



# SENTENCING & CORRECTIONS

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PAPERS FROM THE EXECUTIVE SESSIONS ON SENTENCING AND CORRECTIONS

No. 11

## What Future for “Public Safety” and “Restorative Justice” in Community Corrections?

by Michael E. Smith

“Public safety” and “restorative justice” are big ideas now making claims on the future of community corrections. They are appealing as strategic objectives for probation and parole agencies that are unable to generate fiscal and political support for the modest objectives of “enforcing court orders,” “meeting client needs,” and “reducing recidivism.” When the two ideas are examined more closely, however, their futures seem uncertain. They have important features in common, but they conflict in ways which, left unresolved, could sap their strategic value; they face challenges to which they are unevenly suited; and each requires daunting transformations of the criminal justice system.

Despite their uncertain futures, restorative justice and public safety are already reshaping community corrections around the country. Minnesota’s Department of Corrections, for example, has had a full-time Restorative Justice Planner on staff for 7 years. Vermont’s Corrections Commissioner is methodically

trying to turn his agency from what he characterizes as the empty execution of retributive, court-imposed sanctions, toward partnership with informal community boards (“reparative boards”) to restore victims, offenders, and communities.<sup>1</sup> Meanwhile, embracing public safety as the strategic objective for corrections, Washington State amended its “just deserts”-based corrections law in 1999, effecting a strategic redeployment of probation and parole agents. They are now responsible for enhancing and preserving public safety generally, in the places where individual offenders under supervision are found. Wisconsin has similarly redeployed its community corrections staff, in two counties, to explore the capacity of community corrections to pursue a public safety strategy effectively.

If public safety and restorative justice are to have a future in community corrections as strategic objectives for probation and parole, an assessment of their relative merits is in order.



### ABOUT THIS SERIES

It is by now a commonplace that the number of people under criminal justice supervision in this country has reached a record high. As a result, the sentencing policies driving that number, and the field of corrections, where the consequences are felt, have acquired an unprecedented salience. It is a salience defined more by issues of magnitude, complexity, and expense than by any consensus about future directions.

Are sentencing policies, as implemented through correctional programs and practices, achieving their intended purposes? As expressed in the movement to eliminate indeterminate sentencing and limit judicial discretion, on the one hand, and to radically restructure our retributive system of justice, on the other, the purposes seem contradictory, rooted in conflicting values. The lack of consensus on where sentencing and corrections should be headed is thus no surprise.

Because sentencing and corrections policies have such major consequences—for the allocation of government resources and, more fundamentally and profoundly, for the quality of justice in this country and the safety of its citizens—the National Institute of Justice and the Corrections Program Office (CPO) of the Office of Justice Programs felt it opportune to explore

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## ABOUT THIS SERIES

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them in depth. Through a series of Executive Sessions on Sentencing and Corrections, begun in 1998 and continuing through the year 2000, practitioners and scholars foremost in their field, representing a broad cross-section of points of view, were brought together to find out if there is a better way to think about the purposes, functions, and interdependence of sentencing and corrections policies.

We are fortunate in having secured the assistance of Michael Tonry, Sonosky Professor of Law and Public Policy at the University of Minnesota Law School, and Director, Institute of Criminology, University of Cambridge, as project director.

One product of the sessions is this series of papers, commissioned by NIJ and the CPO as the basis for the discussions. Drawing on the research and experience of the session participants, the papers are intended to distill their judgments about the strengths and weaknesses of current practices and about the most promising ideas for future developments.

The sessions were modeled on the executive sessions on policing held in the 1980s and 1990s under the sponsorship of NIJ and Harvard's Kennedy School of Government. Those sessions played a role in conceptualizing community policing and spreading it. Whether the current sessions and the papers based on them will be instrumental in developing a new paradigm for sentencing and corrections, or even whether they will generate broad-based support for a particular model or strategy for change, remains to be seen. It is our hope that in the current environment of openness to new ideas, the session papers will provoke comment, promote further discussion and, taken together, will constitute a basic resource document on sentencing and corrections policy issues that will prove useful to State and local policymakers.

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## Public safety as strategic objective

In order for public safety to serve as a strategic objective for community corrections, answers are needed to some basic questions: What *is* public safety? Where is it found? What would probation and parole agencies have to do for there to be more of it? In popular discourse, public safety is equated with more arrests, more prisoners, longer sentences, and lower rates of recidivism. These are conventional output measures of the criminal justice system, but they are poor proxies for public safety.

