

*‘Developing Restorative Communities’
Seventh International Conference on
Conferencing, Circles and other Restorative
Practices.*

9-11 November 2005

*‘Restorative Policing: Foundations for the Growth
of a Restorative Organisation’*

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Workshop Outline

- Why Restorative Policing? [A Participatory Exploration]
- Policing in a Just Society
- Existing Policing Practice
- Implications of Restorative Policing

Restorative Justice - Working Definition*

Restorative Justice is a process to involve, to the extent possible, those who have a stake in a specific offence (incident) and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.

* Howard Zehr - 2002

BASIC TENETS OF RESTORATIVE JUSTICE

“Harm and Relationships”

Adversarial (Blame) approach:

“what happened, who is to blame, what punishment or sanction is needed?”

Restorative approach:

“what happened, what harm has resulted and what needs to happen to make things right?”

Adversarial

Focus is in the past

Preoccupied with
blame

Deterrence linked to
punishment

Restorative

Focus in past, present
& future

Emphasis on resulting
harm

Deterrence linked to
relationships and
personal accountability

Restorative Justice & Policing

What are the implications of RJ & Policing?

What has changed in policing over the last 20 years?

What style or model of policing is practiced in your police service?

What is the rationale for the policing style you use, in other words, what you do, why you do it and how you know it works?

What are community expectations of police?

To what extent do police engage each other and community in discussion and dialogue on policing?

Police & Community Expectations

"The public reported that they would prefer the police to place a higher priority on a wide range of tasks, whereas the police reported that they would prefer to place a higher priority on criminal investigation tasks.....the public prefer the police to be more than a crime fighting body.

Overall, the public felt the police should take a more proactive role, with tasks nominated as requiring an increase in priority being primarily community service tasks, (e.g. providing advice to local councils, businesses, and individuals on crime prevention).

The police, on the other hand, felt they should place a higher priority on criminal investigation (e.g. taking statements, perserving crimes scenes)". Australian National Police Research Unit 1996

Restorative Justice & Policing

What do you think works in policing?

What does the evidence show about effective policing?

What changes are needed to make policing more responsive to community needs?

What would this involve in your own police service?

Police Legitimacy & Crime Reduction

Tyler (1990) finds a strong correlation between perceived legitimacy of police and willingness to obey the law. The legitimacy was measured by citizen evaluations of how police treated them in previous encounters.

Skogan (1996) found the greatest reduction in serious crime where surveys showed police were most responsive to citizen concerns. The capacity of police legitimacy to prevent crime is something community policing may well be effective at creating.

What Is Needed- Change or Reform?

What is the difference?

What would a frontline police officer say needed to change to get genuine reform?

Which parts of this change would be the most important to frontline police officers?

If police officers feel they are not treated fairly by their police service, what are the policing implications?

Royal Commission Observation into New South Wales Police Service - 1997

“...At the core of many of the problems that have emerged lies the traditional approach of the Service to it’s staff....they have largely been developed in a conditioned inward-looking environment which has been characterised by command and control, autocracy and suspicion of new ideas.”

DESCRIPTION OF FAIR PROCESS

‘Fair process responds to a basic human need. All of us, whatever our role in the Police Service, want to be valued as human beings and not as personnel or human assets. We want to be treated with respect for our intelligence. We want our ideas to be taken seriously. And we want to understand the rationale behind specific decisions.

People are sensitive to the signals conveyed through the Service’s decision-making processes. Such processes can reveal the Service’s willingness to trust people and to seek their ideas - or they can signal the opposite.”

W.Chan Kim & Renee Mauborgne, Harvard Business Review, July- August 1997.

A Healthy Police Service

What are the characteristics of such a Service?

What style of policing would you likely find?

What would its management style look like?

Identifying Good Management Styles

Think of a supervisor, manager or commander that you greatly respected.

What was it, that allowed you to feel this way?

In a word, what was special about this person?

