functional or which offer a range of uses,
  and which do not become the exclusive domain of any one group of young people (e.g.,
  skateboard ramps tend to have limited, but nevertheless important, appeal to a small proportion
  of young people)

- provision of **youth outreach services** - this means that young people can connect with youth
  advocates, adult mentors and service providers where they are located, rather than having to
  come in to specific fixed locations, and that assistance in the form of welfare, counselling, health
  and legal support as well as someone to mediate between groups of young people, and young
  people and authority figures is available

- the need to adopt a **range of communication strategies** to cater to the needs of different groups of
  young people - this means varying the methods of consultation and information provision to suit
  the distinctive style of any particular groups (e.g., language, single-sex groups, use of youth
  advocates, links to wider community and family networks)
• the guaranteeing of safe, confidential methods of consultation - this means that certain issues (e.g., relating to illegal drugs) and conflicts (e.g., relating to racism or sexual harassment) which have a big impact upon how young people experience their neighbourhoods, must be able to be conveyed and discussed in ways which allow for voices which otherwise may be silenced to be heard

• allowing for both formal and informal means of participation - this means setting up of ‘youth councils’ or similar types of participatory bodies (as part of local councils, local youth services, or site management committees), as well as ongoing grassroots consultation (through forums, use of advocates, surveys, etc.) with young people who may not wish to become so active, who may not feel able to articulate their ideas, or who may be prevented for social and economic reasons for participating in more structured bodies

• the development of competencies in young people so as to ensure better use of resources and facilities - this means that in some cases young people need to be shown how to use facilities, or to learn certain skills, in order to maximise their use of and interest in what is on offer (e.g., sports, computers)

• development of clear guidelines and codes of conduct involving young people themselves - this means that young people participate directly in establishing boundaries of acceptable or unacceptable behaviour, and that there be effective and fair application of rules, and defined avenues of appeal when rules have apparently been breached

• undertaking of proactive campaigns which attempt to break down social stereotypes and barriers which may be limiting or oppressive of certain groups of young people - this means the carrying out of activities such as youth reconciliation projects for young people from diverse cultural and ethnic backgrounds in order to foster better relationships between different groups of young people

Broad prescriptions of this nature are useful to bear in mind given the common problems faced by many young people. These prescriptions can, in turn, be translated into specific types of practices and intervention strategies.

Conceptually the general contours of a restorative community justice model, as a specifically juvenile justice model of intervention, can be organised around four general themes. These are: an emphasis on social inclusion in any process involving young offenders, victims and potential offenders; responsive practices that are based upon communal objectives; the formation of communities of support; and enhancement of community resources.

**Social Inclusion**

What the restorative community justice approach tells us is that any strategy of reform and positive change must be premised upon the ideas of social inclusion and community engagement. This means that victims (and offenders) have a right to be heard and to be compensated. It does not mean, however, that victims should necessarily become part of a punishment process per se. Such a principle also implies that young offenders ought to be viewed as part of communities, not simply as individuals. This has a number of implications, which will be explored shortly.

Victims of crime need to be fully compensated for any crimes committed against them – but this is a social responsibility, not simply the offender’s. Traditional crime regularly involves victims and perpetrators who each may be characterised as political and socially weak. Each in their own right needs to be compensated for this weakness (see Mathiesen, 1990). Repairing social harm should not be seen as a ‘micro’ event, involving only the immediate affected parties. It is indicative of much broader social processes, in which both victim and offender are implicated.
A central idea relating to social inclusion is to bring into any decision-making process a wide range of interested parties. These ought to include young people, as well as authority figures. The notions of negotiation and consultation are integral to many youth crime prevention projects and programmes (see White, 1998). In Brisbane, for example, the City Council undertook a major project designed to improve relationships and safety in major centres, including shopping centres and malls (Heywood, Crane, Egginton & Gleeson, 1998). As part of the recommended courses of action, attention was directed at management practices within centres, including security arrangements. It was recommended that centres develop clear, fair and non-discriminatory rules that apply to all users. Protocols are to be developed to deal with a variety of problems, as experienced by various stakeholders, including centre management, shop owners and young people themselves. Such protocols are to provide for the involvement of youth services in responding to the needs of young people. They are to provide substantial guidance for managers, police, security, youth services and young people in dealing with difficulties. In addition to these general protocols, it is recommended that there be developed a specific ‘code of practice’ for security personnel regarding engagement with young people, and that security staff undertake specific training. Centre management is encouraged to shift to a more ‘customer-oriented’ style of security provision, away from a strict ‘law enforcement’ approach.

