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Forgiveness in the Criminal Justice System: If it Belongs, then Why is it so Hard to Find?

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David M. Lerman

Abstract

This essay advocates the role of forgiveness within the criminal justice system, particularly from a prosecutor's perspective, and discusses common impediments to its increased presence and the leadership needed to allow it to develop within the system.

KEYWORDS: forgiveness, justice, ethics, prosecutor

FORGIVENESS IN THE CRIMINAL JUSTICE SYSTEM: IF IT BELONGS, THEN WHY IS IT SO HARD TO FIND?

*David M. Lerman**

In this essay, I advocate the role of forgiveness within the criminal justice system, particularly from a prosecutor's perspective. I explore briefly what it can look like and finally, discuss some impediments to its increased presence and the leadership needed to allow it to develop within the system.

I. IS FORGIVENESS POSSIBLE IN THE CRIMINAL JUSTICE SYSTEM?

Forgiveness can and should exist within the criminal justice system. Clearly, forgiveness in the context of this system cannot mean simply letting offenders off the hook without being held accountable for their actions. Rather, forgiveness can be seen as part of the healing process for crime victims. Robert Enright provides a helpful definition of forgiveness as the "willingness to abandon one's right to resentment, negative judgement, and indifferent behavior toward one who unjustly injures us . . ." ¹ The focus of forgiveness as a benefit to the victim, the potential giver of forgiveness, has been well framed by Joanna North: "What is annulled in the act of forgiveness is not the crime itself but the distorting effect that this

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1. Robert D. Enright, *The Psychology of Interpersonal Forgiveness*. Paper presented at National Conference on Forgiveness, Madison, WI (1995), *quoted in* Walter Dickey, *Forgiveness and Crime: The Possibilities of Restorative Justice*, *EXPLORING FORGIVENESS* (Robert D. Enright & Joanna North eds., 1998).

wrong has upon one's relations with the wrongdoer and perhaps with others."²

There are many victims of crime, not just the immediate victims, as in an armed robbery or assault. In the absence of an actual victim, the community immediately affected by a crime, such as a neighborhood infested with drug sales or streetwalkers, may take on the communal role of being able to "give" forgiveness.

The criminal justice system has the wrong focus. Its major interest lies in incarcerating someone convicted of a particular crime. The system does not adequately deal with a major consequence of crime: the destruction of trust between people that results from crime. Crime can lead to a generalized fear by community members that they are going to be hurt, assaulted or "ripped off." As people become fearful, they become more isolated and disconnected from one another. This feeling contributes to the weakening of bonds that weave a community together. Without strong communities, there is less informal social control, which is the strongest and healthiest way to prevent crime. The ripple effects of crime are numerous. People lose the capacity to resolve disputes on their own. They choose to rely upon the "professionals", and place a call for emergency assistance. They become more fearful of the other and, without the opportunity to engage in a proactive healing process, they might remain bitter and fearful.³

II. RESTORATIVE JUSTICE AS A HARBINGER OF FORGIVENESS

Restorative justice as a framework for dealing with crime and its aftermath offers great possibilities for changing the focus of criminal justice from simply incarcerating wrongdoers to focusing on the needs of victims, on repairing communities and on holding offenders accountable in meaningful ways.⁴ Such a focus would naturally allow for the possibility of real healing for those immediately affected by the crime — victim, offender and immediate community. One abbreviated definition of restorative justice focuses on the basic inquiries pursued by the traditional justice system as opposed to a restorative approach. If the traditional system seeks answers to:

2. Joanna North, *Wrongdoing and Forgiveness*, 62 *PHILOSOPHY* 409, 500 (1987).

3. See David Lerman, *Legal Ethics: Restoring Justice*, 14 *TIKKUN* 5, 13-15 (1999).

4. For an in-depth review of Restorative Justice principles, see HOWARD ZEHR, *CHANGING LENSES* (1990); see also Restorative Justice Institute (visited Mar. 23, 2000) <<http://www.rji.org>>; Center for Restorative Justice and Peacemaking, University of Minnesota (visited Mar. 23, 2000) <<http://ssw.che.umn.edu/rjp>>; Victim-Offender Mediation Association (visited Mar. 23, 2000) <<http://www.voma.org>>.

