

Justice and the Community

by Dennis Maloney

Like most counties in Oregon, Deschutes County was dissatisfied with the poor performance of its criminal justice system.

There were three critical flaws that were apparent. First, the system virtually ignored the crime victim. While most people, when confronting the scene of a crime, would attend to the victim first, then try to discern what damage has been done to the surrounding community, and finally proceed to call the police so that the offender could be apprehended, our criminal justice system appears to adhere to the reverse protocol. We appoint government-financed legal services for the offender, provide counseling and therapeutic interventions, and even upon incarceration provide extensive educational and vocational services. All the while, crime victims languish to deal with their trauma through their own means. Many in the public even perceive us to be offender advocates at the expense of victim and community needs.

A second critical flaw of the system has to do with the over-dependence we have placed on incarceration as the preferred, and in many cases the only, means to supposedly hold offenders accountable for their behavior. While there certainly are offenders who require secure prisons for lengthy periods of time, the vast amount of victimization involves property loss at the hands of offenders with no demonstrated tendency toward violence.

Early results of this approach are very encouraging.

These crimes include such acts as theft, burglary, vandalism and passing bad checks, and account for up to 90 percent of all crimes committed. In these cases, it

may be far more satisfactory and certainly less costly to hold the offender directly accountable to the victim and the community. This can be accomplished by allowing the victim to determine an appropriate level of restitution, identifying a meaningful amount of community service, and with the aid of a trained mediator, arranging for the victim to express face to face to the offender the trauma they suffered as a result of the crime.

This brings us to a third shortcoming of the criminal justice system: an absence of any visible commitment to crime prevention. We have a system with the most comprehensive information available about the whereabouts, timing, frequency and consistent patterns of criminal activity. Yet if we weigh the criminal justice system's dedication of resources to preventing crime it is woefully inadequate. Just as the system, in large part,



In fact, if the criminal justice system reserved prison space for dangerous person-to-person offenders and those chronic, unstoppable property offenders, we could take the savings and provide

ignores its responsibility to crime victims, so too the system avoids a genuine crime prevention discussion. The system seems content to just plod along managing the movement of offenders, too often relying on unimaginative, yet very expensive, responses. This is terribly short-sighted.

In Deschutes County, Oregon, and a handful of other jurisdictions across the United States, a group of justice system officials has teamed up with local elected officials, legislative representatives and private citizens to acknowledge the

extensive and much-needed treatment service for victims. We could also finance viable crime prevention strategies, the very best way to prevent victimization.

system's shortfalls, and more importantly, to build a better system of criminal justice—a system we've come to identify as community justice.

Within a community justice framework, the victim is regarded as the paramount customer of the justice system. Offenders are held accountable in constructive and meaningful ways, and crime prevention is viewed as a high priority. Citizen participation in attending to victim needs, determining priorities, mediating restitution requirements, and supervising community service projects is central in a community justice approach. Justice system officials are careful to state that this shift can occur while remaining steadfast to due process requirements.

Deschutes County has taken several steps to demonstrate its seriousness about

department attends to victims' needs from the time a crime is reported to the time the last restitution payment is made. This victims assistance program is patterned after hospital emergency coding. Person-to-person crimes are regarded as code blue, and the program will assure that a

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victim has a supportive volunteer by their side within minutes of a call. Lesser crimes are responded to within hours, and victims suffering minor crimes are con-

The Circuit Court has prompted a complete range of opportunities for victims to be directly involved in the justice process. The Court has placed a particularly high priority on victim-offender mediation services. In this approach victims can choose to meet face-to-face with

offenders to explain the human consequences of their losses, state their need for recovery of financial losses, and determine appropriate community service requirements. The session is facilitated by a highly trained volunteer and coordinated by the newly formed Department of Community Justice. Early results of this approach are very encouraging. Victims report a much higher level of satisfaction with mediation than with traditional justice system processes. And the agreements reached are far more durable than standard orders of probation. Offenders pay restitution at a much higher rate, (approaching 90 percent compared to a national probation average of just 33 percent payment).

The Department of Community Justice is converting positions once focused on offender counseling to victim support and counseling. The old system asked of each law enforcement referral: "What is the status of the offender? What are his needs? What services are required to change his behavior?" The new system asks: "What is the situation of the victim? What is the degree of his/her hardship? What does the offender need to do to repay the victim?"

The Department continues to manage and supervise the offender's behavior. But the primary context of the supervision has to do with the offender's responsibility to restore the victim and pay the restitution. Accountability, not counseling, is the highest priority of the offender's supervision.

Managing property offenders more creatively.