The inclusion of community members in reconciliation processes is similarly apparent in some restorative justice projects. Here, the idea is to bring together offenders, victims and relevant community members in forums that foster community healing through a collective group exercises. To take an American example, in Minneapolis, the idea of social inclusion extends to victims and offenders through a community re-entry circle (Bazemore & Schiff, 2001:1). In one case, a mixed-race group of community members met to share refreshments at the conclusion of a re-entry ceremony. At the centre of the process was a black teenager who had been incarcerated for pointing a pistol at a white neighbour in an attempted robbery. The victim and his wife, who had considered moving out of the neighbourhood following the incident, were present as the young person was welcomed back into the neighbourhood. They embraced the young man and his parents at the conclusion of the circle and congratulated him on his progress while away from the community and his willingness to accept responsibility and make amends for what he had done.

**Communal objectives**

There is a need to shift our analysis from individuals, to view crime as reflective of broader social problems. Violence, for example, is a cultural phenomenon. It is not something that is isolated and reducible to a few, select and disturbed individuals. As such, it cannot be tackled through merely incapacitating a number of violent individuals (Nogeura, 1996). We know that substantive inequalities restrict individual choice and freedom, and narrow the scope for the expression of positive agency in an environment hostile to working class, indigenous and ethnic minority youth. Our response to specific offending should take this as its starting point. In programmatic terms, this means that communal objectives, rather than individual incentives or punishments, should form the framework for reparation. That is, the expression of ‘taking responsibility’ and performance of certain tasks on the part of the young offender should bear a direct relation to what the community needs to break the cycle of violence and crime. This is too important to be left solely to criminal justice administrators, victims and immediate family members.

The idea of social inclusion – as a specific communal phenomenon – has another dimension as well. For particular communities the essence of ‘justice’ does not lie in the procedures and practices of the formal criminal justice system. It has been pointed out, for instance, that in Australia the imposition of ‘family group conferences’ as a criminal justice measure has been problematic for many indigenous people (see Cunneen, 1997; Blagg, 1997, 1998). The institutionalisation of such schemes has generally not been undertaken in conjunction with the affected parties, it has ignored indigenous rights to self-determination, and it has mostly reinforced the role of state police (which
is especially troublesome given the central role of the police as agents of colonialism and continued repression). Social inclusion as an ideal in this case must make reference to the unique place of indigenous people within the Australian social mosaic, and community objectives specific to this population group. In particular, issues of (colonial) criminal justice cannot be separated from what is happening generally in regard to the processes of self-management, the granting of land rights and the recognition of the trauma associated with ‘stolen children’ as these affect indigenous people. Social inclusion in this case rests upon wider notions of social transformation – what can be described as a ‘restorative vision’ (Blagg, 1998). To repair the harm, in this context, demands much more than an individualistic response on the part of the offender, or the state. It requires a direct integration of narrowly conceived criminal justice concerns with the wider issues of self-determination and social compensation for harms past and present.

Social inclusion means, among other things, taking into account the specific needs and wishes of particular communities. This requires a sense of what is happening at the local level, and which groups or individuals can most benefit from the assistance provided by young people. For instance, in Palm Beach, Florida there is a youth restoration project in which young offenders work alongside adult mentors in the community to plan, implement and manage community service projects that directly benefit local neighbourhoods and fulfil court-ordered community service hours (Bilchik, 1998: 23). The young offenders in the programme also earn money toward restitution for victims. Examples of projects include restoration and beautification of a historical black cemetery, cleaning of the playground of a shelter for HIV-positive and AIDS-infected children, painting of the homes of elderly and disabled residents, and performance by the young people at a cultural fair designed to teach tolerance and cultural sensitivity.

**Communities of support**

The building of communities of support is an essential part of transforming the conditions which give rise to criminality and criminalisation. Crime is not reducible to the individual. It is a social phenomenon. Concentrating solely on the individual offender, or specific incidents of harm, belies the necessity for widespread changes in particular locales. An important task of crime prevention, and in dealing with young offenders, is to use the opportunity of intervention in order to re-build communities, and as part of this to foster the ideas of solidarity and co-operation. Reintegration, to be meaningful, must involve the nesting of the young offender in a web of familiar, pro-social relationships oriented toward community improvements. Victims, likewise, need access to such relationships, with similar objectives. This is especially so given that victims are generally members of the same neighbourhood or community.