Those We Respect

They had the following qualities:

- Listened
- Empathised
- Honest/integrity
- Open
- Respectful
- Showed interest
- Made time
- Firm and Fair
- Encouraging
- Challenging
- Set clear boundaries
- Non judgemental
- Accepting
- Believed in you
- Used humour & were fun
- Created learning environment
- Affirming
- Apologised - vulnerable
- Were real
- Shared their story
- Compassionate
- Consistent
- Explained their actions
- Realistic
- Predictable
- Treated you equally

Those We Respect - Challenge

How did this person make you feel?

When this person challenged you, how would you describe this experience?

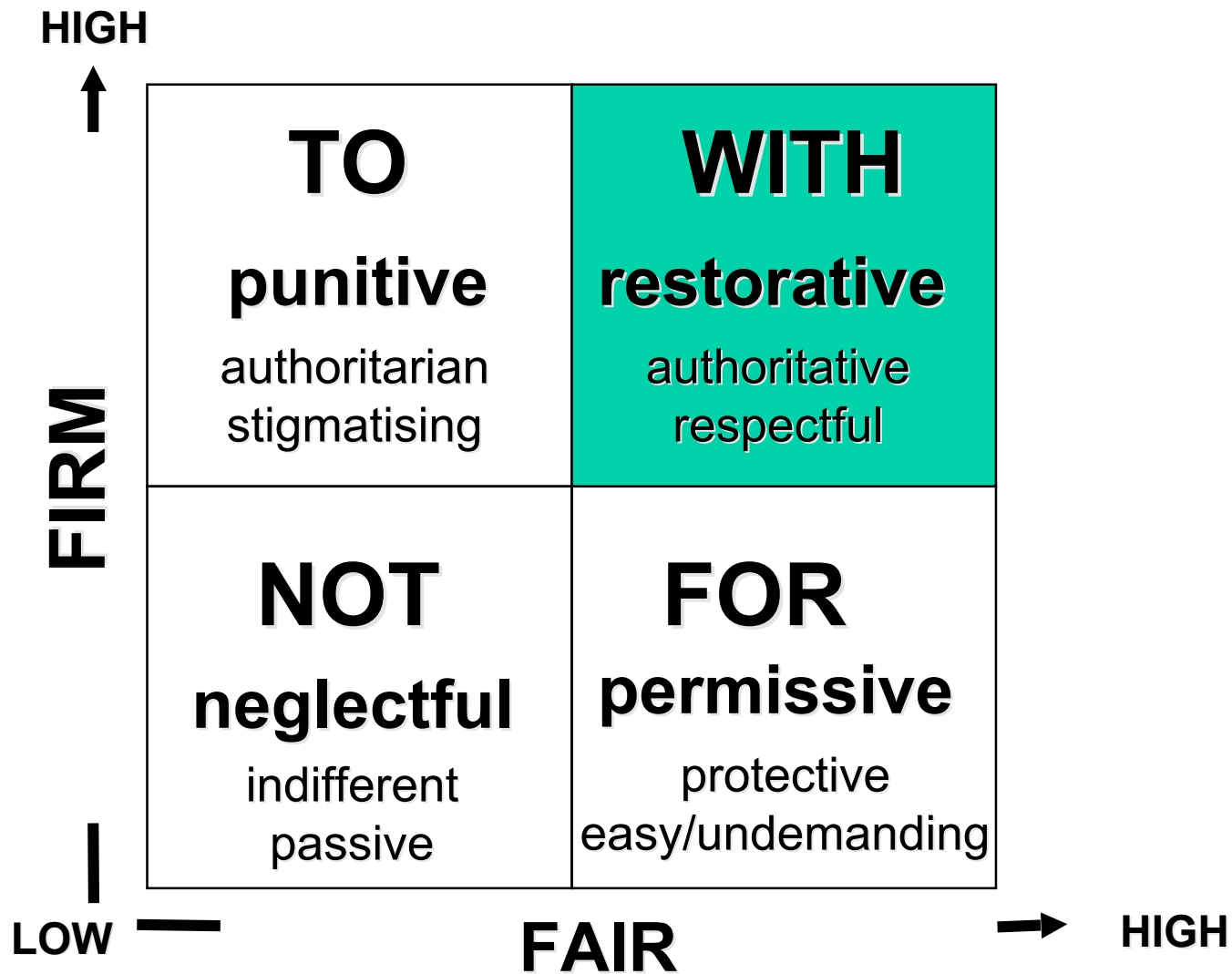
If you said they were “firm and fair”, what did you mean?