1) Who did the act?; 2) What rule/law was violated?; and 3) How should that person be punished?; then the restorative approach seeks answers to: 1) What is the harm done by an act?; 2) What needs to be done to correct the harm?; and 3) Who is responsible for that? Restorative justice is predicated upon a set of core principles. These include:

1. Crime is an offense against human relationships.
2. Victims and the community are central to justice processes.
3. The first priority of justice processes is to assist victims.
4. The second priority is to restore the community to the degree possible.
5. The offender has personal responsibility to victims and to the community for crimes committed.
6. Stakeholders share responsibilities for restorative justice through partnerships for action.
7. The offender should develop improved competency and understanding as a result of the restorative justice experience.⁵

One of the mainstays of restorative justice is processes wherein victims and affected community members meet in a safe setting with the offender. These meetings, commonly called victim-offender conferencing or dialogue, include three stages: 1) a discussion of the facts of the case; 2) a discussion of the impact of the act upon the parties; and 3) a discussion of what needs to be done to repair the harm.⁶ These conferences allow a victim or community member to ask questions that they need answered in order to begin to clear up the "distorting effect" the crime has had on their lives. Thus, this process sets up the possibility for the victim to gather information and personally assess the offender in order to forgive him/her. Nevertheless, forgiveness does not mean letting an offender off the hook. Punishment in the form of incarceration may still occur; being held accountable in other ways that more actively repair the harm committed are also established. Sitting across from someone you have victimized is often more difficult than facing a judge for fifteen minutes during sentencing. I have observed one young offender who said outright that he could not and would not even look at his victims sitting across the table.

5. U.S. DEP'T OF JUSTICE, NATIONAL INSTITUTE OF CORRECTIONS, RESTORATIVE JUSTICE: PRINCIPLES, PRACTICES, AND IMPLEMENTATION (July 1998).

6. See generally Bruce A. Kittle, *Forgiveness in the Criminal Justice System: Necessary Element or Impossible Dream?*, 2 THE WORLD OF FORGIVENESS 3-11; see also Web sites cited *supra* note 4.

The types of cases and healing achieved through conferencing are vast, ranging from homicides to employee thefts to vandalism. Conferencing may occur at any point during the life of a case, whether pre-charging, pre-plea or post-disposition. The notion of reaching forgiveness should absolutely never be foisted upon a victim as a reason to participate in a dialog. Clearly, some victims will have great anger, and will not be able to think in terms of forgiveness. However, simply allowing for the opportunity to engage in the very personal informal process is a humanization of the justice process.

For example, in rural Wisconsin two young men sought to steal a car from a home they thought was empty. When the middle-aged woman of the house came outside to investigate, they brutally attacked her and left her for dead. The woman survived, but she faces severe physical limitations because of the attack. The young men were caught, convicted and sentenced to long prison terms. Two and one-half years later the victim began a series of conferences with one of the offenders. The first face-to-face meeting with her offender was important for her. Meeting her attacker, speaking with him and hearing his fears allowed her to forgive him so that she could move on with her life. She also clearly stated that she hoped he never left prison, because he needed to be there for the safety of the community.

At the other end of the spectrum is the case of K.T., an eighteen-year-old cashier awaiting entry to college. Her older brother is in prison, her mother has a cocaine habit and her younger siblings at home sometimes suffer because their mother disappears for days. During one of these disappearances, K.T., who was fed up, and tempted by the cash at her fingertips, manipulated the "no sale" key on the cash register in a way she thought would hide her thievery. She was caught and confessed to prior incidents totaling just over \$1000. Prior to conviction, a conference was held with two representatives of the store. K.T. was tearful while listening to the human resources manager who had hired her describe the loss of trust. This manager, however, spoke of forgiveness after hearing the details of K.T.'s life and her expressions of remorse during the conference. Eventually, the store representatives suggested that K. T. return to the store to speak at new employee orientation sessions. She spoke at six sessions for her former employer, thus doing more to "earn" the forgiveness than simply saying "I'm sorry." She also developed greater competencies through this forward-

looking approach to justice, which took into account the needs of the victim. Her case was ultimately dismissed.

These two cases represent ways in which forgiveness can be established from within the criminal justice system. In one case, there was still traditional punishment for a particularly brutal offense. Yet, a humanizing process also occurred that benefited the parties. In the other case, the offender clearly left the justice process with a greater understanding of the wrong she had committed because of the ability to speak with the store representatives in a less formal setting. She also had the opportunity to develop greater competencies through the justice process that will benefit her in the future. Finally, she was not convicted, which may anger some traditionalists; however, justice was done and the parties were satisfied with the resolution.

