

# **THE THREE “R’S” OF REENTRY**

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## Introduction

Currently there is a significant amount of attention focused on the large number of offenders who are being released from prison to communities across the country.

Leadership and support from the U.S. Department of Justice Office of Justice Programs have created opportunities to discuss, plan and implement new strategies to more effectively deal with offenders who are “going home”. This White Paper is intended to be just that: an opportunity to create a dialogue about offender reentry from a victim-, family- and harm-centered perspective.

Offender reentry initiatives hold tremendous promise if they result in significant changes in the way we research, plan, implement and develop programs and policies to successfully reintegrate offenders back into their communities, neighborhoods and homes. Successful reentry initiatives require leadership and commitment from a variety of stakeholders — all of whom share *professional* and *personal* interest in programs’ successes — including crime victims, victim service providers and advocates; offenders, their families and those who support them; community representatives and volunteers; and criminal and juvenile justice professionals. Collaboration is critical to the success of reentry initiatives. Equally important is the need to begin addressing reentry issues when an offender is *first* sentenced to a period of incarceration, focusing on the “pre-entry” identification and addressing of the needs of offenders and their families, their victims and the communities to which they will eventually return.

While the concept of “offender reentry” is considered by many to be new and innovative, we strongly believe that the very foundation of reentry programs can be built upon the tenets of three longstanding considerations in criminal and juvenile justice, and personal and public safety: 1) reparative justice; 2) relationships; and 3) responsibility. When considered together, the “three R’s of reentry” can strengthen reentry initiatives in a

manner that helps crime victims, offenders and their families, communities and neighborhoods, and the justice system.

## Reparative Justice

Restorative justice is a victim-centered response to crime that provides opportunities for those most directly affected by crime – the victim, their families, the offenders and their families, and representatives of the community – to be directly involved in responding to the harm caused by the crime. Restorative justice is based upon values that emphasize the importance of providing opportunities for more active involvement in the process: offering support and assistance to crime victims; holding offenders directly accountable to the people and communities they have harmed ; restoring the emotional and materials losses of victims (to the degree possible); providing a range of opportunities for dialogue and problem-solving among interested crime victims, offenders families and other support persons; offering offenders opportunities for competency development and reintegration into productive community life; and strengthening public safety through community building.<sup>i</sup> Dr. Mark Umbreit’s definition offers a strong foundation upon which to build reentry initiatives.

Similarly, the principles of the balanced and restorative justice (BARJ) philosophy that focuses primarily on juvenile offenders and their victims are clearly applicable to the reentry of the adult offender. Under a BARJ policy structure, reentry planning is *not* a separate freestanding process, but rather a continuation and refinement of a carefully planned and integrated process that is initiated in the community. The needs of offenders and their families, victims and their families and the communities in which they reside all receive equal consideration.

*“Perhaps it is time for us to move away from what is seen as another “offender-centered” approach to one that is by its definition more clearly victim-, community- and harm-centered.”*

It is this equal footing or standing that is implied in various descriptions of restorative justice that concerns many in the victim community. Since the term “restorative justice” itself seems to be a concern for many crime victims and those who serve them, it would be helpful to begin anew. Perhaps it is time for us to move away from what is seen as another “offender-centered” approach to one that is by its definition more clearly *victim-, community- and harm-centered*. Thus, in this white paper we argue that the objective of reentry efforts ought to be *reparative* and *preventive* in nature. *Reparative justice* is about providing opportunities to hold the offender accountable to make reparations and to involve all the stakeholders in the process of building a capacity to prevent the harm from occurring again, even in the event that the harm, such as substance abuse, is mostly self-directed. It is about addressing the harm that is done to the victim and those around the offender, and repairing what is broken in the family and community as a result of the crime. We all need to deal with the *perceived* fear of and the *actual* potential for victimization, as well as the negative consequences that crime has on the social cohesion and social capital of communities, families, and individuals that are most affected by crime.

Within the context and framework of reparative justice are three principles that can instruct the goals of offender reentry initiatives. These three are used to frame our discussion of this first important “R”, but in doing so we must recognize that the principles are interdependent. You cannot protect the victim once the offender is in the community without holding the offender accountable, and you will not succeed in either of the former without making changes in the offender, community or, for that matter, the system:

- Victim and community protection, support and services.
- Offender accountability.
- Competency development of the offender *and* community.

### ***Victim and Community Protection, Support and Services***

We believe victim, family and community protection, support and services must be the *priority* of any reentry initiative. If we do nothing more, we must be focused and aligned around doing all that we can to reduce the likelihood that the victim, family or community will be harmed again. A strong and collaborative emphasis on prevention may help us become less offender-centered, which many consider as a potential downfall of reentry initiatives. Protecting the community, family and victim means we must look at *all* the variables that are determinate or related to the likelihood that a criminal or delinquent event will occur.

We need to look at the nature of the harm that we want to prevent and the context in which it is most likely to take place. We historically have tended to gravitate to the extremes in how we view crime. On the one hand, we look to sweeping societal forces such as socioeconomic status or poverty as the cause. Or we go to the opposite extreme and subscribe to the notion that crime as an event is simply the result of the evil or maladaptive behavior of an individual criminal.

*A new way of looking at crime*

“Routine Activity Theory”<sup>2</sup> gives us a way to

redefine the problem in an event-oriented and much more practical way. Borrowing from literature and research associated with community-oriented policing, the problem is better framed by positing that *crimes will occur when potential offenders are confronted with opportunities afforded by available targets (victims) in situations of reduced guardianship*. When viewed from this perspective, preventing victimizations is not simply *about the offender*. It involves issues of place-safety and the role of relationships that can impact the likelihood that a criminal event will occur. The issue of relationships can both be *protective* by insulating potential victims from harm and enhancing their capacity for personal safety and security, or *preventive* through efforts to encourage and

persuade the offender to *not* engage in precursor behavior or in criminal acts. So the very basic work of prevention or protecting the victim and community means we must deal proactively with the relational context of both the victim (to the extent that they are willing) and the offender. And we must do this work in the context of places with physical and social characteristics that may be risk factors operating independently from the individuals themselves.

