

Justice in a New Key:

**8 Common Sense Questions and Answers for You in Creating
Justice Improvements**

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1. (Q) Why hasn't there been more progress in reforming criminal justice?

After all, scholars, politicians, clergymen, humanitarians of various sects and many citizens have complained about policing, bail, plea bargaining, unfair sentencing, overcrowded and unsafe jails and prisons, lack of rehabilitation, and forced idleness for decades, and in some cases for hundreds of years.

(A) Failures in justice reform are of different kinds and require different responses that have not yet been implemented. For example:

Some reform efforts won't work, some are viewed as unjust in themselves, some are unworkable because of the interests, abilities or motivations of offenders, and some are not morally or socially acceptable to community members. In addition, the push for criminal justice reform is seen by some people as dangerous, undeserved, or as an example of misplaced priorities.

Helpful people can be found in lots of places, but justice reform often requires especially good-hearted people to deal with especially difficult people who often have traumatizing backgrounds, limited abilities, drug habits, and marginal motivation.

In addition, many programs are not sufficiently theorized or evidence-informed, which makes it difficult to do research, demonstrate effectiveness, or attract funding. Sympathy for offenders is limited and community support for program participants is often minimal.

Consequently, while some programs have access to multiple organizational and funding resources, the work itself is more likely to be carried out by highly focused individuals dealing with specific issues at a local level, isolated from others and under impoverished circumstances.

Information about effective projects is often hard to find, funding problems make expanding successful programs difficult if not impossible, and excellent local innovations are more likely to die with the innovators who create them than take root and expand.

Extensive media coverage is more likely to be directed toward the failures, personal and programmatic, than toward successes, which discourages community members and the politicians who need their votes and who might otherwise support and fund the various initiatives.

In sum, historically, criminal justice reform has been a poorly funded, niche enterprise comprised of many isolated and small organizations working with an unsympathetic population in an environment with little media, political and community support. Human action typically requires capacity, opportunity, motivation and social support. We should not be surprised, then, when little progress is made in their absence.

2. (Q) What's different now?

(A) We have reached limits of tolerance that foreshadow significant challenges to the legitimacy of the government beyond its role in criminal justice, and we are developing new metrics for success in our work.

The politics of Justice reform in the United States and many other countries has reached a historical limit and is passing through a transition to new orientation, a new understanding of the victims, the justice apparatus that includes judges, prosecuting attorneys, law enforcement and prison authorities, private industries involved in the prison/industrial complex, and outside for-profit, non-profit and volunteer organizations.

The limit is at an impasse caused by the inability to find definitive and permanent resolution to the problems and thus poses a threat to the acceptance of governmental legitimacy needed for social stability. The explanation of this inability is, at least in part, the plurality of contests over what constitutes appropriate procedures and practices, what the goals of any changes might be, and both how decisions about changes should be made and who should make them.

There are two important features of criminal justice politics in this regard: First, we are starting to recognize that struggles over changes and the appropriate roles of the people who make them are too complex, unpredictable and changeable to allow for definitive solutions. Secondly, the activity of striving for change creates conflict but also creates bonding. It is part of being a citizen and is an intrinsic public good of modern politics that contributes to legitimacy and stability whether or not the adjustments demanded are achieved.

We believe every institution of government has an obligation to play its role in a way that contributes to the community. More specifically, we believe that imprisonment is not a win for the prosecutor but typically a sad and frustrating marker of the individual's and society's inability to create successful off-ramps for criminal behavior at some earlier time.

Imprisonment comes at the end of numerous leverage points where change may have been possible. Consequently, we reject counting fluctuations in recidivism, which is just the latest of all the late stages of possible community engagement, as a responsible measure of criminal justice effectiveness in favor of community well-being as the metric of success.

Criminal justice is by nature disruptive to lives and families. However, some practices are more and some less damaging to the families, neighbors, and employers of the people more directly involved. If our social institutions, including police, courts, probation, jails, prisons and parole are not making our communities better, we are likely to be missing opportunities for providing the guidance they need, advancing our democratic freedoms, or applying our human capital and social know-how to the problems at hand. Legal practices must go beyond theories about procedure. In fact, it is community well-being after the application of legal procedures that is the most appropriate measure and the one that is most important in every citizen's daily life.

3. (Q) Do the experts in government or academia know what we should do to reform criminal justice?

(A) No. Members of the community have experiences of justice or injustice in their day-to-day lives. As a result, they are more aware of the Justice issues where they live than either politicians in the state capital or academicians in university settings.

There are, of course, many social, political, philosophical and psychological hypotheses about criminality and the causes of crime among both groups. And experts may possess different elements of the mosaic of improvement, but no one has demonstrated a compelling vision of the whole picture because that vision must arise out of the community, not out of an academic committee or a single person's mind. Some ideas seem to have contributed to improvements in relatively small ways to individual functioning or reductions in criminal recidivism. However, the recommendations they have been making to this point are largely expensive and difficult to implement.