One way to approach this is through greater democratisation of decision-making at the neighbourhood level, including the incorporation of young people, and especially young offenders, directly into the process. For example, recent work in Australia has stressed the need to involve young people in decisions that affect their lives, particularly around public space issues. This can be done both on an ad hoc basis, and through institutionalisation of youth advocacy, youth policy and youth participation through local government bodies (see White, 1998). Building social alliances is also crucial to connecting people across the community, as well as in forging proactive campaigns on issues such as economic re-development, anti-racism and unwanted intrusions by the state (see for example, Childs, 1997). To take control of the community is to establish alternative community structures. Giving people a stake in the community means not only encouraging participation in decision-making, but ensuring that what they say and do carries some social weight. The development of rules, guidelines and protocols that reflect collective, preferred ways of acting and interacting in a neighbourhood must involve the participation of all young people, including young offenders. Where they have a direct input into decision-making, and a stake in the outcome, and where all parties are bound by the same rules of conduct (including police and security guards), there is greater chance for social peace.
In the Dutch city of Rotterdam, for example, there were serious forms of youth crime and vandalism at the Zuidplein shopping centre (Hoefnagels, 1997). Attempts to deal with this by applying harsher, repressive measures only led to further problems with the young people. A broad-based community committee was set up to address the issues. The main outcomes included the adoption of ‘rules of conduct’ for the centre, which were conveyed to the young people of the district by the police through the local school. Secondly, a street youth worker was appointed, who was financed for 75% by the city, and for 25% by the employers’ association. The youth worker operated independently from the police, the courts and the shop owners. Two so called ‘tolerance’ locations were established at the shopping centre, and the youth worker organised support and activities for the young people who used the centre. When problems arose, the worker discussed them directly with the people involved, leading to greater communication between the shopkeepers and the young people.

In a similar vein, we might consider events in the American city of Berkeley, California, where several weekends of violence led the city to deploy large numbers of police officers into the Telegraph Avenue area (Noguera, 1996). However, a massive police presence not only cost the city more than it could afford, but it resulted in the scaring away of many of the tourists and customers who frequented the restaurants and shops in the area. A community task force was created, involving young people from a variety of racial and ethnic backgrounds. The task of the group was to help provide security in the area in a non-threatening, non-confrontational manner. It provided a youth escort service and monitoring patrol, and aimed to mediate conflict and promote safety. In addition to the creation of this group, measures were taken to expand the range of options for youth in the area, including for example, midnight basketball and supervised weekend parties at venues throughout the community. Crime diminished substantially in the area. Part of the success of the intervention was that young people who used the street for socialising felt that they received respect, not harassment, from the patrol group - their peers.

**Community Resources**

The enhancement of community resources is a crucial aspect of any anti-crime and social justice strategy. In this regard, in addition to political campaigns for greater assistance in the re-development of local neighbourhoods, creative thinking has to go into how best to use existing community resources in the here and now. The mapping of assets, capacities and skills of residents, associations and institutions can provide some indication of the strengths that can be built upon. So too, there is much scope for the alternative use of existing resources. For example, schools should be used as multi-purpose community resources, not be treated as age-specific or function-limited. Developing a variety of physical sites for connecting people is an important component in rekindling community pride and neighbourhood spirit. They also provide avenues for the provision of programmes and services, such as mentor schemes, which are particularly important in ensuring that young offenders have the chance to participate in communal life.