What did the person do or say which allowed you to feel you were being treated in a ‘firm and fair’ way?

Balancing Firmness & Fairness

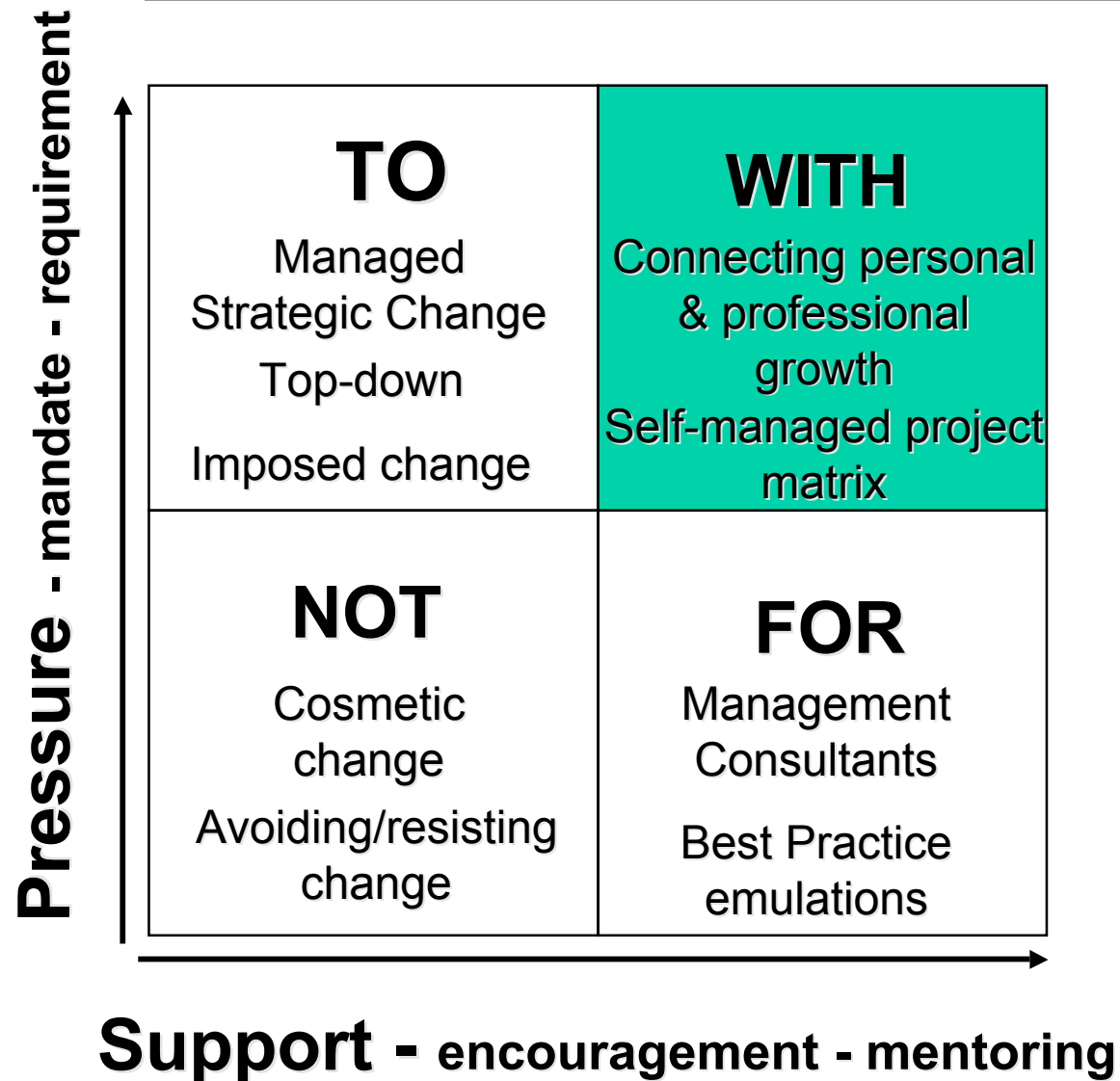
What would your experience be of a supervisor who was:

