Reframing restorative justice for policing contexts

Dr Kerry Clamp
kerry.clamp@nottingham.ac.uk
Outline

• What is restorative policing?
  • What are its limitations?

• What is social capital?
  • How has it been used?

• How can we use restorative policing to develop social capital?
Defining Restorative Policing

Re-treading old ground from new perspectives
Defining restorative policing

• **Verb**
  • many speak of ways of behaving and acting ‘restoratively’ (e.g. Aertsen 2009)

• **Process**
  • something people have to engage in or ‘go through’ in order to experience any number of positive outcomes (e.g. MoJ 2014)

• **Ideal**
  • ‘a state’ which we are striving for but have not yet attained (e.g. Clamp and Paterson 2007; Moore 1993a, 2004; Moore and McDonald 2001)
Can restorative policing have a future?

[Restorative justice may have a future] if it is defined concretely as a *justice mechanism*. Its future is in doubt if its scope is larger than this. RJ must be defined concretely because its practices and outcomes must be subject to empirical inquiry. Values and principles have relevance; however, they need to be anchored in an understanding of RJ as a justice mechanism, not an alternative to retributive justice, not a new way of thinking about crime and justice, and not as a set of aspirations for social change.

(Daly 2016: 10-11)
RJ as a ‘Mechanism’: The Policing Context

• **Problems**

  • Doomed to become one of many ‘tools’

  • Requires no fundamental change to the way the police ‘police’

  • No framework for how officers might develop deeper and more meaningful relationships

  • Ignores the transformative potential of restorative policing
Proposal

• Reconceptualise restorative policing as a *framework*, transforming
  • Way we view crime
  • Our responses to it
  • Reduce social distance
Social Capital
The glue that binds ‘me’ and ‘you’
Robert Putnam

- Defines *social capital* as:
  - ‘features of social organization such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit’ (2000: 67)

- *Horizontal* ties more productive than vertical ties (1993)
  - Braithwaite (1989)

- How can we increase civic engagement and civic trust? (1996)
Social capital and the CJS

• **Impetus**
  • Gov’s unable to deal with crime on own (Crawford 2008; Garland 2001)

• **Solution**
  • Withdrawal of reliance on the state + redefine relationship between state and individual (Brannigan 2007; Faulkner 2003)

• **BUT**
  • Families and neighbourhoods unable to respond to the gap (Brannigan 2007; Kurki 2003; Miller *et al.*, 2013)
Restorative Justice and Social Capital

• ‘Bonding social capital’
  • the building of bonds and networks *within* groups
  • In a conference, supporters of victims and offenders (Huang *et al.* 2012; Shapland *et al.* 2011)
Restorative Justice and Social Capital

• ‘Bridging social capital’

  • The building of bonds and networks across groups

  • The discussions (resulting in increased understanding and the breaking down of stereotypes) and plans (providing reparation and dealing with triggers for offending)

  • Facilitators (Shapland et al. 2011)
The CJS, RJ and Social Capital

• The ideal:
  
  • Discussion about minimum community standards and promoting the strengthening of local networks (Moore and O’Connell 1994)

  • State-facilitated RJ used to improve private and parochial controls (Bazemore and McLeod 2011)
The CJS, RJ and Social Capital

• The reality:
  
  • Public controls (particularly in relation to the increasingly interventionist strategy of the state in the form of diversion programmes) *impede* private and parochial controls (see Bazemore *et al.*, 2000; Rose and Clear 1998).