### Public safety defined

As an objective for community corrections, public safety is best conceived as *the condition of a place, at times when people in that place are justified in feeling free of threat to their persons and property.*<sup>2</sup> As a condition of place and time, public safety is threatened whenever a vulnerable person or unguarded property is in the same place as a potential offender at a time when the place, the potential victim or property, and the potential offender are all without guardians—people who have a protective relationship to them.

### The role of guardians

This view of public safety directly challenges offender-focused probation and parole case management. It emphasizes instead the need for unofficial, naturally occurring guardians of people and places. Guardians are people who have a protective relationship to vulnerable targets, people who have an intimate or supervisory relationship to potential offenders (whether the offenders are under correctional supervision or not), and people who are responsible for places where the two may come together. Guardians—who may be parents, wives, children, friends, neighbors, employers, local shopkeepers, and security

guards, for example—are abundant in safe places. Where they are absent, there is no public safety. But they can be and are found in dangerous places too, and it is by mobilizing them that probation and parole agents most effectively increase and preserve public safety.<sup>3</sup>

By and large, conventional community corrections has not operated this way. It has offered a modicum of incapacitation of known offenders, for set periods of time, and it has aimed to improve their character and circumstances so that they do not offend again. For probation and parole agents to contribute to public safety in the places where potential offenders may come together with potential victims, they need to look beyond conventional caseload management techniques. They need to find and invoke the authority of the naturally occurring guardians on whom any community depends for its safety. This means broad engagement of probation and parole agents with offenders in the places where they pose risks; with police officers in those places; with other members of the offenders' communities; and with their families, neighbors, employers, friends, and (even) enemies.



## Restorative justice in community corrections

Some probation and parole practitioners who are enthusiastic about restorative justice embrace the idea because they see in it a better way to deliver what has been required of them all along; others embrace it as a new justice paradigm, capable of displacing the retributive justice paradigm for which they doubt community corrections is well suited.

In practice, the idea takes many forms: from family group conferencing to Native American sentencing circles, from victim-offender mediation to “reintegrative shaming,” from monetary restitution and community service orders to the various victims' rights now woven into

conventional criminal justice processes. At its core restorative justice rejects the criminal law's focus on culpability and retribution and casts punitive responses to criminal conduct as aggravators of the harm already done. In this new paradigm the purpose of justice is to restore the victim and the victim's intimates (who suffer the harm), the community (whose fabric is torn by the crime), and the offender (who will remain part of that community, or will reenter it before long, and who, if unrestored, represents a continuing threat to it).

**TO BE EFFECTIVE IN PURSUING EITHER THE RESTORATIVE JUSTICE IDEA OR THE PUBLIC SAFETY IDEA, COMMUNITY CORRECTIONS AGENCIES WILL HAVE TO ENLARGE THEIR OPERATIONAL CAPACITY.**

The key restorative practices are respectful listening to the victim's story of the harm done, voluntary acceptance of responsibility by the offender (also heard respectfully, lest stigmatization and self-loathing block the offender's return to full membership in the community); and voluntary undertaking by the offender to make amends for the harms resulting from his crime. For the most part, restorative justice is understood by community corrections practitioners not as an outcome, but as a process. As such, its features are thought to be instrumentally important but its outcome is necessarily indeterminate until the process has run its course.<sup>4</sup>



## Complementary ideas

The purchase of these two ideas on the future of community corrections is likely to be stronger to the extent they (and the energy of their proponents) can somehow be merged. They have enough in common to make this more plausible than might at first appear.

## Political interdependence

To be effective in pursuing either the restorative justice idea or the public safety idea, community corrections agencies will have to enlarge their operational capacity. That requires not just redeploying personnel and resources, but also establishing collaborative relationships with the many others whose participation is required for either idea to be realized. In addition, neither idea can be fully realized without a substantial overhaul of sentencing and corrections law. None of these transformations is imminent. If the

demands for collaboration and for wrenching transformations are made in competition with each other, the prospects for success are dim.

Success would be more likely if both ideas attract broad, overlapping constituencies and if, in combination, they stimulate greater demand for the required transformations than either stimulates by itself.