They are usually heavily dependent on hiring expensive staff who shown a hesitancy to work in correctional facilities, or training counselors or facilitators who may or may not be available in jails or prisons and who may or may not be able to make the kind of professional/therapeutic commitments to their participants that are necessary for effective application of human services. There are camps of supporters of various programs and interventions, but most have limited or only anecdotal evidence, and there is currently no consensus about the best way forward given the well-known training and budgetary limitations. Nothing seems to work for most offenders across the board, and the programs that have been successful are mostly dependent on large numbers of participants making small improvements to demonstrate any usefulness in reducing incarceration rates or numbers, or for helping people reenter the community following incarceration.

While many of these ideas may ultimately prove more useful, it seems unlikely that any set of ideas in their current form will provide either the conceptual understanding or the practical guidance needed to help large percentages of offenders or the community in general. Crime and criminal justice are social issues, and, as might be expected, in a free society, it is more likely that community members will be able to generate useful emergent answers from the bottom up to than that imposition of either academic research outcomes or legislation will solve problems from the top down.

4. (Q) Given all these problems, can criminal justice ever be “reformed?”

(A) Yes – but we need new approaches – at the Global Justice Resource Center, we call those new approaches “Justice in a New Key.”

Real progress requires new key ideas, new key practices, and a new key in the tone of the conversation that occurs among the community stakeholders. We can help organizations connect with each other in ways that can assist all of them to develop proven innovations that can be expanded when they are shown to work.

Thousands of people in hundreds of organizations are working every day to create changes in the “system,” many with significant positive effect. Creating networks of these people and groups can seed new ideas, create a whole new tone and post up power for improvement.

Since criminal justice is recognized as the most visible and dramatic expression of Justice policies and practices in most countries, it has attracted attention and we can expect continued progress in niche areas.

However, while mass incarceration, non-violent drug offenders, racial disparities and victims’ rights are among the current areas of popular interest, Justice is always a house of many rooms and there are hundreds of categories of people and groups who are subject to life-changing and life-threatening injustices that deserve to be recognized.

Convicted people in prison are not the only wrong-doers in society, and Justice can be as much about corruption, civil trial costs, mortgage redlining, and access to fair treatment for vulnerable people in education, health care, and employment as it is about theft, drugs, and other obvious criminal behavior .

At the Global Justice Resource Center, we accept that criminal justice reform is a necessary starting point. Clearly, citizens are interested in the issues, the opportunity to save lives and money is abundant, and the need is clearly there. But while we can start with criminal justice, we should acknowledge the historical impediments to Justice improvement caused by isolation and poor funding.

True Justice can only occur within the broader range of Justice in the community. A truly Justice society must include commitments to fairness for every member of the community in all areas of the public/government domain.

We believe a focus on criminal justice reform and emphasis on issues such as abolition of the death penalty and mandatory minimum sentences, more humane solitary confinement rules, and other issues can advance the cause of Justice in that area.

At the same time, a more solid grounding for Justice improvements calls for a deeper understanding of the sometimes-conflicting values of victims, justice officials, activists, offenders, and community members.

For true Justice, we must make active efforts toward inclusion of those members, and we must apply innovations in practices and conversations about what makes communities fair and community members feel that they belong.

It is a commonplace that prisons cannot operate without the cooperation of the inmates, and prison reform cannot emerge without the cooperation of all the stakeholders, including those currently in opposition to those reforms.

At the Global Justice Resource Center, we believe the community conversation must be accessible for both those who support change and those who do not. We may seek first to sweep clean the criminal justice room in the nations house of Justice, but we must also speak clearly to the need and willingness of all of us to understand, protect and maintain the legitimate values of the entire range of stakeholders in Justice in our communities and our countries. There is no other way.

5. (Q) What is the root cause of crime?

(A) There is no root cause of crime.

Crime is a complex human behavior whose correlates are many but for which no single causal factor has been or is likely to be identified. Poverty, racism, poor education, culture, personality, individual dispositions, life-style preferences, drug addiction, intelligence, dysfunctional neighborhoods and families, cycles of violence, early stigma from oppositional behavior and low grades in school, and contact with juvenile authorities and populations have all been implicated in causal theories.

However, the causal mechanisms are either unknown or matters of contention. There is no evidence these issues will be resolved soon.

In the meantime, however, we can and must improve the way we respond to wrong-doing in our communities. We need to find more humane ways of responding to the troubled and the troubling in our communities that genuinely serves community well-being and not only the first impulse to retribution

The more inclusive the approach and the more people in the community who are involved, the more likely solid policies and acceptable answers will emerge.

We can begin our look for improvements in Justice by asking four questions.

1) What are we doing? 2) What could we do better? What are people who interested in these issues willing to commit to? and What can we build together. To be successful we must put away the old music and look to for a new vision by examining what we're taking for granted that we shouldn't, what think is necessary that is not, and what we think is universal (being done everywhere), that isn't.

6. (Q) What does it mean in practice to hold people criminally accountable?

(A) Accountability is supposed to mean accepting responsibility for one's actions.