If forgiveness, as evidenced by these restorative justice processes, is so beneficial, why are not more communities engaging in restorative processes?

III. IMPEDIMENTS

A. Culture of Prosecutors

Prosecutors are the hub of the criminal justice system. Our charging decisions determine what, if any, exposure an offender faces and our recommendations in plea negotiations usually determine whether a defendant will plead or litigate. As more legislatures pass determinant sentencing structures or stricter sentencing guidelines, our discretion ultimately determines the posture of a case.

Meanwhile, the general crime control philosophy across the country is to "get tough." One commentator has termed the current orientation, which includes three strikes laws and generally harsher punishment, as "penal harm."⁷ And clearly, prosecutors are a major force in the operation of the penal harm orientation. Thus, if any transformation of the criminal justice system towards allowing space for forgiveness is to occur, prosecutors are in a position to either assist or stymie that transformation.

What does a prosecutor rely on for guidance in developing policies on issuance or resolution of cases? Why should a prosecutor be concerned about forgiveness? This all boils down to providing a service to victims and doing justice.

7. See T. CLEAR, *HARM IN AMERICAN PENOLOGY* (1994), *quoted in* S. Levrant et al., *Reconsidering Restorative Justice*, 45 *CRIME & DELINQUENCY* 1, 3-27 (1999).

Every prosecutor's office operates under its own set of policy guidelines. However, the National District Attorneys Association has promulgated a set of National Prosecution Standards that are instructive.⁸ Standard 1.1 holds that "the primary responsibility of prosecution is to see that justice is accomplished."⁹ The focus is justice, not vengeance, or even punishment. Justice is a far broader concept, and must take the overall needs of society into account. Indeed, standard 1.3 states: "the prosecutor should at all times be zealous in the need to protect the rights of individuals, but must place the rights of society in a paramount position in exercising prosecutorial discretion in individual cases and in the approach to the larger issues of improving the law and making the law conform to the needs of society."¹⁰ The commentary states that a "prosecutor must seek justice. In doing so there is a need to balance the interests of *all* members of society, but when the balance cannot be struck in an individual case, the interest of society is paramount for the prosecutor."¹¹

This should be seen as a resounding endorsement of the basic restorative justice principles enunciated above and a license to move away from the penal harm orientation currently in vogue. The restorative justice paradigm focuses on the broad interest of society, both long and short term, not simply the narrow perspective of locking up wrongdoers. For example, attending to the needs of victims in a meaningful way clearly is in the interest of society. Allowing victims of crime to continue to suffer from trauma induced by crime is counter-productive. The trauma suffered by victims can have devastating impact on personal lives, with a corresponding effect on work, family and relationships. Victims' needs might include ensuring that the offender is locked up for a period of time, ensuring that the offender receives drug/alcohol treatment and stays away from the victim, ensuring that the offender can make a decent wage to support children, creating the space necessary for the victim to receive some answers about the reasons behind the offense, and the space for the offender to learn about the real human consequences of his/her act.

The penal harm orientation fails to confront an outcome of crime — namely the distrust generated between people. Society

8. See NATIONAL DISTRICT ATTORNEYS ASSOCIATION, NATIONAL PROSECUTION STANDARDS (1991).

9. *Id.* at Standard 1.1.

10. *Id.* at Standard 1.3.

11. *Id.* (emphasis in original).

has an interest in being as whole, wholesome and healthy as possible.

While restorative justice as a framework is slowly finding its way into the criminal justice lexicon of prosecutors' offices, victim-offender conferencing/dialog has already received the endorsement of the American Bar Association House of Delegates. In August 1994, the ABA passed a recommendation that reads: "BE IT RESOLVED, that the American Bar Association urges federal, state, territorial, and local governments to incorporate publicly or privately operated victim-offender mediation/dialogue programs into their criminal justice processes." The ABA went on to attach a list of guidelines for programs.

The significance of this is that one of the pre-eminent U.S. attorney organizations has recognized the validity and importance of a process that allows for the opportunity for healing to occur. Forgiveness may or may not follow after a victim-offender dialogue, but providing the opportunity is truly serving the needs of society.

So, if the National Prosecution Standards inherently support restorative justice practices, and the ABA has explicitly supported the process of victim-offender dialog, what are the impediments? Why are prosecutors moving slowly in adopting this particular process, whether in house, or housed in a non-profit agency, or the broader framework of restorative justice?