- Firm but not fair?
- Fair but not firm?
- Neither firm nor fair?
- Consistently firm and fair?

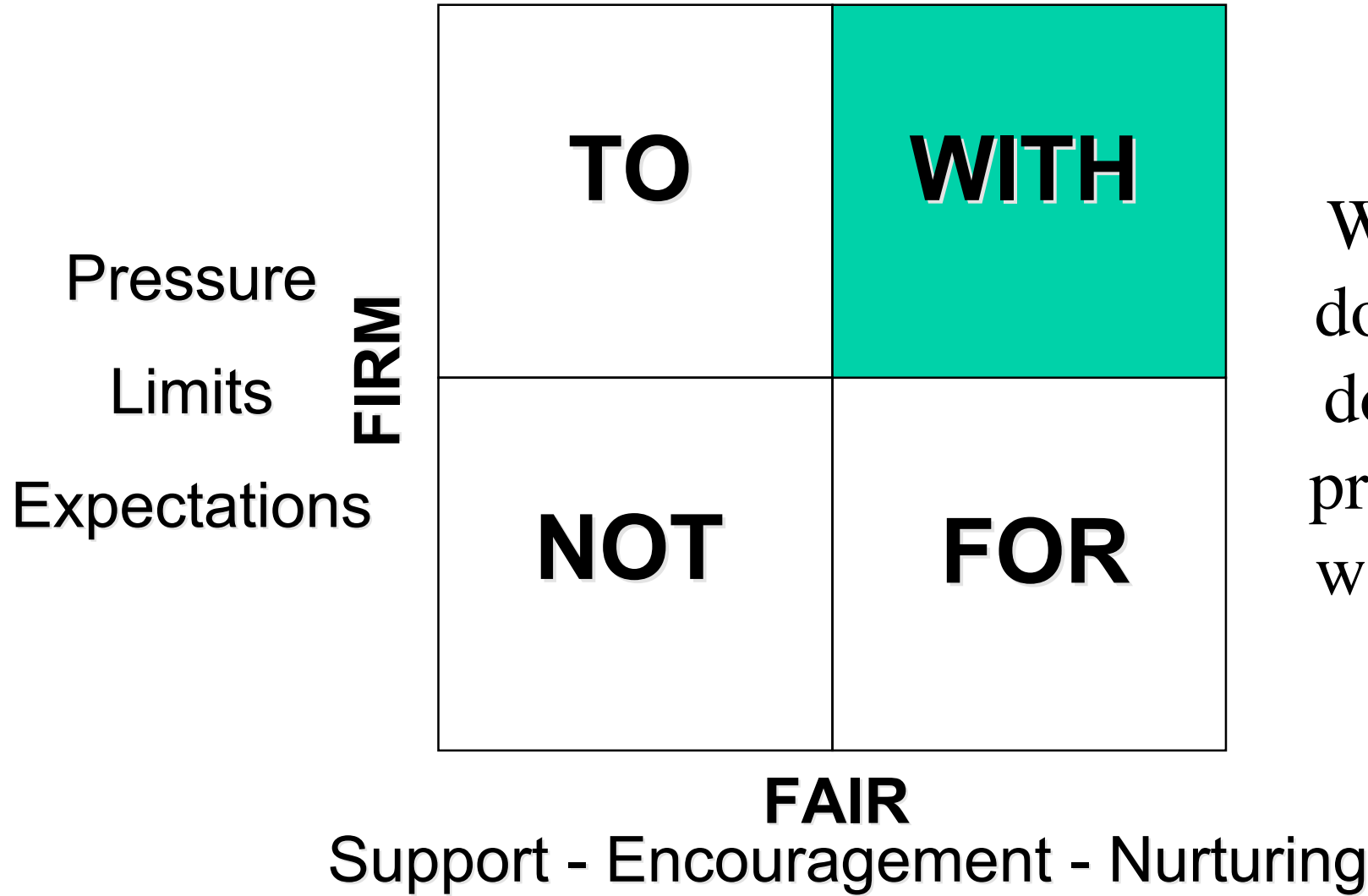


Adapted from Social Discipline Window - Paul McCold and Ted Wachtel - 2000

Organisational Change Window



POLICING DOMAINS



Which domain do you practice within?

When I interact with those
I respect, I always expect
to be treated

“ ”

Most say “fairly”

What is 'Fair Process'?

What is more important,
process or outcomes?

When will you accept an
outcome you do not like?

Fair Process -The Central Idea

‘....individuals are most likely to trust and co-operate freely with systems - whether they themselves win or lose by those systems - when fair process is observed.’

Fair Process

What needs to happen for fair process to be experienced?

Clue:

Think of an experience in which you felt you were treated unfairly. What was missing or was needed to make it a 'fair' experience.

Fair Process - Principles

Engagement: An opportunity to tell your story.

Explanation: Everyone involved and understand why final decisions are made.

Expectation Clarity: Once decisions are made, new rules and expectations are clearly stated.

Kim & Mauborgne, Harvard Business Review, July – August 1997

What Fair Process Isn't

- Decisions by consensus
- Does not set out to achieve harmony
- Does not set out to win individual support through compromises that accommodate every individual's opinions, needs or interest
- Democracy in the workplace (or any group process)
- Supervisors or others forfeiting their prerogative to make decisions, establish policies and procedures

Kim & Mauborgne, Harvard Business Review, July – August 1997

What Fair Process Achieves

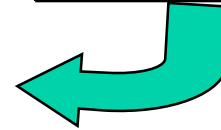
- Fair process builds trust and commitment
- Trust and commitment produce voluntary co-operation
- Voluntary co-operation drives performance, which leads individuals to go beyond the call of duty; (going that extra distance)
- Through the sharing of knowledge (shared understanding) and experiences, which leads to creativity (in identifying solutions) and stronger professional relationships.

OPERATING DOMAINS

Pressure

TO	WITH Fair Process
NOT	FOR

How can you practice consistently in this domain?



Support

Restorative Questions 1

When challenging behaviour, why would the following questions consistently achieve 'fair process'?:

