

## **RESTORATIVE JUSTICE IN MINNESOTA AND THE USA: IMPLEMENTATION AND OUTCOMES**

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### **I. IMPLEMENTATION**

Restorative justice is not a particular programme or a fixed set of practices. It is a framework for guiding our actions in large and small ways in every part of the justice system. Additionally, restorative justice places a high value on: 1) empowering those closest to the problem (including the offender) to design a specific solution tailored to the problem and 2) viewing every problem as an opportunity to learn. Consequently, fluid, flexible approaches are essential to maintain the spirit of restorative justice – to leave key decisions to the stakeholders and to continually incorporate new learnings. So, in many ways restorative justice is a journey, more than it is a destination. If the journey is guided by the principles and values of restorative justice, the destination may be one that no one anticipated, but it will be one that serves all the stakeholders.

So, questions of implementation take a different form than in many other kinds of change in public systems. There is no single path toward a restorative vision. There is no blueprint with precise instructions for how to do it. The path must be responsive to the particular context of each community and to opportunities as they emerge and must always be rooted in the values of respect, self determination, mutual responsibility and inclusion.

There are, however, conditions which increase the likelihood of success in implementation efforts. Some of those are:

- Commitment from the top and bottom of the criminal justice system
- A passionate champion for the vision
- A strong partnership between citizens and the justice system
- An open planning process that allows all interested parties to help design the restorative approaches to be used
- Active involvement of victims and victim advocates
- Attention to the relationships of those working together toward a restorative vision
- Open, respectful engagements with those who disagree
- Periodic return to a discussion of underlying values to affirm the shared vision

### **II. ROLE OF STATUTES**

Legislative action and statutory changes have not played a large role in the development and growth of restorative practices. Statutes have been enacted in some states, but they are often reactive rather than proactive. Government support at the state and federal level has generally been through executive branch agencies. In Minnesota, where nearly every model of modern restorative practice has been implemented, there was no enabling legislation to begin restorative practices. Implementation has been regarded as within the discretion of existing statutes. After programmes were already in place, a definition of restorative programmes was put into statute to ensure that newly created grant monies would be properly allocated. In some cases, such as Vermont, statutory change was necessary to create options other than prison and probation, but leadership in that policy change came from the Department of Corrections, not the legislature.

Restorative justice legislation in most states other than Minnesota and Vermont has been focused on the juvenile justice system. In many states that legislation has been part of a larger package of legislation that was very non-restorative in its approach. In Illinois, for instance, the bill supporting restorative justice for minor offenses also mandated a larger number of juveniles be transferred to the adult system to face punitive adult sanctions.

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Because in the U.S. the restorative justice movement has been largely a practitioner movement, for the most part advocates for restorative justice have implemented these approaches by using their existing span of control or discretion in their jobs, rather than seeking permission from legislative bodies or high level policy makers.

### **III. ASSESSING EFFECTIVENESS**

#### **A. The Power of Questions - Asking the Right Questions**

Restorative justice practice recognizes that the question you ask dramatically impacts the intervention that will follow (Pranis, 2003). For instance, when you change the question from,

"What should we do to this offender because of the harm he/she did?" to "What should this offender do to make amends for the harm he/she caused?" an entirely different direction in the intervention follows. The shape of our questions determines the shape of the answers to a particular problem.

In a day long seminar on the overrepresentation of African Americans in Minnesota prisons, one small discussion group was asked to respond to the question, "How is Minnesota so successful in keeping white people out of prison?" At first some participants laughed and thought perhaps it was a facetious question. It was not. It was a serious question. When the group began to answer that question, the discussion provided a very different direction for action than would have emerged in answer to the question, "Why is Minnesota locking up so many African Americans?"