Many young lawyers relish the notion of working in a prosecutor's office to gain valuable litigation experience. What is even better is that during the learning process, the young lawyer is "the knight in shining armor", the "good guy" in court. After all, nobody would need to be in court if the "bad" guy had not committed some offense. Prosecutors care deeply about engaging in the work of justice, but the overwhelming caseloads in most offices lead to a mantra of sorts, with one set of facts blending into the next. The cases become less about the real human stories behind them than about processing cases, getting through the day, placating a judge, or impressing a superior in order to achieve a coveted advancement.

Prosecutor culture also can advance the notion that all offenders are bad people, and need to be prosecuted zealously, regardless of the human side or equities in a case. One former prosecutor has written of a culture of "zealous advocacy" in which she dispensed shark candy to fellow prosecutors, and proudly displayed a poster

of Eliot Ness campaigning against Al Capone on her wall.¹² One prosecutor interviewed for the book, *D.A.: Prosecutors in Their Own Words*, stated, "Prosecutors turn into sharks. Sharks are eating machines."¹³ Another stated:

You get a mind-set that everybody's bad, everybody's guilty, and everything is wrong. Everyone is a liar. Everybody is corrupt. Law does that you anyway, but it's worse as a prosecutor. You essentially become the wrong side of the public conscience. At one point I didn't care who went to jail, because everybody was guilty of something. It was just a matter of wining. I just had to win. A lot of prosecutors are into that.¹⁴

I heard of a prosecutor who refused to allow a victim-offender conference prior to sentencing because s/he was interested in having a "rabid" victim appear at the sentencing hearing. This prosecutor was obviously convinced that the victim would in some way 'forgive' the offender, and therefore not speak as forcefully for lengthy incarceration. In light of the NDAA Standards cited above, is this truly seeking *justice*?

Prosecutors sometimes fall into a work cadence or culture that does not comfortably allow for personal contact with crime victims. Yet, the public increasingly desires that contact. Ninety-two percent of respondents in one survey wanted this service; however, only forty percent believed the service was actually provided. Meanwhile, thirty-seven percent of victims whose case actually went to trial and spoke with the prosecutor actually felt that the prosecutor took their opinions into account.¹⁵

I don't intend to disparage the hard work that prosecutors engage in. I only seek to advance an approach to justice that is more encompassing of the vast array of human experience. Many colleagues question the viability of restorative justice programming; some even mock it. But restorative justice practices and principles would gain a stronger foothold if, at minimum, prosecutors were able to consider and accept the possibility for a victim or community to forgive a wrong committed, and in so doing, focus on the future of the victim, offender and community.

12. See Mary Ellen Reimund, *Off to See the Wizard: A Prosecutor's Metamorphosis* (1999) (on file with author).

13. M. BAKER, *D.A.: PROSECUTORS IN THEIR OWN WORDS* (1999), cited in Reimund, *supra* note 12.

14. *Id.*

15. COUNCIL OF STATE GOV'TS/EASTERN REGIONAL CONF., *WHAT DO WE WANT (AND WHAT ARE WE GETTING) FROM THE CRIMINAL JUSTICE SYSTEM?* figs. 20, 23 (1999) [hereinafter COUNCIL OF STATE GOV'TS].

B. Media Influence

Our culture is driven by images from the media. The depiction of law enforcement on television has affected how it is perceived in society. For example, the early television show the Lone Ranger portrayed law enforcement as omnipotent and capable of solving all disputes with swift justice. In that show, a "professional" would ride into town on a white horse to enforce the (good) code of the west. The show portrayed the townspeople as inevitably confused and helpless without his assistance. The Lone Ranger provides a poor example of how law enforcement should protect society. The townspeople rely upon him to enforce his belief of right or wrong without input from the community. This approach neglects conflict resolution skills.

Another example is the former television show *Dragnet*. In *Dragnet*, the detective is not concerned with the emotional reaction to crime but rather focuses on "Just the facts, ma'am, just the facts." The detective knows what his job is, what his notion of justice demands: just the facts.

This parable has contributed to victims feeling embarrassed by their victimization. A truly loving and caring society would instead reach out to victims in pain to assist them. In recent decades there has been great advances in this area. For example, the establishment of victim/witness units within District Attorney's offices has helped provide services for victims.