The most important and basic message that the criminal justice system must attend to is that it cannot do what the public expects, i.e., provide safe communities, without the victim's involvement. There is a need to give victims a role in the solution to the bigger problem of offender recidivism. That participation can take place at two levels. Many states, including Washington, Ohio, and Pennsylvania, have victim representatives from a variety of coalitions and agencies serving on policy boards. In Washington, the Department of Corrections has a Victims Council that helps define policy, review and propose legislation and develop programs that serve victims.

The second level is achieved when victims and their representatives are directly involved in the management of risk in relation to specific offenders. The challenge here is engendering the involvement of a victim community that for various reasons is often leery of corrections. In the Washington Department of Corrections, in addition to its headquarters Victim Services staff, Community Victim Liaisons have been hired for each of its five regions. They are to be the link to the local victim community's participation in offender risk management activities.

Victims' voices must be heard and they must be given a role.

We in the system often lose sight of the fact that *we all want the*

*same thing.* As most victims will tell you, what they want most is for the offender not to victimize another person (or family member). Having the opportunity to be involved in the offender's reentry to the community can meet

the victim's need – be they family, acquaintance or stranger -- to do all that is possible to ensure the protection of others.

Victims should be given opportunities to express *any* concerns they have related to their offender's release, *especially* safety, "no-contact" provisions, restitution, and community supervision strategies that can emphasize an offender's accountability to his/her victim(s) and community. Open and ongoing lines of communications between reentry initiatives and crime victims *beyond the release hearing and offender community case planning* are necessary to ensure that the victims' wishes are respected, and needs are addressed. The capacity to provide victims with referrals to services in the community – including support groups, counseling, legal advocacy, and victim compensation to help cover financial costs associated with the crime – is also important.

As stated in "The Victim's Role in Offender Reentry: A Community Response Manual" published by the American Probation and Parole Association in 2001:

"The voices of victims shed considerable light on their safety and security needs; they are, indeed, the 'experts' who should be continually consulted about personal protection concerns."

"A longstanding hypothesis that is supported, to a great extent, by victimology research is that victims who have concerns about their safety and security — at any point throughout justice processes — are less inclined to want to actively participate as witnesses, and as people hurt by crime who need and are deserving of support and services. As such, victim safety is paramount to increase not only reporting of crimes, but active participation in seeking justice by victims.

Reentry partnerships should provide opportunities for crime victims to:

- Feel comfortable in reporting and talking about any issues related to their safety and security.
- Feel validated that their input relevant to personal safety and security is important, valued and a significant component of both the reentry process and overall community safety.
- Receive ongoing information about the case and offender status that can enhance their feelings of safety.
- Have designated individuals - such as corrections professionals, victim advocates, or community volunteers — with whom the victim can have ongoing contact regarding their safety needs.”<sup>3</sup>

Offender reentry, like every other component of the justice continuum, should acknowledge and respond to the “three R’s” for crime victims — rights, resources and respect. “The Rights of Crime Victims – Does Legal Protection Make a Difference?” published by the National Institute of Justice in 1998 found that being afforded *notice* of key developments in the case and events pertaining to the offender and being *given opportunities to participate* was much more important to victims than anything else in the justice process, even the eventual outcome of the case.<sup>4</sup>

*“Offender reentry, like every other component of the justice continuum, should acknowledge and respond to the “three R’s” for crime victims — rights, resources and respect.”*

One group of victims that is often hidden or overlooked is the families of offenders. For the mentally ill or substance abusing offender, it is the family that is frequently the victim of a loved one’s addiction or violent behavior. They are stolen from, abused, and evicted from their housing; kids may be truant from school, and the family may be malnourished. For these victims, shame and stigma prevent their access to assistance and often their willingness to be involved in any therapeutic or reparative processes. Rather than share their stories, they shield themselves from *any* form of public disclosure. As we think creatively about a reparative reentry approach, we must also be mindful of this very vulnerable population and the role they, too, can play if approached with sensitivity and respect.

Victims, including indirect victims of the drug offender (such as family members, friends, those buying drugs, or those victimized by drug abusers to get money to purchase drugs) have the most at stake when their offenders reenter the community. In many crimes, such as domestic violence, victims are uniquely vulnerable to a specific offender, which also means they know the offender best — what approaches, measures and techniques will *work* and *not work* with respect to their own safety. Consulting with direct victims of offenders also allows them the opportunity to express their *perceived* safety concerns around the reentry of the offender, which may be significantly different from their more obvious *actual* safety needs.

Most people returning to the community go home to a social network of relatives and close friends. The cohesion among families varies and so do the services they need. Some are stable units that need little or no help; others are less stable and can improve with focused counseling that helps repair relationships.

In addition, when offenders return to family settings where their victim(s) also reside, special attention must be given to victim safety (particularly in cases involving child victims). Family reunification efforts cannot be wholly effective without the involvement of a victim advocate, court appointed special

advocate (CASA) and/or agents charged with child protection. And family members must clearly understand the offender's conditions of supervision, and have an active role in helping the offender achieve successful reentry.

In order for this to occur, government agents must treat the family as a partner – someone with whom they can collaborate as the offender reintegrates back into the home and community. Regardless of its level of cohesion, each family has strengths that can facilitate the offender's reentry. A sister can model employment skills and can network to find her brother a job; an uncle regularly worships at a local church, synagogue or mosque and can offer his spiritual advisor for counseling; and a mother, a recovering addict herself, is able to offer her own support, as well as that of her sponsors.

### ***Offender Accountability***

Offender accountability should not just be about responsibility to the state or governmental entity in which he or she is convicted, but also responsibility to the *victim*. When this is a component of reentry, the victim's input becomes not just *valuable*, but *vital* to defining the primary accountability of the offender.

The "voice of the victim" is essential to efforts to hold the offender accountable. As a prosecuting attorney from Anchorage, Alaska noted: "It's important to view victim involvement as an *opportunity*, and not just an *obligation*." In many (if not most) cases, the victim has vital information about the offender's behavior (past, present and potential). The victim's input and insights can shed significant light onto successful strategies to manage offenders in the community.

In the process of dealing with offenders, we need to identify those patterns of the offender's criminal behavior that point to characteristics, relationship and place-safety-based risk factors. Preventing criminal events means understanding what precursor behavior and criminal acts (in the context of time, places and relationships) exist as a

pattern in the offender's past, and how they may point to scenarios of how an offender will offend and under what circumstances it is likely to occur. Such knowledge is only completely derived from victims' and family members' accounts of the criminal events, and the precursor behavior that is embedded in the relationships many of the victims and offenders' family members have had with the perpetrator of the crime. In short, preventing crime and protecting the victim through mechanism of coercive authority exercised over offenders *cannot* be accomplished without victim involvement. Without it, offender accountability is devoid of any real chance of protecting the victim.