An entire field of study, Appreciative Inquiry, has emerged from the recognition that the way we frame the question has enormous implications for what answers will emerge to shape actions that have real life consequences (Hammond, 1996). Therefore, the questions we choose and the way we understand those questions is very important. The questions we ask are often not neutral. It is a core premise of qualitative research that assumptions are embedded in our questions that are shaped by our values and beliefs (Lofland and Lofland, 1995; Patton, 1990). Examining those assumptions and the underlying values can help clarify how we are using questions and where particular questions might lead us.

Analysis of restorative justice and its practices raises several layers of relevant questions: questions about restorative justice as a philosophy (Van Ness and Strong, 2001; Braithwaite and Petit, 1990) and questions about the design and implementation of restorative justice practices in relation to that philosophy (Bazemore and Schiff, 2001). Within the practices questions are an important tool in prompting dialogue among participants about particular events. Asking the right questions - questions that assist individuals or groups in accessing their own wisdom and in reflecting from a posture of seeking positive outcomes - is essential to each of these layers.

#### **B. Rethinking the Question: Does it Work?**

One of the most commonly asked questions about restorative justice is, "Does it work?" It's a natural question, because people want to know if an effort is worth putting energy into, yet it can be a misleading question if we are not clear about whether we are talking about restorative justice as a philosophy and guiding vision, or whether we are talking about the practices that put that vision into practice. The question, "Does it work?" usually asks for quantitative evidence. A philosophy or guiding vision is chosen based on a sense of deep inner truth and does not limit itself to that which can be proven by evidence. A philosophy can express our hopes and aspirations, not just our current reality. Choosing our philosophy matters. The world is not an objective reality that remains the same regardless of what we believe (Kuhn, 1962). To a large degree our beliefs shape the world we create with our actions and our energy. Choosing a positive vision contributes to creating a more positive world.

#### **C. Does Restorative Justice Work as a Philosophy?**

So, let's ask the question, "Does it work?" of restorative justice as a philosophy and guiding vision for every aspect of how we respond to harm. What do we expect from a philosophy? We expect that it guides us in understanding how life works and in being intentional about identifying the values we wish to live by and then figuring out how to make them operational. We ask it to give us clear direction about how to conduct ourselves, even in very difficult circumstances. What do we expect of a vision? We expect that it inspires, that it describes a world that we would want to live in, that it draws out our capacities, that it aligns separate individuals in a common quest or endeavor. In the case of a paradigm shift from a current dominant

philosophy to a new philosophy, we expect the new philosophy to resolve persistent problems in the prevailing philosophy (Bazemore, 2001).

Does restorative justice as a philosophy and guiding vision meet these expectations? Restorative justice appears remarkably successful as a philosophy and guiding vision. Restorative justice sets out a clear set of values to shape our actions. As a philosophy, it assists us in understanding the concrete, personal harm of crime and its effect on relationships and community. It also helps us design pathways for repair and healing of those negative impacts. It provides reasonably clear direction for our conduct. While not prescriptive about strategies, restorative justice is clear about the goals of actions and the value-constraints that limit actions. Practitioners may disagree about some specific approaches and their degree of restorativeness, but there is a high level of agreement about what core practices look like and what makes them restorative (McCold, 2000; Bazemore, 2000; Walgrave, 2000).

As a philosophy for a new paradigm, restorative justice does resolve serious dilemmas of the prevailing paradigm of justice. The criminal justice system is under great stress and pressure to demonstrate its effectiveness. Both the public and professionals within the system register high levels of dissatisfaction. In the current paradigm, the criminal justice system faces the following dilemmas:

- lack of clarity about the purpose of sentencing;
- contradictory impulses between punishment and rehabilitation;
- victim frustration and alienation;
- public expectation that the criminal justice system will control crime;
- failure of increasing punishment to change behavior;
- skyrocketing costs of punishment;
- failure to integrate social justice with criminal justice;
- widespread system overload (Pranis, 1992).

Despite heroic efforts of dedicated professionals and high levels of spending over the past two decades, relatively little progress has been made on these problems within the dominant paradigm. Restorative justice as a philosophy resolves these persistent problems.