Recent television fare, such as *Law and Order*, explore more plausible and realistic scenarios. That is a step forward for disseminating realistic information about the system. Nevertheless, the traditional paradigm of the District Attorney as an expert is still present. A recent episode of "The Practice" showed two overzealous prosecutors re-enforcing each other's opinions that they alone are society's last resort in fighting a "tidal wave" of crime. They are the "good guys" who don't get enough credit for the job they do, even though without them society would degenerate into total chaos.¹⁶

The media generally has a sensationalistic approach to reporting crime. While every type of violent and non-violent crime has decreased during the 1990s,¹⁷ the media has not altered its approach to reporting fear-generating crime. As a result, the public per-

16. See *The Practice* (T.V. broadcast on ABC, Feb. 13, 2000).

17. See BUREAU OF JUSTICE STATISTICS NATIONAL CRIME VICTIMIZATION SURVEY, *Criminal Victimization 1998*, July 1999, fig. 1, at 2.

ceives danger on the streets. A 1999 survey conducted for the Council of State Governments/Easter Regional Conference reveals that forty-nine percent of the population feels “not as safe now” as compared with fifteen years ago.¹⁸ Only fifteen percent feel “safer now.”¹⁹

C. Elections

When politicians seeking elected office get around to discussing crime, there is often a race to declare which candidate is “tougher” on crime. Recent local ads have conveyed a “tough on crime” message in thirty second sound or image bites by discussing the number of people sent to prison, by showing the jail house doors clanging shut, or by campaigning to end the “coddling” of prisoners.

Surprisingly, it appears that the general public is not necessarily punitive minded in many typical criminal scenarios. Fifty-nine percent of people polled believe that the most important outcome for a burglar who stole to support a drug habit is not to be incarcerated, compared with thirty-eight percent who believe that incarceration is most important. Instead of incarceration, the three most desired outcomes were drug treatment, restitution, and strict supervision on probation. Only fifty-four percent believe that the most important outcome for a *non-addicted* drug user selling illegal drugs for profit is incarceration.²⁰ Yet, politicians keep ratcheting up accountability in the form of tougher laws, and longer prison sentences in the belief that this is both effective and what the public wants. With this as the pre-dominant criminal legal culture, it is difficult to discuss changes that at first sight, without a deeper understanding of what the processes and desired outcomes are really about, appear to be “soft.”

D. Lack of Input from the Faith Community

Clearly, religion and governmental affairs are not to be mixed. But, that does not mean that the values which people of faith – whether that faith is organized religion, or some other value-based belief system – hold dear and by which they live their daily lives should not become a part of their decision making process in their work lives. Without such moral or spiritual guidance, our daily lives would be guided solely by the materialistic drive so evident in

18. See COUNCIL OF STATE GOV'TS, *supra* note 15, at fig. 5.

19. *Id.*

20. See *id.* at figs. 30, 34.

today's popular culture. Nonetheless, there seems to be a fear of any outward mixing of faith values with the daily fare of the legal and business world.

Some of this fear is clearly warranted. There are many people of faith who cannot fathom the possibility of divergent views on issues of faith. Zealous exclusivism of any particular religion — the type which exclaims that it and only it are the true path to virtue, good life, peace, etc. — is dangerous and fails to account for the great diversity of cultures and religious belief in the United States.

I am not a student of faith other than my own; but I do understand that each religion with which I have a passing familiarity has something to say about repentance, forgiveness, and redemption. Combined with this is a belief in the fundamental value of each human life. Judaism holds dear the value of each human life, such that the Talmud states: If you save one life, it is as if you have saved a universe. Kay Pranis, the Restorative Justice Planner for the Minnesota Department of Corrections states succinctly that, "there is an enormous gap between what we teach in our churches, mosques, temples and synagogues and what we practice in daily personal and political life about the possibilities of forgiveness and redemption and about the fundamental dignity of all human life."²¹

Many lawyers, law enforcement personnel, and system officials participate actively in their faith communities. How do they each transfer the teachings of their individual faiths into their daily work lives? How do the teachings about the possibilities of redemption, forgiveness and the value of human life play out within the criminal justice system?