Accountability begins with the offender, along with others (see "Relationships" section), developing a "reentry or transition plan" that identifies concrete ways to deal with the identified risk factors, as well as strategies to enhance the protective factors. Moving away from a narrowly focused offender-centered agenda, the approach must also look to the positive social supports that are protective factors for victims and the community. In a risk and asset approach, we need to look at a criminal or delinquent event history or timeline in relation to when crimes have occurred and their circumstances. That is the risk factors associated with stressors, relationships, time, places and other circumstances that are a part of the offense pattern of the offender. The risk management plan would address these in the release plan through the imposition of conditions, both prohibiting and requiring certain behavior on the part of the offender while they are on supervision. We also need to look at those spaces of time in the offenders history when crime is *not* occurring relative to what was happening then and why, and build upon the strengths and assets identified.

From our perspective, holding the offender accountable should include methods for assisting, encouraging and in some way compelling the offender to deal with the harm done to the specific victim and/or the community. Interventions should be designed to help the offender recognize and deal with the dissonance between his/her behavior and the normative expectation of the community. *This is a critical issue*. It is essential that offender accountability include a means by which the *reparation* is made

visible to the community. The community needs to see demonstrable efforts on the part of offenders to address or pay back the community for harm done, especially in ways that reinforce the recognition of the basic “wrongness” of their behavior. The purpose is not simply to humiliate the offender. It is a way for the offender to literally and symbolically begin the process of earning back the trust of the community along the lines of John Braithwaite’s reintegrative shaming.<sup>5</sup>

### **Competency Development**

The competency issue has to be addressed on several fronts, including the offender and, even more challenging, the community. When it comes to the offender, it is important to understand interpersonal and general skill deficits that the individual offender has and, of course, the more serious mental health and addiction problems that can exacerbate these deficits. We need to identify those offender characteristics that are potentially related to their criminal behavior.

Some correctional systems are using the objective findings of second-generation risk instruments on the individual and aggregate level to assign and allocate those sparse treatment resources that are available. These assessment tools are structured to identify dynamic risk factors, that is, situations or characteristics that are *changeable*.

Admittedly while the offender is locked up, you cannot deal with those dynamic factors that are based on relationship or place-safety issues in the community; however, you *can* and *should* deal with those offender-centered ones. While in prison, we should address those characteristics of the offender that are statistically related to his/her probability to re-offend. They should be the focus of prison-based competency interventions, encompassing the whole gamut of programming such as life skills, education and vocational skills, work opportunities, chemical dependency and mental health treatment, cognitive restructuring, victim awareness programming, and sex offender treatment. Our focus should be on programs that address the criminal thinking and behavior of offenders in the context of a set of norms that support pro-social conduct. When it comes to the question of what resources ought to be spent on competency development in prison, the answer should be only

those interventions that are shown to be the most promising or have been proven based on research using appropriate methodologies of study.<sup>6</sup> The ultimate performance measure is *a reduction in victimizations inside prisons and/or on the streets*.

The link between competency development and relationships is extremely important. The good efforts to address competency development in the artificial environment of prisons will be negatively impacted without a relational context to support the newly learned thinking or behavior. Changes brought about in prison are not likely to be long-lasting unless there are opportunities to apply them *in the context of relationships and activities that reinforce them outside the prison walls*. The opportunity to bond with others, normal law abiding citizens who are of like mind and who support the use of these new ways of thinking and doing, are necessary to sustain these changes in offenders who reenter our communities.

*“The ultimate performance measure is a reduction in victimizations inside prisons and/or on the streets.”*

Therein lies the dilemma of attempting change programs in prison, especially when inmates are placed in general population-housing units where there are neither any concomitant efforts nor capacity to influence the norms of the inmate subculture. But this need not be an unsolvable problem. Correctional agencies have had some success at devising effective treatment models that are cognitive and behavioral strategies immersed in reinforcing and supportive environments. The Therapeutic Community Model utilized in chemical dependency treatment is a well thought of and researched program. It operates on a set of established norms governing not *only* the behavior of individuals, but the *shared responsibilities* of staff and inmates in reinforcing rules governing how inmates are to behave and relate to each other. Certainly the offender’s thinking and behavior in relation to his/her victim need to be dealt with in these programs.

We ought to encourage those who are



serious about preparing offenders for reentry to think about creating separate housing units that are structured along these principles. They should involve explicit processes for developing an agreed-upon normative expectation of what these relationships are all about, and a system of consequential rewards and disincentives for behavior in relation to these rules. There should be opportunities for offenders to enter into relationships with others from the community. The prison setting in the pre-entry and re-entry processes needs to become more permeable. The point is effective reentry is simply *not just* about the individual offender. It is about norms and the opportunity to bond with others, which in turn elicit a moral commitment to behave the way others *want* and *expect* us to behave.

*Building capacity and competency in the community*

Enough about the prison or confinement side:

Here is the real challenge. When you think about it, the issue of competency is *not just* about the offender. It is also about the competency of the *community*. We may want to recognize the willingness and capacity of communities to do their part in helping and protecting victims as an issue of competency *separate from the offender*. The crux of the difficulty for the community is that in order for its members to be part of the reentry process in a meaningful way, they need to enter into a relationship with the victims, potential victims, offenders' families, the agencies of the criminal and juvenile justice systems *and* the offender. They have to overcome "NIMBY" ("Not In My Back Yard") and "NWIO" ("Not While I'm In Office"). It is all about relationships, and about community members being willing to be partners with the criminal and juvenile justice systems and with victims.

This question of community competency is extremely important for two simple reasons. System agents — including the police, prosecutors, courts or corrections — working alone or even together *cannot* do successful crime prevention. The most important message underlying the paradigm shift from

traditional to community-oriented policing is that "we (law enforcement) can not do it alone!" This is a refrain taken up increasingly by community-based corrections organizations around the country. The criminal justice system, its parts or the sum of it, does not have the capacity in and of itself to produce community safety.