  • True aim of participation in regulatory frameworks: the development of individual responsibility (Morrison 2001)
Making glue for ‘me’ and ‘you’

Restorative policing and the art of ‘sticking together’
The test of police efficiency is the *absence* of crime and disorder, not the *visible evidence* of police action in dealing with it (Peel 1829, emphasis original)
A transformative perspective

[Restorative policing] requires police to become facilitators and mediators, by ensuring that the best possible outcome is achieved for all involved in a cautioning conference. Juvenile offenders are no longer automatically charged unless they have committed a serious indictable offence, have been refused bail or have had onerous bail conditions placed upon them...The model is fundamentally good policing practice: it provides all those connected with a crime with an opportunity to ensure that justice is both seen to be achieved and is actually achieved...No longer can communities expect governments, legislators or police to solve the problem of harm caused by offending, nor can various community agencies afford to operate in isolation. Our ability to develop the type of communities and the quality of life for which we all strive, will be largely determined by the level of community resources and involvement committed to resolving those problems that threaten community cohesion.

(O’Connell 1993: 226)
And another...

Restorative justice provides the sort of rational, problem-solving response to social conflict that is highly resilient to the demands of different policing situations, and promotes more of the human, face-to-face contact with victims and offenders that so many officers intuitively recognise as essential to rebuilding social capital and community confidence. Restorative justice is not just about new approaches to juvenile justice...it is also about shifting police culture towards a more problem-oriented, community style of policing; bridging the gap between the criminal justice system and the caring agencies; developing new ways of resolving conflict more amicably and sensitively in civil society in schools and the workplace; and, most importantly of all, providing new processes and mechanisms to help strengthen communities, rebuild emotional and physical landscapes fragmented by crime, and improve the overall quality of life.

(Pollard 2001: 166-167)
The challenge for restorative policing

I think of an institutional arrangement like architecture, like a building, so if you built a prison to keep people in isolated parts and then you come up with another mentality as to what it will be used for but you don’t change the building, that building has a mentality built into it, that institution has a mentality built into it that’s always going to bring you back to the same place. People think that they’ve made a difference when they’ve taught something; however you only make a difference when it’s been learnt. Learning is not just an individual thing, you can’t learn if all the incentive structures stay the same as they were. So I can give you insight to your life . . . I can show you that insight but it won’t be different for you until you have a different incentive.

(Clifford Shearing, UCT, 10th May 2008)
Towards a transformative reconceptualisation

• Crime and conflict are ‘normal’
  • How can we manage this more effectively?

• Disorganised communities lack social capital
  • How can meaningful police-community partnerships change this?
A Proposal

• A transformative reconceptualisation:
  • Broadening the restorative policing lens
  • Lengthening the restorative policing lens
(1) Broadening the restorative policing lens
Implications for the police role

1. Initiate bridging capital
   - Deliberate attempt to identify weakness within private and parochial controls
   - Link victims, offenders and supporters with appropriate services
   - Re-orientate agreements to be more ‘value’ based

2. Harness a crime prevention orientation
   - Identify functional and structural causes of offending (Peelian principal: the prevention of crime and further harm)
   - *Quality* of relationships rather than quantity
(2) Lengthening the restorative policing lens

Public social controls (i.e. the police) → Parochial social controls (i.e. local institutions)

Parochial social controls (i.e. local institutions) → Private social controls (i.e. family)

Private social controls (i.e. family) → Public social controls (i.e. the police)
Implications for the police role

1. Increase bonding social capital
   - Activities to initiate sustained citizen involvement to activate social control and social support (McCold and Wachtel 1998; Rose and Clear 1998)

2. Develop institutions of deliberative democracy
   - Community restorative policing approach where specific officers are tasked with one beat so that they can get to know community members as well as the issues that affects them
Evaluation

[...] to ask whether the intervention process, and subsequent follow-up steps, created or strengthened relationships; increased participants’ sense of capacity and efficacy in community skills in problem-solving and constructive conflict resolution; promoted individual awareness of and commitment to the common good; and expanded informal support systems or ‘safety nets’ for victims and offenders.

(Bazemore and McLoed 2011: 162)
Concluding remarks

• Conceptions of restorative justice that ‘dream big’ are not doomed

• Transformative conceptions could have far greater outcomes with far reaching effects

• Transformative conceptions of restorative justice can be evaluated, just not the manner in which we have become accustomed
References


References


References