In his recent, exhaustive review of programs incorporating restorative justice processes, John Braithwaite projects no easy victory for this new model over the retributive and rehabilitative justice models that give shape and substance to sentencing and corrections today. His caution arises in part from recognition that "[i]f we take restorative justice seriously, it . . . means transformed foundations of criminal jurisprudence and of our notions of freedom, democracy, and community."<sup>5</sup> Similarly, for a community corrections agency to take public safety seriously, for it to redeploy personnel and resources accordingly, and for it to be accountable for public safety in the places where offenders are found—

[the agency] would have to develop capacities to do more than warehouse and case-work known offenders. It would have to develop knowledge

about the great variety of public safety problems, in hundreds of neighborhoods, and . . . deploy its resources to counter them. . . . [I]ncremental investments in existing strategies and tinkering with current arrangement of institutional responsibility will not suffice. Radical restructuring is required—restructuring of our conception of the public safety problem, of the legal instruments aimed at it, [and] of the strategies and penal measures employed against it.<sup>6</sup>

Combination rather than competition is prudent for the proponents of both restorative justice and public safety, and combination is possible. The collaborations and transformations separately required by these reform agendas have more in common than most of their proponents assume.

## Conceptual overlap

Both public safety and restorative justice incorporate each other's essential features. The triangular "web of interdependency" (victims, offender, community) on which restorative processes rely has much in common with the networks of naturally occurring guardians on which public safety depends.

Kay Pranis, since 1994 the full-time Restorative Justice Planner of the Minnesota Department of Corrections, has guided the adoption of restorative justice processes in diverse neighborhoods around her State. She has arrived at the view, shared by many others working inside correctional agencies, that creating safe communities requires active citizen involvement:

It calls for a reengagement of all citizens in the process of determining shared norms, holding one another accountable to those norms and determining how best to resolve breaches of the norms in a way which does not increase risk in the community.<sup>7</sup>

The conditions necessary for public safety can be similarly described: a set of generally agreed-upon rules of behavior, a shared appreciation that rule-breaking will be punished, and a further appreciation that playing by the rules will be rewarded. Viewed this way, creating and maintaining public safety requires teaching the lessons of responsibility and accountability and reinforcing them in raising children, supervising adolescents, and producing law-abiding young adults. These are tasks for parents, neighbors, schools, churches, athletic teams, community service groups, the local labor market, and—on what needs to be relatively rare occasions—a local police, probation, or parole officer.

It is John Braithwaite who has most clearly identified the conceptual overlap of restorative justice processes and the protection of public safety. “[R]estorative justice,” he writes, “can remove crime prevention from its marginal status in the criminal justice system [and] can deliver the motivation and widespread community participation crime prevention needs to work.”<sup>8</sup> Taking the point a step further, he argues that deterrence and incapacitation are more likely to be effective strategies for reducing crime if they are grounded in restorative justice principles:

[P]unishing crooks is a less efficient deterrence strategy than opening up discussion with a wide range of actors with preventive capabilities, some of whom might be motivated by a raised eyebrow to change their behavior in ways that prevent reoffending. [The strategy] is to keep expanding the number of players involved in a restorative justice process until we find someone who surprises us by being influenced through the dialogue to mobilize some unforeseen preventive capability.<sup>9</sup>

This closely resembles the public safety argument for redeploying community corrections agents to the places where public safety is most in disrepair. There, they can combine with naturally occurring guardians of the offenders under supervision, of the people who are or might become vulnerable to them, and of the locations where they might come together. Seen this way, both “restorative justice” and “public safety” are ideas that seek out—and seek to create—circumstances in which specific and general deterrent effects are realized through the proper functioning of restored community. Notably, both ideas deemphasize the role of the state in effecting deterrence.



### Conflicting ideas

If public safety and restorative justice are not wholly incompatible as strategic ideas for community corrections, there remain distinctions between them that could easily lead the pursuit of one to undermine the other.

### Incompatible strategies

Community corrections has long been in the business of “normalizing” offenders—trying to render them harmless by securing their adherence to community norms. If public safety were seriously pursued as the strategic objective, community corrections would also be trying to normalize the places where known offenders are found in the midst of those who are vulnerable to them. And if community corrections were fully to embrace restorative justice principles, it would take upon itself the much larger task of normalizing (“restoring”) communities. It is difficult if not impossible for a single agency to be effective in pursuing all three strategic ideas, any one of which would tend to consume its entire operational capacity.

