

Restorative Practices and Policing

AN INTERVIEW WITH PAUL SCHNELL



Paul Schnell has been a police officer for ten years, most recently in St. Paul, Minnesota, U.S.A. Schnell is a pioneer in the use of conferencing for serious offenses and is now actively promoting the use of informal restorative practices in many areas of policing. Recently, he was named St. Paul Police Officer of the Year. Schnell was interviewed by journalist Laura Mirsky at IIRP's Third International Conference on Conferencing, Circles and other Restorative Practices in August 2002.

Q: How did you first become involved with restorative practices?

A: I started out as a school liaison officer. I worked with kids who were placed in an alternative setting because they were not functioning in the mainstream school com-

munity. I was a new cop who thought that because I was given a gun, a badge and a shiny set of handcuffs, I could use my authority to address inappropriate or unlawful behavior and I would immediately get their attention. That didn't work with these kids. In fact, I arrested a lot of kids—a ton of them. I arrested many of these kids over and over again.

I became familiar with restorative practices about eight years ago when I heard about Terry O'Connell's experience in Australia. [Editor's note: Terry O'Connell is the director of Real Justice Australia, an IIRP program, and a former police officer. For more information about Real Justice go

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to: www.realjustice.org] After learning about that, I began to think that maybe restorative practices would be more effective than the manner in which I was trying to address those problems. The way I was operating wasn't working and something else needed to be done. I had the support of the department and there was an opportunity to participate in some training.

Ted Wachtel [president of the International Institute of Restorative Practices] had

made inroads with Terry and organized some training in Pennsylvania, U.S.A., and folks from Australia who had a lot of experience with conferencing came. I was fortunate to have participated in that training. It was a great experience. When I came back, I actively sought places where I could use my discretion as a school liaison officer to resolve problems that might otherwise be referred to court. It became clear that this was the right way to go.

Q: How do you use restorative practices in the St. Paul Police Department?

A: At first, I thought the only way we could use restorative practices was through formal processes like conferencing and those sorts of things, but I have found other applications in policing as well.

Q: Do you have an example of an informal use of restorative practices?

A: The simple reality is that most of the time when a police officer comes to take a report from you, for instance if somebody breaks into your car and steals your golf clubs, the likelihood of catching the person who committed that crime is probably small. Often, the experience of that is far more than just the loss of their golf clubs. To me, that's what's interesting. By using very simple restorative language, you can begin to help people better deal with and understand that experience.

Q: What kind of language would you use in a case like that?

A: Usually, when a cop asks you questions about a loss or a theft, he only asks you for the basics: who, what, when, where, your name, your address and those sorts of things. Never is that victim likely to be asked any other questions beyond that. One of the things that I have been trying to routinely ask people who make a complaint, or report having been the victim of a crime, is one simple question, "What has this been like for you?" or "What's been the hardest thing for you?"

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Often, they won't talk about the fact that they were expensive golf clubs. Instead, they'll talk about the fact that they can't believe somebody would violate what was theirs, that they thought they lived in a safer neighborhood and that at least one of their neighbors would have seen something because they live in a community that watches out for each other. You really begin to understand the depth of how people are impacted—what it's really about.

Q: How do people react to being asked questions like that by a police officer?

A: New officers that I am training ask me why I always ask that question. I tell them that, most of the time, people like being asked that question because it really begins to draw out their experience of that crime in a very different way. When it seems that we're probably not going to catch the perpetrator, and the victim is not going to be

able to confront that person, it's a way for me to ask a very simple question that might help them put their experience into some context. But I don't think people expect it from police.

For instance, in the golf club example, the person might ask, "Am I safe in my own neighborhood? Were these people targeting me? Were they watching me?" Those are natural questions. In most cases, people are extremely safe. The likelihood that someone had targeted them for their golf clubs is miniscule. It provides an opportunity to talk and teach them about crime prevention in a very different way by using their experience.

Q: How does it help you to talk about crime prevention?

A: Frequently, the crime prevention discussion people have with police consists of being told, "The way you avoid being a victim is by taking your expensive golf clubs in the house." However, if I come to you and I say, "Tell me what this has been like for you," they say, "I'm wondering if I was targeted." I tell them that the evidence that the police have, and those who commit these crimes tell us, that they don't target—they walk around and look for opportunities. Then I tell them that one thing that they can do is talk to people in their neighborhood and encourage them to minimize the opportunity for theft by securing their property. What I've done is empowered them, as opposed to saying, "If you want to avoid being a victim, lock-up your stuff." It's a fundamentally different experience. That's what I think we can give people.

Q: Are new police officers trained in restorative practices?

A: I'm a field training officer and one of my responsibilities is to work with new officers that are joining our department. It's critical that I model what I think is essential to policing. If we hope formal restorative processes will ever be wholly embraced by police and by criminal justice on a broader level, that's going to be easier to accept and implement if police use informal restorative practices when responding to the needs of

someone in their community. When that happens in a restorative manner, the formal processes will be much easier to integrate.

