

From: K PRANIS [<mailto:kaypranis@msn.com>]
Sent: Monday, June 11, 2018 10:24 PM
To: #CI-StPaul_Ward7 <Ward7@ci.stpaul.mn.us>
Subject: restorative justice and police union contract

Hi Jane,
I hope all is well with you.

I have been traveling a great deal training in Restorative Justice and Circles and have not been able to stay in touch with all that is going on in St Paul, but became aware of the proposed language in the police union contract relating to Restorative Justice.

It is pretty amazing to have that idea show up in the context of union negotiations! On the one hand it is exciting, and on the other hand I have some cautions about this.

It is good that there is increased awareness of Restorative Justice, but the term appears to be used without adequate knowledge of what it means. Restorative Justice does not mean leniency. It means direct accountability to those hurt and processes that allow the most immediate stakeholders, the persons hurt and the person who caused the hurt, to decide how best to repair the harm and what steps need to be taken so it does not happen again.

If a police officer has caused harm then a restorative process would involve the person hurt and the officer and supporters for each of them engaging in dialog about what obligations flow from the harm the officer caused, i.e. what does the officer need to do to repair the harm and what changes does the officer need to make so it does not happen again. The chief might be part of the dialog but would not be telling the others what must happen. And it would definitely not be a 'reduced punishment' decided by the chief.

There is a problem with associating restorative justice with reduced discipline or punishment. That is not the point - the point is a resolution determined by those most impacted that moves toward repair of harm and ensuring it will not happen again. Such a plan would not be made by the chief - it would be made by the police officer and those hurt by the officer's behavior. The chief might be involved because the chief is also impacted by harmful behavior of officers - but the chief would not be an authority figure deciding the outcome. The resolution would likely not look like traditional discipline and would be very unlikely to be the traditional discipline just reduced. It might bear no resemblance to traditional discipline - so that is an unhelpful reference point. The focus in restorative justice is meaningful accountability - not ducking accountability.

There is an even greater problem in this situation. Police hold a great deal of power on the streets when they encounter citizens. It is extremely problematic to offer an approach to responding to harm that is more respectful, more humane, more thoughtful and more meaningful to those with more power than is offered by them to the people they regularly exercise power over. If we are to have a Restorative Justice response to police misconduct or

harm then we should train every police officer to use a Restorative Justice mindset in their treatment of citizens who have engaged in misconduct. Will we create a structure that offers a restorative response to police officers but not offer that to members of the community?

There are important questions to be answered here:

What is meant by using the term Restorative Justice? If the process is not truly restorative (as appears to be the case in the proposed language) then other language should be used.

If we are to move forward with a restorative approach, how are we going to extend the vision of a restorative response to wrong-doing to community members as well?

Lots to think about here and lots that we should engage the whole community in discussing.

Thanks for listening! And thanks always for your commitment to the well being of all of us in St Paul.

Regards,
Kay Pranis