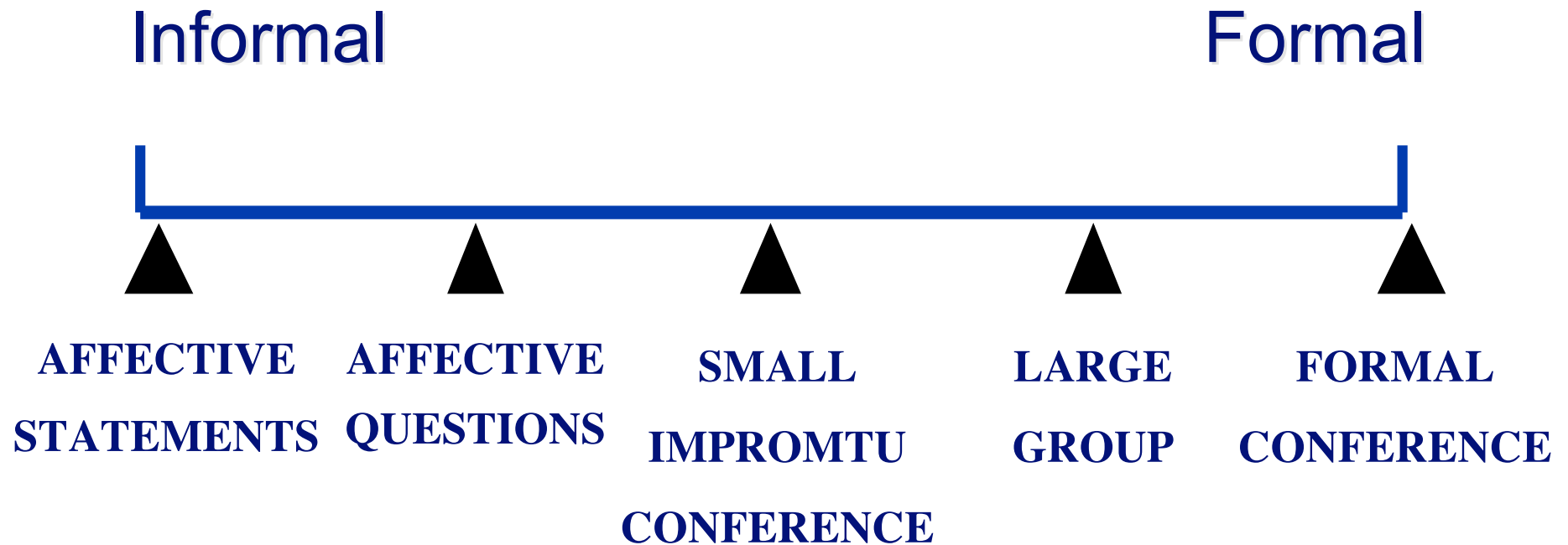
- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you think you need to do to make things right?

Restorative Questions 11

Why would these questions assist those harmed by other's actions to experience 'fair process?':

- What did you think when you realised what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

Restorative Practice Continuum



Summary of Key Restorative Concepts

- It is important to balance pressure with support.
- Those we respect are good at finding this balance - firmness and fairness.
- Fair process is not about happiness but how we treat one another with respect and dignity.
- Fair process encourages individual (and collegiate) responsibility and accountability
- Working in an inclusive way 'with' others will enhance professional relationships.

Integrating Restorative Practice into Policing

- What appeals to you about our Restorative Policing framework?
- Where would you start?
- What would this involve?
- What would be some of the challenges?

Change Implementation Phases

1. Powerlessness and confusion
2. Sharing themes/common understanding/ social awareness
3. Solidarity around new expectations and language/clarity about themes and directions
4. Changed identity of organisation

Police Related Restorative Presentations - 4th International Conference on Conferencing

- Keynote address: Northern Territory Juvenile Diversion - Superintendent Graham Waite, NT Police, Australia.
- Can Police Do Just and Fair Conferences?
- Handling Police Disciplinary Incidents Restoratively.
- Police Conferences for Neighbourhood Disputes.
- Reducing Crime through Restorative Policing.
- Restorative Policing: Beyond Community to a New Philosophy for Policing.
- Using Restorative Practices for Community Complaints
- Police in schools.

Socratic Engagement Style

What have you noticed about our presentation?

We have used a ‘Socratic’ style that involves mainly asking you questions.

“Socrates was a Greek thinker and teacher.

He held no classes and gave no lectures and wrote no books.

He simply asked questions.

*When he got his answer he asked more questions. Socrates asked questions **in order to make people think about ideas they took for granted.***

What are the benefits of mainly asking others questions?

Building Towards Defining Restorative Policing

How would you now describe restorative policing?

What elements of our Restorative Practice framework could help you when dealing with:

- Policing issues
- Your colleagues
- Family & friends