### Incompatible purposes

Those eager to incorporate restorative justice principles into community corrections are not inclined to view public safety as a worthy purpose. Some are reluctant to accept it as a purpose because they do not believe its achievement lies within the capacity of the agencies supervising offenders in communities. Others are reluctant because they doubt that public safety will ever be understood, by those who hold them to account, as something other than more arrests, revocations, and prison terms.<sup>10</sup>

There is a perhaps more fundamental conflict between these two strategic ideas, one that has the potential to sink any serious attempt to pursue both in the same agency. To produce or preserve public safety, community corrections would have to be proactive in its use of state authority and resources. Probation and parole agents would have to be dispersed to the places where public safety is in disrepair, where they can be active in supervising offenders and engaged with naturally occurring guardians of those offenders and of the people and places vulnerable to them. But by projecting the authority of the state into the community this way, by collecting the information needed to understand local public safety problems, and by making partners of the naturally occurring guardians with whom it would need to combine to be effective, a corrections agency is likely to be viewed—perhaps accurately—as distorting the “fabric of community” on which restorative justice processes and outcomes depend.

By contrast, restorative justice processes, like conventional justice processes, are largely reactive. They are invoked after a crime occurs. To be sure, their usefulness as problem-solving techniques orients them to the future more robustly than the conventional justice processes of adjudication, sentencing, and correction. Yet they are tied to particular conflicts and crimes, rather than to the

patterns of conflict and crime that would draw on the problem-solving capacity of a community corrections agency committed to public safety as its strategic objective.



## Further challenges

Resolving the conflicts between public safety and restorative justice is not the sole challenge. Proponents of each of these strategic ideas might be asked how a community corrections agency interested in incorporating either one could meet a half-dozen other challenges.

### Victims

It cannot be assumed that crime victims in general want any particular thing, or that any particular victim wants whatever it is that a system of justice has to offer.<sup>11</sup> Nevertheless, for restorative justice to find victims a challenge is a bit of an embarrassment. “Restoring the victim” is a central objective and method of restorative justice, and proponents of the restorative justice idea in community corrections often simply assume victims will support their adoption of it. However, important segments of the U.S. victims’ movement are opposed to one, another, or all restorative justice initiatives. There are several reasons:

- In the hands of community corrections agencies whose habits are offender focused, restorative justice processes can cast victims as little more than props in a psychodrama focused on the offender, to restore *him* (and thereby render him less likely to offend again).
- A victim, supported by family and intimates while engaged in restorative conferencing, and feeling genuinely free to speak directly to the offender, may press a blaming rather than restorative shaming agenda. Restorative justice principles can be understood

to constrain victims from doing so, because stigmatization of this kind (what Braithwaite terms “disintegrative shaming”) leaves victims more vulnerable and offenders more motivated to offend. But devices intended to script victims’ participation are also destructive of restorative processes and, of course, offensive to victims.

- The victims’ movement has focused for years on a perceived imbalance of “rights.” Defendants were advantaged by the presumption of innocence, the right to proof beyond a reasonable doubt, the right not to have to acknowledge responsibility—or testify at all—and, when proof is legally insufficient, freedom from punishments they deserve in fact. Victims, on the other hand were extended no rights at all in the legal process.

Over the past two decades, as the infrastructure of a victims’ movement grew, so did a new set of “victims’ rights”: right to allocution at sentencing, right to notification of plea offers, right to be heard at parole release hearings and to be notified of them, and (in some places) right to be present at executions. To many in the movement, these are crucial gains that are threatened by some features of the restorative justice process, such as respectful listening to the offender’s story and consensual dispositions. These features seem affronts to a victim’s claim of the right to be seen as a victim, to insist on the offender being branded a criminal, to blame the offender, and not to be “victimized all over again by the process.”

- Many victims *do* want apology, if it is heartfelt and easy to get, but some want, even more, to put the traumatic incident behind them; to retrieve stolen property being held for use at trial; to be assured that the offender will receive treatment he is thought to need if he is not to victimize someone else; or to realize any other of the countless

unpredictable, individualized objectives victims reveal when they are asked. And while the deliberative, consensual processes of restorative justice are well-suited to discovery of a victim’s objectives, victims are often confident they already know them. For victims such as these, restorative justice processes can seem unnecessary at best.

Of course, many individual victims and leaders in the victims’ movement do not sense this challenge to restorative justice, or view the problems as minor ones in light of the potential gains. As a result, restorative justice initiatives in community corrections agencies can usually claim the endorsement and involvement of some victims and victim advocates.

But the greatest challenge victims pose to restorative justice is indifference. Restorative processes depend, case by case, on victims’ active participation, in a role more emotionally demanding than that of complaining witness in a conventional criminal prosecution—which is itself a role avoided by many, perhaps most victims. Their reasons for avoiding the role of prosecution witness are also many. Some of them (“It’s just not worth it to me,” or “I need to be at my job,” or “I have to take care of the kids,” or “I’m going to the football game”) will render a victim equally unenthusiastic about being restored through respectful dialogue with the offender and his circle of supporters.