*Lack of clarity about the purpose of sentencing.* Restorative justice establishes the purpose of sentencing, above all else, as repair of the harm done to the victim, to the offender himself, and to the community, including the harm of losing a sense of safety within the community. Other purposes may be served but are secondary.

*Punishment vs rehabilitation.* Restorative justice replaces the focus on punishment, measured by how much pain is inflicted, with a focus on accountability, measured by taking responsibility and taking action to repair the harm. This kind of accountability, while often painful, supports growth and healing and does not conflict with rehabilitation.

*Victim frustration.* Restorative justice prioritizes victim involvement, victim choice, and a sensitivity to victims' concerns throughout the process, including post adjudication. Without a victim perspective, we cannot be sure of exactly what the harm was and what would be helpful to repair the harm. Victim satisfaction is a high priority in restorative justice (Achilles and Zehr, 2001; Umbreit, 1999).

*Failure of increasing punishment to change behavior.* Restorative justice is not premised on the assumption that punishment will change behavior and does not rely on producing results through punishment.

*Public expectation that the criminal justice system will solve the problem of crime.* We know that actions of the criminal justice system have limited impact on the crime rate, yet our paradigm suggests that the criminal justice system has a primary role in changing crime rates. We are unable to deliver what the model seems to promise. Restorative justice has a goal of reparation and measures outcomes based on the question: "To what degree has the harm been repaired and power relationships put right?" In restorative justice crime control is clearly identified as a function of community and government partnerships that include criminal justice but extend well beyond criminal justice.

*Skyrocketing cost of punishment.* Restorative justice requires fewer investments in punishment since the system is measured, not by how much punishment is inflicted, but by how much reparation and healing are achieved.

*Failure to integrate social justice with criminal justice.* This is perhaps the most serious failing of our present system. Restorative justice clearly defines a relationship between social justice and criminal justice. The community is held responsible for community "shalom." Individuals are held responsible for their behavior. A bad environment does not excuse individuals of responsibility for causing harm to others, but at the same time the community is held accountable for promoting community peace, including social justice. The community is expected to take responsibility for supporting victims, helping offenders take responsibility, and addressing underlying causes of crime. The community is not allowed to simply banish people and expect someone else to deal with the behavior as though the community had no part in creating the problem. Restorative justice integrates individual and social responsibility in a coherent conceptual framework (Pranis, 2001).

*System overload.* Responding to crime through repair of harm, problem-solving through conflict resolution, and involving families and communities spreads the workload to multiple stakeholders, not just the criminal justice system, and engages all these stakeholders in a commitment to finding workable solutions (Braithwaite, 2001).

As a paradigm shift, restorative justice helps us understand differently the problems that are intractable in the current paradigm and provides direction for resolving those problems.

As a vision restorative justice has energized a grassroots movement across the globe in the face of one of the most powerful and entrenched systems in the modern world, the criminal justice system. With very little money and a prevailing public discourse in the media and politics that is exactly the opposite of restorative justice, this vision is nonetheless moving powerfully forward. Many criminal justice professionals speak of being reenergized and invigorated by this vision in a way they have not experienced in the past twenty-five years of their careers. Restorative justice as a vision has brought together people who would never have imagined working together - inner city residents with criminal justice professionals, former victims with former offenders, European-Americans with African-Americans, judges with community members, gang members with police, conservatives with progressives, atheists with Christians. Restorative justice as a vision has provided common ground for a wide variety of perspectives and world views.

As a vision restorative justice has drawn out skills, energy and passion from people who previously saw no place for themselves in responding to crime. Energy to address the problems of crime and conflict in our communities is coming from many outside the justice system, creating a sense of shared ownership of the problems and the solutions. As a movement with no clear center, singular leadership or national infrastructure, restorative justice has a remarkable sense of coherence across cultures, organizations, and sectors in the U.S. Restorative justice is moving organically and is not dependent upon charismatic leadership or traditional structural legitimacy for its sense of authenticity and purpose.