The real focus of the system needs to be the utilization of its coercive authority to leverage and enhance the informal social control capacity of neighborhoods and communities. The vision statement of the Washington Department of Corrections — "Working Together for Safe Communities" — means just that. We need to all be involved. The ownership of both the *problem* and *solutions* of crime must be broadened to include victims and communities. This is not a notion easily or readily embraced by citizens or the community that the Department is attempting to work with. This is tough work for both the Department and the communities involved. For one thing this means breaking the bad habit we have engaged as a society — this over-reliance on government to solve all our problems. As one police executive has expressed, "we need to find the cure to the '911 Syndrome' " — the belief that the ready-made answer to our problems is "you call, and we'll haul."

Beyond the question of capacity, the second reason has to do with the jurisdictional time frames over offenders, which vary from state to state. The point is simple: Correctional jurisdiction over offenders is time-limited and eventually the risk management of the offender is a *de facto community responsibility*. In the state of Washington, juvenile offenders released from total confinement at the state level are, for the most part, supervised for less than six months. On the adult level, some offenders leaving prison receive *no* supervision and, for those that do, the period ranges from 12 to 48 months. Historically, along with the cloak of anonymity that correctional systems have afforded the offender, the worst thing about the current state of affairs is the public's perception that the supervision of offenders "is solely the correctional agency's responsibility." So perhaps a goal of

corrections and reentry initiatives is to prepare the offender and community for the inevitable handoff.

In the Washington state Department of Corrections, an effort is being made to encourage corrections staff working in prisons and in the community to focus and align their efforts around the *handoff* that is inevitable. That is the handoff of the prison to field staff in the community and eventually to the community itself. The simple belief is that if our goal is an effective handoff, we will have a better chance of attending to those characteristics of the offender related to risk mitigation in the community while they are in prison. Once released, if we are focused on the handoff to the community when community supervision ends, we are more likely to attend to those relationship and place-safety issues that will have a sustaining impact on risk mitigation, as opposed to what we as an agency are doing for the short time that we have jurisdiction. This is in fact what the federal OJP “Going Home” initiative is all about—the “handoff” and the prisons’, corrections’ and communities’ capacity to participate.

When you think of it making the handoff, or put another way having somebody or something to hand the offender off to is an interesting way to think of it. This is the real challenge to correction systems. Historically, the problem with the offender-centered criminal and juvenile justice systems is that they have provided a cloak of anonymity over the criminal and, in a sense, aided and abetted their careers as offenders. It should not be surprising that under these circumstances of offender anonymity, the corrections system is left with a problem that it can not solve.

We must begin this new work of reentry by recognizing that crime prevention is not simply an outcome of a relationship between an offender and agents of the system, including his/her parole or probation officer. Preventing crime means we must deal with a range of relationships in our efforts to mitigate risk. Consistent with the broader definition of crime alluded to above, crime as an event occurs within the context of a place (physical

environment) and relationships that either protect and support the victim and/or influence the offender. We have been much too narrowly focused in the past. We have known, and the experience of community policing has reaffirmed, that the informal social controls exercised in the context of relationships in the family, neighborhood, faith communities, and workplace are much more powerful than the coercive authority of the criminal or juvenile justice system.

If we were to take this fact seriously, what would we do differently? As a starting point, we should start looking at the broader context of the reentry path. Reentry assumes that the offender is going to some place — a community, neighborhood or residence. What are the characteristics of the place that function as either a *risk factor* or *protective factor*?

Law enforcement has developed its own nomenclature for places that are high risk — they are called “hot spots.” Research from this area found that in some urban settings, three percent of the addresses accounted for fifty percent of the reported crime. These “hot spots” — once identified — should drive different and more effective decisions and strategies in the reentry process.

Working within the context of these “hot spots,” we must recognize that we have some significant challenges in addressing the system relationship with those who live there. We must in a forthright manner deal with the attitude of residents in these “hot spots” with respect to their perceptions of law enforcement, probation/parole and other justice agents. Often times they feel abandoned by the justice system, and collaborative initiatives are at risk of failure due to distrust and bad feelings. Even crime victims and offenders’ family members in these “hot spot” areas can share these attitudes, which is why many do not turn to the “system” for help or cooperation.

Conversely, in some places the characteristics of the environment in terms of access, lighting, the presence of individuals who watch over places, proprietors, neighborhood watch groups or other

guardians are protective factors. Knowing and/or influencing what happens in places, and dealing with issues of place-safety, should focus on mitigating the risks to potential victim targets.

*Building bridges between the system and the community using Risk Management Teams & Victim Wrap Arouns*

The concept of enhanced guardianship of places, victims and offenders (in the case of managing sex offenders they are sometimes referred to as “chaperones”) has been adopted by the Washington Department of Corrections for its Risk Management Teams (RMT) and Victim Wrap Arouns. These teams include a number of criminal justice and non-criminal justice participants. The membership of the RMT is generally offender specific and based on the risk factors identified through a risk assessment and the situational factors associated with the community he/she is being released to. The Department utilizes the term guardian to designate and describe the role of the various team members.

A guardian in this sense is anyone who, by virtue of his/her proximity to, or relationship with an offender, has the capacity to influence the behavior of the offender. It is *also* anyone who is in proximity to, or in a relationship with, a victim who has the capacity to influence the safety of that victim or potential victim. And it is anyone who has a capacity to influence the safety of places.

An Offender Accountability Plan outlines the strategies for case supervision and the various interventions needed. It would include information relative to the assigned risk level and dynamic risk factors identified in the case, the strategies for addressing those risks including what supervision conditions are imposed, and the role of the various team members in working with the offender and monitoring compliance.

Reentry must be about recognizing these dynamics: the interrelationships of offender

propensity and motivation; relationships including access to potential victims; and place-safety issues. If we truly want to prevent crimes from taking place, we must enter into partnerships with communities, and particularly with those living and working in proximity to the offender and who have a relationship with her/him. In this respect it is only through relationships external to the supervising agency that we can effect victim protection and community safety.

While the Risk Management Team works with the offender in the reentry process, the Victim Wrap Around is a separate meeting process in which criminal justice agents, victim advocates and service providers, and the victim’s natural support system *all* work to develop safety plans for the victim. Coming together with one purpose to listen to the victim and to offer support in developing practical ways for the victim to enhance their personal safety has a significant impact. Experience with this program in Washington State has been very positive. The victims and their families are surprised that the corrections department would create and facilitate such a meeting and are overwhelmed with the assistance and support offered by all that come to the table.