The business community has joined forces with the Department of Community Justice to form what has become known as the Merchant Accountability Board. The Board was developed for several reasons:

1. Shoplifting, retail theft and bad checks were taking a terrible toll on area merchants, in some cases



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its new vision for the justice system. Following a series of meetings convened by Presiding Circuit Court Judge Stephen Tiktin regarding the need for the local justice system to prioritize victim services and crime prevention, a number of ideas have been implemented that have moved the system toward a community justice model post haste.

The Deschutes County District Attorney's Office has developed a full complement of victim services. The

tacted within a couple of days of the report. Victims also receive other services such as trauma counseling, temporary housing if required, legal information, and assistance with recording losses. The message is clear to crime victims: "You are an upstanding member of our community; you have been wronged, and it is our job to do everything we can to make certain you are restored to the highest degree possible. We will stand by your side until a sense of safety returns."

threatening the viability of some small businesses.

2. The District Attorney's office was reaching a point where it could hardly afford to prosecute the flood of these cases, as each prosecution was costing \$600-\$900 from the Department's budget for attorney fees and other staff costs. This cost was the same whether the theft was a \$100 item or a \$10 item.
3. Merchants, while supportive of the Victim Offender Mediation Program, could not afford to take the time to go through mediation on every case.

As a result of these circumstances, the merchants forged a program whereby one merchant would serve as the surrogate victim for a dozen or so cases and determine an appropriate level of restitution. Under this effort the case is handled without the need for costly prosecution, the merchant-victim gets to impress upon shoplifters and petty thieves the gravity of their effect on a small business family, and the merchants receive their restitution more quickly and at a higher rate than through conventional justice processes.

Helping to build offender bond with the community while restoring victims.

One of the featured changes that has occurred with the Department's commitment to Community Justice is to view the community service sentence as a labor force to build more viable communities. Community service work has traditionally been used primarily as a punitive measure for community offenders. In Deschutes County, with the umbrella of the

for a 70-unit transitional housing shelter.

3. Working to construct a community park in honor of a long-time community educator.
4. Most recently, developing a formal relationship with Habitat for Humanity, whereby offenders will build an entire house.

With this approach, the community gains tangible benefits from the Department, and offenders begin to build a bond with the community, thereby reducing the likelihood of vandalism on their part. The community has demonstrated overwhelming support for this approach.

Putting some muscle behind crime prevention.

The issue of crime prevention may well have stirred the County's most creative thinking. In analyzing the state's juvenile corrections system, the County determined that Oregon had inadvertently created an incentive for counties to use state corrections facilities. In Oregon, the counties pay no price for use of state institutions. In essence, there is a free option for counties to place troublesome but not necessarily dangerous juvenile offenders there. Not surprisingly, there is, and there likely will always be, pressure to expand juvenile institutions to house a seemingly endless supply of the counties' juvenile offenders. While this is a great deal for county governments it only serves to boost prison populations and costs, thus threatening other essential state services such as education.

Deschutes County and the Oregon Youth Authority hammered out a way to reverse this trend. The County offered to

managing the money. These citizens bring a strong business perspective to the program and clearly differentiate between expenses and investments. This innova-

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tive approach won support from the state legislature and Governor Kitzhaber.

If this program works and expands to other counties, Oregon will win in two ways: 1) the current prison population explosion can at least be restricted, and 2) dollars once destined for costly prison operation can be reinvested in community crime prevention strategies.

These are just a few examples of efforts undertaken since the community justice initiative was launched. Central to this philosophy is the active participation of citizens in all aspects of the justice system. This citizen participation serves to expand the sense of responsibility for safer communities far beyond justice system professionals. With this new sense of ownership and responsibility, citizens willingly bring energy and resources never before made available through tax-supported means. Armed with a new philosophy and equipped with citizen-provided leadership and resources, the future looks brighter and safer for those places in pursuit of community justice.

Dennis Maloney is the Director of Deschutes County Community Justice. For more information on this new justice concept and other strategies to improve the criminal justice system, contact the Effective Incarceration Project at the Portland Chamber of Commerce at (503) 228-9411.

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Community Justice philosophy, community service work now is seen as a means to restore victims and the community.

Within this context, the Department has worked diligently with community non-profit agencies to tackle an array of innovative projects. These include:

1. Partnering with a local Rotary Club to help construct a child abuse center.
2. Joining forces with a local anti-poverty agency to help raise money

shift to a block grant funding base, whereby the County would manage in its local facilities non-dangerous juvenile offenders who would otherwise have been placed in state institutions. The local programs are paid for with funds from the block grant with the agreement that any savings could be reinvested in crime prevention strategies. And the savings could be significant (as much as several hundred thousand dollars a year). A citizens' Commission on Children and Families is