The idea that public safety should be the strategic objective of community corrections agencies faces a slightly different challenge under this heading, but one just as serious and complex. It is hard to engage naturally occurring guardians for a victim who will not acknowledge the need for such guardianship, or who insists that the sufficient response to the crime is a substantial prison term for the offender.

## Offenders

Similarly, offenders present challenges to both strategic ideas, but for restorative justice, the difficulty is isolated within the offender, who may not readily agree to participate in the process by acknowledging responsibility and making amends. For public safety, the challenge is to overcome the offender-centered habits of the criminal justice process and its correctional apparatus. The focus of community corrections agents on the individual offender, and on the penal measures applied to him, obscures their view of and capacity for analyzing the continuing threats to public safety—problems of which the offender under supervision may be but a part.

**THE FOCUS OF COMMUNITY CORRECTIONS AGENTS ON THE INDIVIDUAL OFFENDER, AND ON THE PENAL MEASURES APPLIED TO HIM, OBSCURES THEIR VIEW OF AND CAPACITY FOR ANALYZING THE CONTINUING THREATS TO PUBLIC SAFETY.**

## “What works”

An idea that has captured the imagination and enthusiasm of community corrections practitioners of all ranks in recent years is that their interventions in the lives of offenders will yield powerful rehabilitative effects if they embody “what works” principles. These are principles drawn from meta-analyses of large numbers of program evaluations. Ironically, commitment to this new recipe for efficacy limits the prospects for making either public safety or restorative justice the central strategic idea for community corrections. The new principles of effective intervention require that offenders be matched to services on the basis of risk classification, criminogenic needs, and individual characteristics found to be significant through the meta-analyses, and that the intervention be grounded in cognitive-behavioral treatment.

Both restorative justice and public safety are likely to prove elusive strategic objectives for

a community corrections agency committed to “what works” principles: “What works” focuses on the individual offender even more intensively than do conventional probation and parole, while both public safety and restorative justice are concerned with individual offenders only within the webs of interdependency (or networks of naturally occurring guardians) that ordinarily regulate individual behavior.<sup>12</sup>

## Facts

Reliable factfinding is needed at every stage of criminal justice processing, if the purpose for which the process is invoked is to be realized in the individual case. But facts are difficult to agree upon, they change over time, and it is often difficult to determine which facts are relevant to crucial decisions—decisions about what correctional regimen to impose and decisions

made in the course of probation or parole supervision. Effective pursuit of public safety by a community corrections agency requires reliable factfinding and reasoning from those facts, on matters about which most jurisdictions are extraordinarily casual in current law and practice. Sentencing courts do not often require empirical support for a prosecution claim that public safety requires this offender to do 2 years, and that one 5. Nor is evidence often offered in support of defense claims that a particular program will affect a particular offender in a way and to an extent necessary for public safety to be preserved. Corrections agencies themselves are, at best, uneven in their capacity for this sort of factfinding and reasoning.

Overhauling factfinding procedures to the extent required is a major challenge for a community corrections agency committed to pursuing a public safety strategy. Failure to do so exposes the agency, and the rest of us,

to the risks of a public safety regime in which penal authority and resources are deployed as they are now, but in greater measure and without reason and without a basis in fact. The result could quickly become a harsh and wasteful regime in which public safety is sought using all available penal measures in every case, without regard to the plausibility of any.

The restorative justice process also requires factfinding—about what happened and why, what harms resulted, and what paths there are to restoration for each party having a stake in the crime. However, reliability of the facts used in the process may be less important than their utility in bringing the various stakeholders together. In restorative justice, the facts are relied on not so much to support inferential reasoning about likely consequences of particular uses of penal authority but to precipitate and test the strength of individuals’ feelings and to move the process toward consensus. Greater factfinding rigor, and a legal style of inferential reasoning from facts found, may be necessary for effective pursuit of public safety, but they do not suit the restorative justice idea very well.