The work of community safety must be done through our relationships, in how we treat each other, the degree of care and concern and the extent to which we willing to act upon them. This is not “new news”, many of us know it from our personal experiences and we know it vicariously from anecdotal information and from research. When you look at the issue of social support and social capital, you are talking about relationships. We know that neighborhoods in which there is a high degree of social cohesion are less likely to have serious violent crime.

Neighborhoods in which there is a normative expectation “that we watch out for each other” have less crime. Now those relationships need not involve personal ties to the offender, although these are important. Collective efficacy in addition to being derived from “private ties” may also be appropriately described as “social efficacy” signified by “an emphasis on shared beliefs in neighbors’ conjoint capability for action to achieve an intended effect, and hence an active sense of

engagement on the part of residents.”<sup>7</sup> Robert Sampson refers to this as “norms of action”. This is precisely the opportunity afforded by the Washington State Department of Corrections Risk Management Teams and Victim Wrap Arounds. They provide an important opportunity for citizens to engage in normative actions directed at their neighborhood’s safety.<sup>8</sup>

*The Susan Russell Story: Victims/Survivors Leading the Way*

The ultimate example of creating “norms of action”-- collective efficacy directed at a

specific problem -- is Susan Russell's courageous efforts to build community competency. This is an incredible story of one victim/survivor who was willing to publicly disclose her experiences and in the process touched the lives of many. What Susan Russell did was host a Community Awareness Event. Susan Russell, the survivor of a kidnapping and sexual assault that left her near death (and co-author of this White Paper), held a very unique community meeting in June 2002. The purpose of the “Come Unite” event was two-fold: to raise the awareness of her community members to the reentry of violent sex offenders; and to begin developing and building community support by discussing a plan of action for when her offender is paroled. Russell explained:

“In hosting this event, I made it crystal clear that I could never ever reside in the same community as the man who kidnapped, raped and nearly killed me 10 years ago. The ultimate challenge and goal of hosting this community event, therefore, were to suggest the possibility of having *this community* work with the community into which my offender would eventually be released.”

Russell’s “coming out” event – attended by more than 200 community members -- not only garnered community support for her and

for Vermont’s reentry initiative. It also provided a safe and nurturing environment for other survivors to disclose their victimization. This “pre-entry” approach to victim and community protection and support services is a model worthy of replication.

*‘Collaboration must be built upon common sense and common understandings.’*

In a Balanced and Restorative Justice (BARJ) policy and program structure, redemption is not granted for time served, but rather redemption is *earned* — by paying back to the community and victims; and through demonstration of trustworthiness and advancement of responsible living, learning and work skills. When a person commits a crime or series of crimes that warrant a correctional commitment, we should not expect the community to receive the offender back from the institution with “open arms” simply because s/he was removed from the community for a specified amount of time. If the victim(s), neighbors, offender’s family, and local law enforcement have little or no information about the offender’s performance at the institution, we should not be surprised to find lingering suspicions among these members of the community (who are critical to successful offender reintegration).

Another factor that can raise community receptivity is knowledge of the victim’s involvement in the offender’s reentry. For instance, the local grocer is far more likely to give that offender a job if he knows that it is part of a reentry plan that the victim not only supports but is actively involved in. The reason behind this is the simple fact that, unlike justice system officials and politicians, community members realize at a visceral level that victims are the real “parties in interest” and as such have the *real* moral authority to define what is just vis-à-vis the offender: “If it is alright with the victim, it is alright with me.” Thus highlighting the victim’s involvement in a reentry initiative can become a powerful incentive for the involvement of others in the community — even policy makers.

If an incarcerated offender is actively engaged in treatment and rehabilitative programming, victim awareness programming, paying restitution, and/or performing work service that benefits the community — and the details of these reparations are clearly communicated to crime victims, the offender’s family, and relevant community organizations — the willingness of the community to receive the offender back will be enhanced. This requires not only the creation of meaningful reparations programs within correctional settings, but also a willingness of the agency and offender — through policy and practices — to share information about an offender’s positive progress with those who have a significant stake in such information.

*Community competency means doing different things in different places*

Reentry partnerships in rural jurisdictions face significant

challenges with limited resources and often expansive geography. The role of the community is critical to ensure individual and public safety, and to provide services and guidance to offenders who reenter the community.

In Rutland, Vermont (a city of approximately 18,000), Rutland’s United Neighborhood (RUN) is a citywide initiative comprised of a grassroots network of citizens committed to reducing crime, reducing drug use and building community. RUN partners with Rutland’s Community Policing initiative, and together work to:

- Create communication networks in neighborhoods;
- Enhance cooperation and communication between existing resources;
- Provide neighborhood training in areas of dialogue, problem solving and conflict resolution;
- Increase public knowledge of existing resources; and
- Engage youth in the planning process and provide community activities to

build relationships and promote neighborliness<sup>9</sup>

This type of program could be modified to work in more rural communities by the creation of a Community Citizen Advisory Board (CCAB), comprised of members from law enforcement and corrections, inter-faith communities, businesses, schools, and social services, among others. CCAB members can attend neighborhood meetings and share information about reentry initiatives on an ongoing basis. Meeting participants could form welcoming committees, problem-solving committees, neighborhood action teams, and ways to share information with each other and work together to address issues such as offender reentry and victim safety.<sup>10</sup>

Finally, an often-missing ingredient in the building relationships between bureaucracies and the communities they serve is cultural competency. This competency in community-based organizations and their service delivery systems is essential. “Cultural competency” must consider *and* address the traditional cultures of communities and focus on the need to share information and resources in that context to most effectively address the needs of offenders and their families, victims and their families, and neighborhoods. In doing so it must be sensitive to traditions and mores that reflect traditions of gender, ethnicity, race, religion, and sexual orientation.

### Relationships

An important fact that must be recognized in reentry initiatives is that *most offenders know their victims*. U.S. Department of Justice statistics find that of the 6,723,930 crimes of violence committed in 1999, less than half (48.6 percent or 3,180,520 violent crimes) were committed by an offender unknown to the victim; the majority of violent crimes (3,543,410) were committed by non-strangers.<sup>11</sup>

Crime is often highly personal. Crime can reverberate across and among generations of victims and offenders. And crime often wrecks lives.