There are a number of practical measures that can be adopted which provide relatively lost cost, but effective, ways in which to reduce both the fear of crime, and crime itself. An intervention strategy based on this approach would need to take into account aspects of the physical environment, and the social dynamics of public life within this environment. For example, in the American city of Santa Monica, California the local council was concerned to revitalise an old, run-down mall which was perceived to be blighted and unsafe (Sandercock, 1997). The mall was re-designed so that ample space was allowed for public seating, trees and banners made for a visually interesting environment, footpath cafes were encouraged as well as street performers, and people from all social backgrounds and use interests are encouraged to congregate in the mall. The public space was planned and designed from the start as a ‘community space’ - open and accessible to all and sundry. The emphasis was on a mix of activities, low-level and tolerant police presence, encouragement of street performers without controlling them (they do not have to audition), and improvement in the general streetscape. The result: a convivial atmosphere that is socially inclusive, and very little street crime.
There are a number of commonalities that many young people share with each other, and with other members of their community. Lack of adequate resources, a dearth of youth-friendly amenities, constant harassment from authority figures, fear of becoming a victim, and exclusion from decision-making processes constitute a recipe for resentment, frustration, alienation and retaliation. If the social environment is unpleasant, then it is no wonder that this will be reflected in both the perceptions of crime (e.g., fear of crime) and the realities of crime (e.g., vandalism, disrespect for authority). Bearing this in mind, it makes sense that young people be given greater opportunities to contribute to making their local neighbourhoods better places in which to live. The provision of legitimate activities for young people is a vital ingredient in successful crime prevention and young offender programmes. This requires that governments, communities and commercial enterprises make it a priority to provide resources and facilities for young people, in the interests of the social good. The benefits of such provision are not solely for young people; they encompass values and outcomes relating to community solidarity, personal safety, public order and commercial gain.

**Service Provision and Juvenile Justice Professionals**

The development of restorative community justice ultimately rests upon the type of intervention strategy chosen and the interest, professionalism and enthusiasm of the service providers who oversee the intervention process. The range of interventions generally carried out by youth and community workers has been summarised in a recent National Crime Prevention report (Strategic Partners, 1999). The broad categories of intervention identified in this report include:

- **Personal Development** – focuses on developing the personal skills and enhancing self esteem and confidence of the young person and could include such activities as life skills development and self esteem building.

- **Relationships and Network Development** – focuses on the connectedness and interconnectedness of the young person with key individuals and groups in their life, and could include mediation, family group conferencing, family restoration and resolution and peer support.

- **Systems Transformation** – focuses on the way in which the young person and their community interact, and could include activities designed to engage the community in finding solutions, connect young people into their community and/or address the root causes of homelessness, criminal activity and victimisation.

- **Protective Intervention** – focuses on the individual young person as either a victim or perpetrator of criminal activity, and could include youth community, or social worker intervention, such as moving children from at risk situations, and/or activities of the community policing or juvenile justice system.

These categories of intervention are not mutually exclusive. Depending upon individual circumstance and specific situations, different types of intervention will be appropriate in relation to specific kinds of clients. However, the weight given to each form of intervention will very much shape the allocation of resources and staff time and energy being put into specific measures.

For juvenile justice and allied workers who work with youth and children, there are also sometimes issues related to specific philosophical or theoretical approaches to the task at hand. There may be a tension between adoption of more conventional ‘treatment’ approaches and those linked to restorative justice approaches. For example, a typical treatment (and punitive) approach tends to view the young person as an object, upon which the worker acts. The intervention tends to focus on doing something to or for the young person. By contrast, a balanced restorative approach
emphasises that something ought to be done by the young person themselves (see Bazemore, 1991). The former approach treats the young person in a passive manner; the latter views them as active participants. The accompanying table (Table 1) provides an indication of the differences between a narrowly conceived treatment approach, and an approach that fosters greater youth agency or participation. While there is certainly a place for some forms of treatment and therapy in some instances and with some clients, the table suggests positive ways in which enhance developmental possibilities in the intervention process.

### Table 1. Differences Between Individual Treatment and Competency Development Practices

<table>
<thead>
<tr>
<th>Individual Treatment</th>
<th>Competency Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group and family counselling</td>
<td>Peer counselling, leadership development, service projects, and family living skills</td>
</tr>
<tr>
<td>Drug therapy and drug education</td>
<td>Youth as drug educators and drug researchers</td>
</tr>
<tr>
<td>Remedial education</td>
<td>Cross-age tutoring (juvenile offenders teach younger children) and educational action teams</td>
</tr>
<tr>
<td>Job readiness and job counselling</td>
<td>Work experience, service crews, employment, job preparation, and career exploration</td>
</tr>
<tr>
<td>Recreational activities</td>
<td>Youth as recreation aids and recreation planners</td>
</tr>
<tr>
<td>Outdoor challenge programs</td>
<td>Conservation projects, community development projects, recycling and community beautification projects</td>
</tr>
<tr>
<td>Cultural sensitivity training</td>
<td>Youth-developed cultural education projects</td>
</tr>
<tr>
<td>Youth and family mediation</td>
<td>Conflict resolution training and youth as school conflict mediators</td>
</tr>
<tr>
<td>Mentoring and &quot;big brother&quot; programs</td>
<td>Work with adult mentors on community projects and intergenerational projects with the elderly</td>
</tr>
</tbody>
</table>