## Operational capacity

Although many community corrections agencies are exploring one or both of these strategic ideas in practice, none really has the operational capacity to pursue the ideas effectively—yet. That is in part because their staffs lack many of the necessary skills and have been deployed for years in ways incompatible with public safety purposes or restorative justice practices. No community corrections agency has sufficiently enlarged its operational capacity, by collaboration and integration with the naturally occurring forces of social control on which public safety and restorative process depend, in communities where the work must be done. Many are trying, and some are making good progress.<sup>13</sup>



## Rhetoric or reality?

“Restorative justice” and “public safety” are valuable strategic ideas in a community corrections field in search of new operational principles and animating themes. But they can be and often are devalued by their use as rhetorical cover for business as usual. Offender accountability and victim restoration look like promising strategic ingredients to corrections managers who think themselves without a market for offender rehabilitation. Similarly, embracing “public safety” seems smart in these risk-averse times, when the public’s experience of less crime-in-fact seems to leave fear of crime in place.

There is no doubt that powerful ideas get a bit tarnished by political exploitation, but their substantive value is not affected. The malaise in probation and parole agencies is real, and it is shared by the public. It will not be dissipated by slapping feel-good labels on impoverished correctional practices, but it will motivate a continuing search for something more plausible than probation and parole as we know them.

The need will remain for strategic redirection of community corrections—for redeploying its legal authority and resources and enlarging its operational capacity through broader engagement with communities. My view is that both “public safety” and “restorative justice” have merit as ideas around which the future of community corrections might coalesce, and that competing ideas do not. Experience suggests that, under these conditions, the operational capacity of community corrections will continue for some time to fall short of what the ambitious new ideas require, but that efforts to apply them in practice will move the field to another, better, but still transitional performance level.

## Notes

1. These and other applications of the restorative justice idea to community corrections are described in *Incorporating Restorative and Community Justice into American Sentencing and Corrections*, by Leena Kurki, Research in Brief—Sentencing & Corrections: Issues for the 21st Century, Washington, D.C.: U.S. Department of Justice, National Institute of Justice/Corrections Program Office, September 1999, NCJ 175723.
2. This is the descriptive definition of public safety adopted by the Reinventing Probation Council in *Broken Windows Probation*, American Probation and Parole Association and the Manhattan Institute, New York, 2000, 12. For a more detailed discussion, see *Reforming Sentencing and Corrections for Just Punishment and Public Safety*, by Michael E. Smith and Walter J. Dickey, Research in Brief—Sentencing & Corrections: Issues for the 21st Century, Washington, D.C.: U.S. Department of Justice, National Institute of Justice/Corrections Program Office, September 1999, NCJ 175724.
3. See Smith, M. E. and Dickey, W.J., “What If Corrections Were Serious About Public Safety?” *Corrections Management Quarterly* 2 (3) (Summer 1998): 12–30; and Eck, J.E. and Weisburd, D., “Crime Places In Crime Theory,” in *Crime and Place*, ed. Eck and Weisburd, Monsey, NY: Criminal Justice Press, 1995.
4. These concepts are elaborated in Kurki (note 1 above). Also instructive is “Restorative Justice: Assessing Optimistic and Pessimistic Accounts,” by John Braithwaite, in *Crime and Justice, A Review of Research* vol. 25, ed. Michael Tonry, Chicago: University of Chicago Press, 1999. On the difficulty of defining restorative justice, Braithwaite observes, “[S]takeholder deliberation determines what restoration means” (p. 6).
5. Braithwaite, “Restorative Justice”: 2.
6. Smith and Dickey, “What If Corrections Were Serious About Public Safety?”: 2, 26.
7. “Restorative Justice, Social Justice, and the Empowerment of Marginalized Populations,” in *Restorative Community Justice: Repairing Harm and Transforming Communities*, eds. G. Bazemore and M. Schiff, Cincinnati: Anderson Publishing Co., 2001.
8. Braithwaite, “Restorative Justice”: 55.
9. *Ibid.*: 59.
10. For a report and discussion of these tensions in the community corrections field, see Dickey, W.J., and Smith, M.E., *Dangerous Opportunity: Five Futures for Community Corrections*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, 1999.

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

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11. For the great variety in what victims want after a crime, see Davis, R.S., et al., *The Role of the Complaining Witness in an Urban Criminal Court*, New York: Vera Institute and Victim Services Agency, 1980.
12. “What works” principles and restorative justice principles are drawn from competing justice paradigms. The resulting tensions between them are detailed in Lervant, S. et al., “Reconsidering Restorative Justice: The Corruption of Benevolence Revisited?” *Crime and Delinquency* 45 (1) (1999).
13. For illustrations, see Dickey and Smith, *Dangerous Opportunity: Five Futures for Community Corrections*.

## THE EXECUTIVE SESSIONS ON SENTENCING AND CORRECTIONS

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