Unfortunately, the system -- once the offender is convicted -- often acts as if the problem is solved, at least in relation to the victim and family in the "case". The criminal justice system processes cases with an offender's name on it. The offender is essentially handed off from one agency to the next and the victim is, sadly, a bystander. The system is too narrowly focused on dealing with the offender, admittedly with the hope that it will reduce the likelihood of him or her offending again. Unfortunately in that myopic view, we miss the real issues, that is, dealing sensitively and effectively with the harm done to the victim or, for that matter, recognizing the relationships that are impacted by the crime or the relationships which in good or bad ways will affect the future.

A long-time victim advocate's experience with interpersonal crime in her family is highly instructive to reentry initiatives:

"When a child in my family sexually assaulted another child in my family (one much younger than himself), it changed our lives and destroyed our sense of cohesion as a family. All my family's attention and support were directed toward the offender: 'What can we do to help him? How can we prevent this from happening again?' And the irony? The three-year-old victim and her family were literally ignored in the process and, as a result, permanently isolated from most of our family, as if she had done something wrong."

"Fifteen years later, the residue of this assault remains. The youthful (now adult) offender has been in and out of detention and prisons. While we have tried to address his substance abuse issues, as well as his own sexual assault while he was a minor, our efforts have been futile. We are missing something here. We are at the point where we consider incarceration a relief for our family. And I am at the point where my family's inability to diminish the pain and anguish caused by this offender's actions -- and its effects on our

extended family -- is making me crazy."

The essential question here is whether justice is ever achieved when victims are isolated. What this victim says is exactly right—"we are missing something here". The pain expressed in her statement is not only the result of the devastating act described above. It is the result of the continuing isolation imposed by what some would say is the deliberate indifference of a justice system that is offender-centered and reactive.

Many offenders returning to the community go home to a social network of relatives and close friends. The cohesion among families varies and so do the services they need. Some are stable units that need little or no help; others are less stable and can improve with focused counseling that helps repair relationships.

While we haven't looked to them or elicited their participation as much as we should, the offender's family and support system -- an untapped asset and valuable partner -- can also be active participants in promoting victim and community protection. They can have a significant role in helping the offender maintain commitments to treatment programs, rehabilitation and reintegration efforts, and accountability to his/her victim. In addition, the cycle of intergenerational addiction, violence and victimization can only be addressed (and hopefully broken) by the involvement, engagement and education of offenders' families (many of whom are also the offender's victims).

*Build from strengths in the most basic of relational units, the FAMILY*

*Private ties* or personal relationships with offenders are crucial to successful offender reentry. They begin with families and extend outward. They are important because they are essential ingredients in crime prevention. They provide the expressive and instrumental support that must exist in relation to offenders.<sup>12</sup> It bears repeating, the point is effective reentry is not simply about the

individual offender; it is about norms and the opportunity to bond with others, which in turn elicits a moral commitment to behave the way others want us to. Any way you look at it, if we truly want to mitigate the risk of offenders committing crimes, we must influence their *thinking* and *behavior* — and that *cannot* be done outside the context of relationships. Family Justice of New York City has learned that the family members of offenders have not lost the bonds of love. Family members can provide an essential level of support to ensure that a loved one is engaged in, and succeeds with, alcohol or other drug treatment and supervision mandates. What Family Justice has learned from there experience is:

“Every individual, every family and every community has resources—hidden treasures—though they may be buried deep beneath the surface. The principles and skills of family case management are strengths-based, focusing on competencies rather than deficits such as addiction or criminal behavior. These strengths can be mobilized and their development encouraged, boosting self-esteem and empowering the individual and family to take control over their own lives. Families are experts in their own lives. Professionals are helpers who can motivate families to take action where they were previously unable to see their abilities, or felt unable to exercise power” (By Ema Genijovich).

While Family Justice works in partnership with many government agencies, including probation, police, and public housing, it is its storefront, created through La Bodega’s three-year partnership with the New York State Division of Parole—PARTNER (Parolees and Relatives Toward Newly Enhanced Relationships) —that is now a national model for how government and communities can work together to improve the success rate for offenders returning home from prison under community supervision. As its name suggests, PARTNER seeks to change the very culture of community supervision by bridging the gaps that so often exist between offenders and parole officers. It is family members themselves who form the bridge. Currently, four parole officers and a parole supervisor are assigned to work exclusively

with La Bodega staff. Each member of the PARTNER “team”—comprised of the offender, family members, a La Bodega family case manager, and the parole officer—is charged with responsibility of contributing to the “success” of the community supervision process, while simultaneously enhancing the well-being of all family members.

Even before an offender is released from prison, a parole officer and La Bodega family case manager visit the offender’s family to engage family members in the supervision process, to assess their needs, and to introduce them to “the Bodega model,” which guides the post-release supervision process. As one participant’s grandmother said, “That meeting was the first time that anyone had asked me why I hurt and what I might need. I was ashamed and scared at first, but then realized they were there to help me. They wanted what was best for Carlos...and me.” Team members learn how to identify and tap family strengths and community resources. Mutual respect, trust, and understanding are the foundations of the PARTNERing relationship.

The PARTNER model offers several innovations. First, while many programs address offenders’ reentry needs, few, if any, provide a mechanism for government to tap the natural resource of families. Second, PARTNER places the prevention and treatment of drug use and addiction in the context of the family, broadly defined. Third, the incorporation of family transforms coercion into collaboration, a more natural and long-term process. This family-centered framework for rehabilitation enables policymakers to respond to drug addiction and related offenses in an innovative way, moving away from a criminal punishment model and toward a public health model.

Family Justice and its storefront, La Bodega’s, models an innovative family case management technique that brings together the substance abuser, family members, supervision officers, and treatment providers to identify and mobilize the family’s strengths and resources. This highly integrated service model draws on four separate disciplines:

- A strength-based approach to working with clients, their families, the community, and government partners;
- A family systems perspective, which views family as the primary social context of experience;
- Case management that draws on the skills of collaborating with participants in order to help them; and
- Partnering, the practice of relating to government as support rather than adversary.

It is through the Bodega model that team members learn how to identify and tap family strengths and community resources. Once the offender is released from prison, the PARTNER team meets again to complete the family needs assessment. The process utilizes mapping, which is a powerful diagnostic tool. Mapping is a technique for gathering and visually organizing information about a participant's family and community. The process of preparing maps also fosters the connection with the participant. The map itself then becomes a talking tool for determining where support and hidden resources are available, and where they may need to be redirected. Family Justice uses two kinds of maps — a genogram and an ecomap.