Q: How have the new officers responded to this idea?

A: With some surprise. It certainly generates a lot of discussion about what's important about policing. That's what my job is as a field training officer—to ensure that they are doing things properly, safely and that they're responding to the needs of the people in the community. This is a way that we can do that. It falls outside of the formal training that officers are receiving, but certainly it is something that I hope is helpful. Based on the responses officers receive from complainants and victims, I think it is.

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Q: How have offenders responded to the use of restorative practices?

A: I have had absolutely incredible experiences with both formal and informal processes and offenders. One of the best things about my policing experience has been the opportunity to be involved in restorative processes where offenders have come to a realization about how their behavior has harmed others.

Q: Can you tell me about a specific case?

A: This is something that police deal with every day. There was a particular family who had two young kids that were wreaking havoc on their neighborhood. In the course of a 60-day period, we had about 40 calls for service in that area—all related to the same two kids. By everyone's estimation, they were seen as no good, as bad to the core. They believed

that the only way the problem was going to stop was when someone got seriously hurt.

We didn't have a crime as such, but we had lots of little quality-of-life problems—noise, property damage, things destroyed and broken windows. We couldn't necessarily pin it on these kids, but people knew that these kids were involved. People were frustrated.

We tried to talk to the two young boys who were involved in this. We did the traditional police lecture thing and that didn't work. We talked to their parents and did the traditional lecture with them—"You need to maintain better control," et cetera. Ultimately, when nothing else was working, I took the opportunity to run a conference—a restorative process that people in the neighborhood, this family and the boys were invited to take part in.

The conference was heavy with emotion. Everyone was very upset about all the things that were going on. Everyone wanted things to be different, from the two boys, to their parents, to all of the neighbors. What happened during that process was absolutely astounding. The discussion didn't center on how bad the boys were. It didn't center on the fact that windows were broken, people's plants were destroyed or that young kids weren't able to sleep because of the loud music at night. The discussion was about reaching agreement on the rules they wanted. It was about what kind of neighborhood they wanted. These kids and their parents were invited to be a part of that for the first time.

In the following six months, we had one police call. That was the result of one of the boys needing a mental health placement. It had nothing to do with anything that affected the neighborhood. During the conference process, the kids spoke, the parents spoke and the neighbors spoke. They all decided what they wanted their neighborhood to look like and how they were going to treat one another. In doing that, the problems were resolved. That's a great way to police. What we had done 40 times in those past 60 days didn't work, but we spent two hours one night engaging the people who were affected by the boys' behavior and we had a totally different outcome.

Q: Does the police administration support restorative practices?

A: Clearly, there has been support. Has it been institutionalized? No. Do they encourage the continuation of these types of practices? Absolutely. Police organizations across the board are encouraged to be problem-solving organizations. Problem-solving policing, which is closely linked to community policing, has been actively encouraged in most U.S. police agencies.

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Q: Have you used conferencing for more serious offenses?

A: After being involved in around 500 different conferencing processes, I decided that numbers didn't matter anymore. It was about the experience. I had been involved in conferences for extremely minor offenses to cases involving death or sexual assault of children.

One case I was involved in was with a guy who was in prison for having sexually abused a child, who was then 12 years old, over a six-year period. He was a friend of the girl's family. He was in prison. I was contacted by the family because there were a lot of things happening in the neighborhood stemming from his conviction.

The offender's family was being sought out and targeted by the victim's family. His wife and children were being stigmatized. Ultimately, it led to a conference that was held at the prison with the parents of the victim, the offender and his then ex-wife (they had divorced after he went to prison) to talk about the whole experience. It was absolutely and undeniably excruciating for everyone involved, including myself. But they all talked

about it later as having been a phenomenal experience. Did it change anything that had happened? No. Did it help them develop a better understanding of what the experience was like for everyone? Yes. It was incredible. For me, it was an honor to be allowed to be a part of some terribly painful stuff.

Q: Did the victimization of the offender's family stop after the conference?

A: It stopped immediately. This is because one of the things the court process didn't address became very clear in the conference process. The court process locked him up and punished him, but the conference process was an opportunity to face him, ask him questions and address the betrayal. The formal court process couldn't be expected to do that, but the conference process did.

Q: What are your hopes and dreams for the future of restorative practices in policing?

A: One of my dreams is: if you have a complaint about the manner in which you were treated by a police officer, it could be addressed restoratively. I think it would make great sense for that complaint to be brought directly to the officer. That way, the officer can focus on what the issues were, what the harm may have been and, if possible, try to resolve that harm. Sometimes it may not be as simple as the officer having done something wrong. Sometimes it may just be the manner in which the officer had to do his job under those particular circumstances, which may not have been very nice. It would provide an opportunity for us to better relate to people.

Policing is a great profession. It allows you to see the very best and the very worst of people. I hope that we apply restorative practices not only in working with the communities that we serve, but also in how we relate to one another as cops and in how we relate to our organizations. When we begin to make those types of real connections, I believe it's ultimately going to make a huge difference in our practice.

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