But accountability is a slippery fish. Except in guilty pleas, the criminal justice process is adversarial and focuses on one side or the other winning. Thus, taking responsibility for criminal activity is inherently and structurally discouraged, and in the United States holding someone criminally accountable does not mean creating the circumstances for accepting responsibility. It simply means we punish people who are caught breaking the law.

Criminal punishment, on the other hand, is the deliberate inflicting of psychological, bodily or financial harm on other human beings. Deliberately harming others in the name of the law is not the same, but it comes perilously close to a mirror image of the harm cause to others by breaking the law. It may be necessary, but it creates moral hazards for the people involved that shows up in a variety of social pathologies.

For example, Lawyers and judges have among the highest suicide rate of any profession, six times the rate of the general population. Rates of substance abuse, domestic violence, suicide and divorce are also much higher than the general population among law enforcement and prison workers as well, in some cases twice as high with respect to substance abuse and other addictive disorders.

Furthermore, it is well known that victims of crime often feel marginalized and dissatisfied with the treatment they receive from criminal justice authorities. Studies have repeatedly shown that victims are unhappy with the lack of information they receive and their general exclusion from the criminal justice.

Also, according to a national study published in 2003 by The Urban Institute, within three years almost 7 out of 10 released males will be rearrested and half will be back in prison.

Add to that the fact that the annual jail and prisons budget in the U.S. is \$60 billion, essentially enough to cancel tuition in every college in the country.

The bottom-line conclusion seems pretty obvious: Criminal justice in the United States doesn't work for taxpayers, offenders, victims or the people in authority, and stakeholders in every category are harmed by contact with the current policies and practices.

At the Global Justice Resource Center, we believe the call for new ideas, new practices and new means of talking about Justice issues could not be clearer.

7. (Q) What is the future of criminal justice in the United States.

(A) There is no evidence the core of criminal justice will be different at the end of this century than it was at the beginning.

There are dedicated people and groups who are very active in attempts to improve or eliminate various criminal justice practices, including improvements in drug and mental health treatment, stricter regulations for physical restraints and solitary confinement, elimination of the death penalty and mandatory minimum sentences.

Other groups are addressing issues of racial disparities, health care for women in prison, access to jobs and job training, voting rights and access to education inside and outside of correctional facilities.

Many volunteers are implementing literacy and mentoring programs, spiritual counseling, and service-animal training.

We can expect that many of these individuals and groups will be successful and that positive changes in these areas will occur over time.

The Global Justice Resource Center stands foursquare behind these efforts and seeks to contribute to their advancement when possible.

At the same time, much will stay the same.

Criminal justice is just a subset of Justice in the community. Certainly, the Departments of Criminology, Psychology and Sociology can be expected to publish more research papers. Politicians can be expected to decry crime and use it for election purposes. Modern media can be expected to sensationalize criminal events to titillate readers and build subscribers. Law enforcement and prison officials can be expected to interpret most humane changes as soft on crime and a threat to public safety. The states and Federal governments can be expected to convene legislative committees, blue ribbon panels, crime commissions, fact-finding inquiries, and myriad other strategies in search of top-down changes to practices that are better sourced in the community.

We have seen an increase in the velocity of this wheel-spinning, but the outcomes are unlikely to be different from what they have been for the same kinds of efforts for two centuries.

The Global Justice Resource Center supports inquiry and research, but the insights gained as result to this point have not been notably productive. In fact, a strong case can be made that the nature of the research and the best-known outcomes, particularly the popularity of actuarial approaches to policy development, can be largely seen as supportive of the status quo.

We suggest an application of the principles of our democracy and the application of community-based options, such as Value+Added Justice, and Justice in a New Key principles as alternatives.

8. (Q) How is the Global Justice Resource Center different from other groups working on behalf of improvements in Justice.

(A) The Global Justice Resource Center is a digital and human platform with a global vision and cross-disciplinary concepts, and with three principal goals:

1 - We proactively seek out and support new and currently engaged groups with workable plans to bring about changes. And we seek to assist justice-improvement groups to amplify their voices and build their capacity through organizational development, access to expertise, and provision of funding.

2 - Old models do not fit new times and exhausted concepts will not get us to new goals. Thus, innovation cannot be optional. Innovation is a cornerstone of the GJRC efforts to generate Justice improvements, and they are crucial to efforts to improve community well-being. Consequently, we seek to connect people and organizations with each other to assist them in gathering and distributing knowledge about innovative programs, leaders and strategies that can nurture community well-being through improvements in Justice.

3 - Funding is not optional either. Funding is crucial for change-work to take place. Consequently, we seek to fund projects from our resources and to collaborate with other high-impact, innovative organizations to create initial and long-term funding streams for them so that those organizations are assured of continuity in their efforts.

What do you think?

I'm very interested in your feedback and eager to hear your insights and about your experiences. Perhaps there is even a way we can explore what we could build together.

Contact me directly:

DrG@GlobalJusticerc.org

or sign up on our website for email updates on projects and progress.

Info@GlobalJusticeRC.org