- The *genogram*, or family map, diagrams the participant's personal network. It shows family members' age and gender, the strength of family relationships, and other features that are useful on a case-by-case basis.
- The *ecomap* displays the public and community resources that the client is utilizing, ranging from the corner bodega or grocery to the local public school, health clinic, or a peer support group at a local ministry. Ecomaps can highlight conflicts between services and the need for coordination.

Obviously, if the direct victim is a family member of the offender, mapping becomes critical in ensuring victim protection as the genogram becomes a diagram of both the offender's and the victim's personal network

and how these relationships may have been affected for one vis-à-vis the other.

All this information is used to create an action plan, which all members of the team develop together and review on a regular basis. While it is the action plan that provides benchmarks that will guide the team through the months or years of community supervision, it is the quality of the relationship among team members that will determine whether the process succeeds or fails. Mutual respect, trust, and understanding are the foundations of the PARTNERING relationship.

The most immediate beneficiaries of the Bodega model are the participants: the identified substance abusers and their families. By helping families to identify and mobilize their own strengths, La Bodega empowers the individual and the family to take control of their lives. This includes helping family members identify the early warning signs of relapse and non-compliance. For example, it is not unusual for a family member, or even the offender, to call the parole or probation officer and/or the family case manager to ask for help when they suspect the possibility of relapse. La Bodega's 24-hour crisis support system is set up to deal with just such emergencies. By developing trusting relationships, crises that might otherwise result in sanctions, including reincarceration, are resolved in other ways (e.g., a short-term drug treatment program for the offender and support groups offered by La Bodega for family members).

Making the family the focus of the system's intervention has equally important long-term benefits. What results from making and maintaining this natural connection between the juvenile or adult offender and family members is not only improved compliance with drug treatment and community supervision, but also an opportunity to address the needs of the younger generation of the family who may be at risk for future victimizations and/or criminal behavior. La Bodega is curbing the multi-generational cycle of substance-related problems by integrating youth-oriented prevention strategies into the treatment plan.



In the context of our relational-based strategies reentry initiatives must address the shame and stigma associated with both victimization and criminality:

- Victims are often blamed and judged for their victimization; “second-guessed” as to how they reacted prior to, during and immediately following the crime; and offered limited opportunities to share their feelings about what happened and about what needs to happen.
- Offenders and their families must often overcome the shame and stigma associated with criminal justice involvement, alcohol and other drug addiction, and mental illness.
- Engaging the offender’s family prior to the release of its loved one(s) is critical, especially since family members are often themselves struggling with addiction, mental illness and/or criminal or juvenile justice involvement:
  - Family members may be at risk for eviction if they live in public housing.
  - Family members may have been the caretakers of the offender’s children.
  - Elderly family members are often dealing with serious illness, such as HIV/AIDS.
  - It is critical to stabilize and offer ongoing support to the offender’s family before a loved one’s return.

Engaging family members may sometimes require extra effort to overcome mistrust, particularly if they view the justice system that has incarcerated their family member as biased, unfair and the “enemy.”

Elderly family members may also become at risk for domestic abuse if the offender comes to live with them, especially if the offender

has any unresolved addiction issues. Ongoing communications with high-risk family members can identify any problems, and actively engage them with reentry partnerships to seek solutions.

These relationships don’t exist in a vacuum, or at least they shouldn’t. The challenge is to identify a natural network of relationships around the victim that can support and protect them. At the same time, we need to look for individuals and organizations that have some capacity to influence the offender and/or monitor his/her behavior. The intervention should be focused on enhancing the informal social control capacity of those in proximity to or in a relationship with the victim and/or the offender — confirming and reinforcing the normative expectations that all agree to adhere to. For example, members of the Washington Department of Corrections Risk Management Teams are empowered by being informed of relapse cues they need to key on, and strengthening and supporting their role by facilitating opportunities for them to meet, share information and remain focused. Victim service programs should be full partners in the development of any reentry initiatives and, on a case-by-case basis, upon the reentry of the offender of particular victims with whom they are working.

*There is a bottom line—when the victim says “no,” it means “no.”*

There is a special question of relationship and information

that needs to be addressed in a straight-forward manner. How should reentry initiatives respond when the victim wants *nothing* to do with his/her offender, as is often the case? Susan Russell’s offender has *never* taken responsibility for his actions, and blames both the criminal justice system and her for his prison term. As a result, Russell emphasizes:

“.... I do *not* want to have any kind of relationship with my offender. I do not have any desire to meet with him either now nor in the future. Yet after I publicly tell my story with substantial

detail -- including how I do not want to have anything to do with my offender -  
- I have often been asked the following question: 'Would you be willing to meet with your offender?'

"To this I reply with a sigh, knowing that the person does not have any idea as to what it means to be a victim/survivor of violent crime and that I will expend a great amount of energy trying my best to explain, knowing in the end they just don't get it. However, it is always my sincere wish that by providing such information, they will begin to change their way of thinking. If they shed any inclination, even a tiny morsel of understanding, then I feel I have accomplished much, and may have assisted the next potential victim they approach.

"I would be extremely angry to have the criminal justice system or any restorative justice program try to coerce or encourage me or any of my family members to meet with my offender, especially when I have repeated numerous times that I/we do not wish to meet with him."

And that should be the bottom line.

## **Responsibility**

### ***Responsibilities of Offenders to Victims***

Responsibility implies that there is an implicit or explicit obligation of sorts in an existing relationship. The challenge of re-entry is not only to recognize that the relationships are integral, but also to openly and mutually explore the responsibilities of all parties. That certainly is a challenge. Much of the dialogue that needs to occur we hope is fueled by our previous thoughts on reparative justice and the role of relationships in the reentry process. Nonetheless those efforts to clearly define our mutual responsibilities and to live them comprise hard work. It is dependent upon our willingness to acquire the skills, experience and assistance from others in the process. The following is offered as a starting

point to this mutual exploration of responsibilities -- some hints, tools and an outline of what we think is a beginning point.