Source: Bilshik, 1998 (Adapted from G. Bazemore and P. Cruise. 1995)

In places such as Tasmania and elsewhere across Australia, in which juvenile conferencing is the officially designated means of dealing with young offenders who commit particular kinds of offences, there is considerable scope to develop further a restorative community justice style of intervention. To do so, however, implies serious consideration of the preferred roles and activities of juvenile justice workers (whether in government or non-government sectors). Overseas experience has shown that the specific roles for juvenile justice professionals may include, among other things (see Bilchik, 1998: 16, 25-26, 33):
• Assess youth, family and community strengths, resources and interests.
• Promote youth development and community problem solving, and work collaboratively with others to address community conditions that contribute to crime.
• Gather information about victim and community fears and develop strategies to address those fears.
• Create employment opportunities for juvenile offenders to earn money for restitution. Work with local businesses or the chamber of commerce for short-term job opportunities.
• Develop sites for community work service, particularly work that is highly valued by the community (e.g., work that eases the suffering of others is particularly revered).
• Develop community partnerships with employers, religious institutions, clubs and civic groups to provide work and service roles for youth on supervision, and recruit supervisors.
• Facilitate the process of apologies to victims and communities.
• Find creative, active roles for youth in treatment programmes as helpers to other youth.
• Develop projects in which young people can be trained in areas such as mediation, conflict management, and drug prevention and then educate others.
• Arrange speaking engagements for youth who are succeeding in competency development activities.
• Involve youth in programme-planning groups and committees with juvenile justice staff and other adults in the community.
• Conduct or facilitate decision-making skills, conflict management, and cognitive training courses for offenders and individuals who work with offenders.

There are a number of personal and institutional requirements for the successful fulfilment of these roles. For instance, it would be useful if action were taken across the following areas:
• mapping out of the existing, and needed, resources available to workers in each State;
• close examination of the training and professional development needs of juvenile justice staff and community partners (professionals and volunteers) in relation to the restorative community justice model;
• consideration of ways in which to foster the enhancement of state-wide co-ordination and information exchange;
• pooling of resources and expertise, combined with strategic thinking regarding how best to maximise and increase community assets;
• workshop discussions and continuous education with respect to theoretical developments in the field, and
• compilation of ‘best practice’ examples drawn from Australia and elsewhere.

A crucial aspect of restorative community justice must be the emphasis placed upon active youth participation in juvenile justice processes and community activities.
Conclusion

This paper has sketched out the rough contours of a model of intervention that attempts to address the community-level reasons for much juvenile crime and anti-social behaviour. In doing so, it has tried to extend the conventional juvenile conferencing model in ways that offer greater scope for community building as an integral part of service provision. The main concepts and strategies of the new juvenile justice intervention models are summarised in the accompanying table (Table 2).

<table>
<thead>
<tr>
<th>Table 2. Intervention Models in Restorative Juvenile Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Restorative Justice</strong></td>
</tr>
<tr>
<td><strong>Key Concepts</strong></td>
</tr>
<tr>
<td>Repairing harm</td>
</tr>
<tr>
<td>Social participation</td>
</tr>
<tr>
<td>Healing victims, offenders and communities</td>
</tr>
<tr>
<td><strong>Key Strategic Focus</strong></td>
</tr>
<tr>
<td>Individual Victims or Offenders or Communities</td>
</tr>
<tr>
<td>Immediate Harms and Victim</td>
</tr>
<tr>
<td>Compensation/Offender Accountability</td>
</tr>
<tr>
<td>Changing Offenders through Developmental Strategies</td>
</tr>
<tr>
<td>Diversion from Formal System or Alternative to existing system</td>
</tr>
</tbody>
</table>

In the end, if we are to successfully change the lives of offenders in positive directions then we must begin the hard task of changing their wider social environments. Juvenile justice workers have an important and growing role in doing just precisely this. But to do so will require major shifts in conventional thinking about juvenile offending and offenders. It also necessitates considerable political will, institutional support and administrative resources on the part of all those concerned with juvenile justice.
References


Church Council on Justice and Corrections (1996) *Satisfying Justice: Safe Community Options that attempt to repair harm from crime and reduce the use or length of imprisonment*. Ottawa: Church Council on Justice and Corrections.


