

## **Another road to justice Programs seek to change offenders' thinking, behavior**

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Green Bay - The group of men listens, mesmerized, as Lynn BeBeau talks about the last time she saw her husband alive.

"I told him the same thing I always did: 'I love you. Be careful.' "

Her husband grinned back.

"Honey, don't worry about me. Me and God are like this." He held up two crossed fingers and smiled.

Hours later, the Eau Claire police officer was shot to death in the line of duty.

The hulking men in prison greens sit perfectly still as BeBeau fights back tears. They are murderers, armed robbers, drug dealers, child molesters.

Later, convicted killer Ruben Herrera tells BeBeau what her story meant to him.

"I hear you talking about forgiveness. That would be something I would ask for, but it would be selfish," he said in a voice racked with emotion. "I don't have any right to ask for forgiveness or to forgive myself. I don't even know how to go about doing that."

As judges follow the state Legislature's mandate of truth in sentencing, giving prisoners little hope for early release, a movement to help criminals change their thinking - and their behavior - is under way. BeBeau is one of its foot soldiers. Another is former state Supreme Court Justice Janine Geske. Another is Milwaukee County Assistant District Attorney David Lerman. Their cohorts fan out across the state, a counterpoint to the proponents of truth in sentencing who believe that longer prison and supervision terms are the answers to the crime problem.

"There are two different philosophies at work," Dane County Circuit Judge Angela Bartell said. "Do people need to be treated, monitored, and considered human resources, or just locked up?"

Department of Corrections Secretary Matthew J. Frank said the two aren't necessarily mutually exclusive.

"Truth in sentencing is not inconsistent with giving judges more options. . . . The challenge here is to be smart on crime and that we give options to our judges to hold people accountable in ways that best protect the public safety," he said.

### **Changing thinking, behavior**

Geske, who sentenced her fair share of defendants to life in prison during her tenure as a Milwaukee County circuit judge, believes people who commit crimes need to change their thinking, whether they're serving time or not. In contemporary terms, the concept is called

restorative justice, and it is a far cry from the adversarial court system that is the norm in American courtrooms.

Restorative justice has a long tradition throughout history, including in Native American cultures. It teaches that communities, victims and offenders need to be healed after a crime occurs.

"Unfortunately, most people do not think about how much their actions hurt others," Geske said. "Knowing that information can dramatically affect future behavior."

Challenges and Possibilities, a program at the maximum-security Green Bay Correctional Institution where BeBeau and Geske volunteer, is one way community members are trying to inspire prisoners to change their behaviors. About 30 inmates in a recent semester-long course attended workshops where they interacted with crime victims and with one another.

The prisoners work on their attitudes through group therapy-style discussion, writing and art. Volunteers include victims and survivors of violent crime, who share their stories in hopes that the offenders will think about the consequences of their actions.

During a session this fall at Green Bay, Mayda Crites told the story of her son, Bryon, who was killed by a drunken driver in 1999.

Afterward, inmate Jesse Vega spoke up.

"I don't even want to drink no more," said Vega, who admitted drinking and driving in the past. "I just thank God I didn't hurt anyone.

"Now that I heard you speak, I don't even want to ride a bike anymore. It touched me, what you said, and I'm sorry you had to go through that."

In the Green Bay program, a few volunteers serve as representatives of the people who have been harmed by the inmates. In the Milwaukee County district attorney's office, however, participants in a restorative justice program talk directly to the people they have robbed, defrauded or otherwise harmed.

### **Neighborhood involvement**

Milwaukee County's community conferencing groups include victim, offender, a facilitator and a community representative - ideally someone who lives in the neighborhood where the crime occurred. The parties discuss both the facts of the case and its impact. They may ask each other questions, which often leads to emotional insight.

"There is a ripple effect to many of these crimes," said Lerman, who is in charge of the program.

For example, a simple car theft may prevent the car's owner from getting to work, which could lead to his being fired. A corner drug dealer may intimidate neighbors, keeping their children from playing outside.

Only non-violent offenders who have admitted their crimes may participate in community conferencing. Although the judge may consider it at sentencing, prosecutors make no promises of leniency.

Lerman and Erin Katzfey, who works with him, have seen victims and community members benefit, too, as they gain a greater understanding of the crime. A victim of home burglary, for example, may fear she is being stalked and her home will be violated again. In reality, the offender may have chosen the house at random and already forgotten where it is.

"I like to watch the faces as the dialogues are going on," Katzfey said. "It's humanizing for the victim. They see that this is not a monster that did this thing. It's a person who made a really dumb decision."

### **Funding will run out**

Milwaukee County's community conferencing began in 2000 with a \$20,000 grant from the Milwaukee Foundation. The following year, the state Legislature earmarked federal grant money to fund Lerman's full-time position and a similar one in Outagamie County. That funding expires next summer. Lerman is hopeful that it will be renewed or that he will be able to come up with an alternative funding source to continue his work.

Wisconsin isn't the only place where money is an issue. Restorative justice programs around the country - even those touted as amazingly effective - face funding hurdles. For example, in Deschutes County, Ore., the state gave the county the money it would have spent to lock up certain juvenile offenders. In turn, the county spent half the money on rehabilitation and half on prevention. In 2000, Deschutes County received \$800,000 from the state.

The Oregon program was hailed as a beacon of corrections reform and copied by municipalities around the country. Nonetheless, its funding was cut during a state budget crisis last year. Today, it continues with local funding, said Wisconsin native Dennis Maloney, who spearheaded the Deschutes County program.

Maloney, now the president of an Oregon consulting firm, formerly served as superintendent at Lincoln Hills school for delinquent juveniles in Wisconsin.

"I would see highly motivated kids getting ready to leave the institution, and the community didn't want them back, even when they'd done their time. Just doing your time doesn't win you redemption in the community," he said.

And without community support, the motivation to stay out of trouble began to slip away. After moving to Oregon, Maloney pioneered a program that allowed young offenders to earn their way back into society through restitution and service. For example, juveniles who have committed serious property crimes build Habitat for Humanity houses, which in turn are given to families affected by domestic violence. They work four to six hours a day, all the while earning money for restitution.

Meanwhile, citizens decided the prevention money should go to things such as parenting classes, home health care for pregnant teens and kindergarten for at-risk children.

As a result of the program, incarceration in Oregon's juvenile institution was reduced by 72%, Maloney said.

"If you don't do this kind of thing, you create an incentive for counties to unload as many people into the state prison system as possible, because they pick up the tab for you," Maloney said. "This model turns it around."

### **'Not just about punishment'**

Restorative justice also saves money indirectly by reducing recidivism, its proponents say. "Justice is not just about punishment. Prison is not necessarily enough to deter a person from committing crimes, and - (prison) doesn't necessarily help the community," Milwaukee County's Lerman said.

Although restorative justice programs and other creative approaches to rehabilitation can be pricey, many believe they would cost less than prison in the long run.

"There's no question in my mind that as expensive as those programs are, they're a lot cheaper than building prisons," said Oneida County Circuit Judge Robert Kinney. "We're not going to build ourselves out of this problem."