A "victim-centered" approach to reentry partnerships must recognize the "us and them" feelings that many victims have about offenders and, at the same time, recognize that many victims know their offenders and simply want to be involved in decisions that affect their livelihood. Regardless of how victims feel, their input is a critical component of the reentry process. The comprehensive Victim Impact Statement Resource Package<sup>13</sup> developed by Justice Solutions guides victims through the process of telling about the crime's impact on them and their loved ones, and gives them the opportunity to provide information about the offender that may not be known. The victim impact statement itself -- which can be adapted, as needed, for reentry initiatives -- asks the following questions:

1. Please describe the offense, and how it affected you and your family.
2. What was the emotional impact of this crime on you and your family?
3. What was the financial impact of this crime on you and your family?
4. What was the physical impact of this crime on you and your family?
5. Do you have any concerns about your safety and security? If "yes", please describe your concerns.
6. What do you want to happen now?
7. Would you like an opportunity to participate in victim/offender programming (such as mediation/dialogue or victim impact panels) that can help hold the offender accountable for his actions? (NOTE: Only utilize this question if such programs are in place, and ensure that the victim has written resources that fully describe such programs)
8. If community service is recommended as part of any release decision, do you have a favorite charity or cause you'd like to recommend as a placement?
9. Is there any other information you would like to share with the paroling

authority regarding the offense, and how it affected you and your family?

This victim impact process identifies victims' concerns and needs, and provides information that can be helpful to offender management in the community.

Upon reentering the community, what does an offender owe his or her victim?

- The offender owes all the reparative obligations (including restitution, child support, etc.) coming to the victim, which are defined within the judgment and sentence and can, in some states, be determined by release authorities.
- The offender owes the maximum amount of deference to the victim's wishes for privacy and space, and the avoidance of contact that will occasion fear and discomfort on the part of the victim.
- While the issue of an apology is somewhat controversial, voluntarily or involuntarily given, with or without sincerity, part of the value is simply reaffirming in the mind of the offender and others the normative expectations of the community and the "wrongness" of his/her act. The offender owes an apology, personally communicated to the victim if the victim so chooses (and *not* if the victim so chooses), or publicly expressed if it is a sanction.
- The offender also owes the victim "non-recidivism." Many victims would say what they would like to be "owed" the most is the certainty that it won't happen to another person. The offender's responsibility should include acceptance of this reparative responsibility.

### ***Responsibilities of Offenders to the Community***

The ultimate responsibility of offenders to the community to which they are returning is to live as responsible, law-abiding citizens. That also involves a real and symbolic reparation

for the crimes they have committed. The real reparation includes restitution to the victim and community for the measured harm done. It includes a direct apology for the harm done if asked for by the victim or required as a sanction. In other words it means owning up to the responsibility and manifesting shame for what one has done.

The symbolic reparation can take many demonstrable forms of community service or work done to benefit those in the community.

### ***Responsibilities of the Community to the Offender***

Communities need to be *willing* to give offenders the opportunities to show remorse, be held accountable, and live productive, crime-free lives. This is a hard pill to swallow but that is exactly what it is. The prevention of crime includes the mitigation of risk factors related to criminal events. That cannot occur without the community's participation and recognition of their role and responsibility. Not all communities, neighborhoods or homes put out the "welcome mat" for ex-offenders. Yet communities that are *informed* of reentry initiatives, *engaged* in processes that help monitor offenders, and *empowered* to support both offenders and victims in their midst are more likely to join and support reentry partnerships.

### ***Responsibilities of the Criminal and Juvenile Justice Systems to the Community and Victims***

The system's responsibility to the community and victims, first and foremost, is to recognize them as their customer, and equate "customer service" to the prevention of crime, and as the very reason they exist. That means:

- We need to listen to and collaborate with citizens, and particularly victims.
- We need to not only keep them informed, but to the extent that citizens and victims want to be at the table as full partners, there has to be a place for them, e.g., community accountability boards, community

advisory boards or neighborhood reentry teams or readiness teams.

- Victim councils must have a say about *what* systems do and *how* they do it.
- We need to validate the victim, i.e., provide acknowledgment from the system of the victim's moral authority based on the fact that they are the real "parties of interest" in the matter and, as such, will be listened to, kept informed, and provided opportunities for input.

Perhaps most important, the criminal and juvenile justice systems must figure out a way to *elicit* and *encourage* communities and victims to be partners in enhancing community safety.

### ***Responsibilities of the Criminal and Juvenile Justice Systems to Offenders***

These responsibilities are considerable, and include providing:

- Interventions that are directly related to the risk to re-offend.
- Controls and coercion exercised parsimoniously in relation to the need to prevent criminal or delinquent events.
- Systems of incentives and disincentives swiftly and consistently applied in relation to sentenced conditions imposed or community agreements entered into.
- Opportunities to admit their wrongdoing.
- A clear statement of what is expected of them.
- Opportunities to reform and do reparations.
- For offenders who successfully reenter back into communities and society, opportunities to positively impact youthful offenders, first-time

offenders or those who have not yet received a sentence of incarceration through involvement in offender programs as speakers or mentors (especially pre-entry offender programs), as a way of themselves becoming involved in public safety and crime prevention.

### **Conclusion**

Successful reentry initiatives require more than leadership, collaboration, involvement and competency. It requires *all* of us to be creative, intuitive and be willing to use a varying menu of choices that leave "no stone unturned." Everyone has to be at "the table of justice" that is set with the tenets of reparative justice, relationships and responsibility throughout the reentry process. These "three Rs" can help create a foundation for success for victim-sensitive, community-centered offender reentry initiatives.

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## ENDNOTES

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## ABOUT THE CO-AUTHORS

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**Anne Seymour** has been a national victim advocate for over 18 years, and is currently a Director of the Washington, D.C.-based Justice Solutions. She is the author of "The Victims' Role in Reentry: A Community Response Manual" published by the American Probation and Parole Association and Office for Victims of Crime, U.S. Department of Justice, in 2002, and has managed national projects about victim services in corrections since 1987.

After almost thirty years of community justice reform, focusing specifically on the development of alternatives to custody, victim/offender services, and substance abuse policy, **Carol Shapiro** is the Founder and Executive Director of Family Justice in New York City, a nonprofit organization that uses family supports to improve the success of individuals under justice system supervision and the well being of their families. Most recently, Carol was named an Ashoka Fellow whereby she joined the first-ever global network of social entrepreneurs in 41 countries.