Jewish law and tradition offer an appropriate example. Repentance and prayer on Yom Kippur (the Day of Atonement) only atone for sins between people and the Almighty. Wrongs between people (i.e. when someone injures, curses, or steals from someone else) will never be forgiven until the wrongdoer makes the injured party whole. The injured party must be appeased. Appeasement means asking for forgiveness and assuaging the emotional discomfort caused by the original act.²² Jewish tradition urges a victim to be receptive to a wrongdoer's overtures.²³ While forcing a victim

21. K. Pranis, *From Vision to Action: Some Principles of Restorative Justice*, CHURCH & SOCIETY, Mar./Apr. 1997, at 32.

22. See Maimonides, *Laws of Teshuva* 2:9. See generally David Lerman, *Restorative Justice and Jewish Law*, 2 FULL CIRCLE 2 (Apr. 1998).

23. Midrash Tanhuma, VAYERA 52a. See also Samuel J. Levine, *Teshuva: A Look at Repentance, Forgiveness and Atonement in Jewish Law and Philosophy and American Legal Thought*, 27 FORDHAM URB. L.J. 1677 (2000).

to forgive is absolutely the last thing that should ever be foisted upon any victim, Jewish Law does not recognize any particular process or time frame within which the forgiveness should occur.

Milwaukee's Task Force on Restorative Justice is a nineteen-member body created by the county board of supervisors in conjunction with the District Attorney's office. The task force is charged with the duty to educate the community and develop restorative justice programming. This body enjoys the active participation of representatives from the Interfaith Conference of Greater Milwaukee. Members of the Task Force have made presentations at various places of worship throughout Milwaukee County to discuss restorative justice concepts. Faith community members have been urged to seek restorative processes when they are victims of crime. A recent case in which a victim-offender community conference occurred involved a young man who stole a credit card number from someone's coat pocket while both were in church. The conference was held in the church basement. The young man could have easily been prosecuted in the traditional system. Instead, he will spend time serving meals at a meal site, and he will make complete restitution.

The concept of forgiveness within the criminal justice system will be better accepted with increased dialog between professionals who work in the system and the faith community. Whether the overtures come from within the system, as it did originally in Milwaukee, or from the faith community is not crucial. All that needs to occur is that a dialog begin. Nationally, several faith communities have made restorative justice and the criminal justice system a priority. There is a growing body of material with which to assist this dialog.

E. Leadership

Ultimately, transformation of the criminal justice system will require strong, courageous leadership from within. I don't believe that any movement from the outside will be strong enough to force a change from our current policies and culture. It is too easy for elected officials, politicians, legislators, and judges to rely upon the notion of "do the crime, do the time" and such policies have led to the sharp rise in prison building "get tough" legislation which focuses solely on punishment in the form of incarceration.

To assist prosecutors willing to explore restorative justice principles and practices, there is a growing body of scholarship that reveals the efficacy of restorative justice principles, both for "soft"

outcomes, such as perceptions of fairness and client satisfaction as well as “hard” outcomes, such as recidivism. One study showed a thirty-two percent reduction in recidivism over one year for a group of juvenile participants in a victim-offender conferencing program.²⁴

Several prosecutors across the country have assumed leadership roles in this area. Prosecutors in places such as Austin, Texas, Portland, Oregon, Des Moines, Iowa, Denver, Colorado, Milwaukee, Wisconsin, and Philadelphia, Pennsylvania have begun to explore the concepts of restorative justice — and thus, the role of forgiveness within the criminal justice system. Some of these jurisdictions have strong programs adopting restorative justice principles in place; others are beginning to explore options. These courageous prosecutors deserve continued support from members of their communities who recognize the value of a restorative approach to criminal justice.

The concept of community prosecution is one that has received greater attention within prosecution circles, and has enjoyed greater levels of support from the Department of Justice. This is a promising development. While a community prosecution program is not automatically restorative in nature, it should, if engaged in with the real goal of interacting meaningfully with the target community, become restorative.

CONCLUSION

Forgiveness has a place in the criminal law. The principles of restorative justice provide a theoretical and programmatic background for forgiveness to become a part of the lexicon of the United States criminal justice system. The impediments that exist are surmountable, but only if people of vision explore alliances that cut across traditional professional boundaries. Prosecutors have a heightened role in any move towards a system more open to forgiveness and a willingness to look forward from a criminal act. Several urban communities have begun to take the steps towards such transformation. For the sake of healthy communities, this journey should be joined by other communities.

24. W. Nugent et al., *Participation in Victim-Offender Mediation Reduces Recidivism*, 5 VOMA CONNECTIONS (Summer 1999) (containing references to numerous other studies which measure some aspect of victim-offender dialog programs).