Restorative justice is clearly inspiring, describing a world people want to live in, drawing out potentials, capacity, and aligning endeavors in a common quest. As a vision, it works.

#### **D. Do the Practices of Restorative Justice Work?**

Now, let's examine the question, "Does it work?" as it might be applied to restorative justice as a cluster of practices that put the philosophy of restorative justice into effect. What do we expect of our practices? What would be the characteristics of "working" for practices intended to move toward this vision and how would we measure those? We expect our practices to be consistent with the values and direction embedded in our philosophy. We expect our practices to result in changes that move us closer to the world described by our vision. To "work" as a practice is both a means and an ends question. The practice must not only produce results that move toward the vision, but it must also produce those in a way that does not violate the philosophy. Otherwise the practice is not working to operationalize that philosophy.

The vision of restorative justice describes a world in which harm has been repaired for victims, offenders, and communities and a world in which those who cause harm take responsibility and contribute to the repair. It also describes a world in which power relationships are put into proper balance. So our practices should

result in victims, offenders and communities who are in some way in a better position than they were before the restorative intervention. Our practices should have offenders involved in repair of harm to the victim and the community, and they should support offenders in taking responsibility for their actions.

The following characteristics describe practices that are “working” to move us towards that vision (Pranis, 1994) and provide guidance on what we may wish to measure:

- The practice provides opportunity for increased involvement of victims.
- The practice produces repair of the harm of the crime for victims to the degree possible.
- The practice increases offender understanding of the harm of the behavior to the victim, the community, and the self.
- The practice encourages offenders to take responsibility for the harm done.
- The practice actively engages the offender in repairing harm to the victim and the community.
- The practice produces repair of the harm of the crime for the community to the degree possible.
- The practice involves community members and encourages the community to take a share of responsibility for repairing harm and managing behavior in the community.
- The practice results in changes that will reduce the likelihood of the crime happening again.
- The practice increases the capacity for self-regulation in individuals and communities.

It is not necessary for a restorative practice to have all of those characteristics. It must, however, have at least one of them and must not in its implementation undermine any of the others.

A broad overarching question for any specific intervention is: Does the intervention leave the community stronger than it was before the crime happened (Pranis, 2001)?

In addition to the characteristics listed above, it is necessary to examine how the practice is carried out, the “means” question. If the process of responding to an offender is humiliating or demeaning, the outcome is unlikely to be a respectful attitude by the offender. If the process of responding to a victim is patronizing or discounts the victim’s voice, the outcome is unlikely to be the recovery of personal power (Pranis, 1997b). Are the means consistent with the desired ends? Is the practice carried out with respect toward and acknowledgement of the inherent human dignity in everyone?

#### **IV. OVERVIEW OF RESEARCH**

The face-to-face practices are designed to increase victim involvement, produce repair of harm, increase offender understanding, encourage offenders to take responsibility and actively involve offenders in repairing the harm, the characteristics identified earlier for practices that “work”. Research results indicate that implementation is achieving these goals.

Multiple research studies on victim offender mediation and family group conferencing demonstrate high levels of victim satisfaction, high levels of offender satisfaction and increased payment of restitution compared to court ordered restitution. A meta-analysis examining 22 control group studies of 35 individual restorative justice programmes (26 youth, 9 adult) concluded that compared to victims who participated in the traditional justice system, victims who participated in restorative processes were significantly more satisfied and that offenders in restorative justice programmes were significantly more likely to complete restitution agreements (Latimer, Dowden, Muise, 2001). The meta-analysis also found reduced recidivism rates for the restorative justice programmes.

Umbreit, Coates and Vos (2002) in a review of 63 studies of restorative justice conferencing in 5 countries (46 studies of victim offender mediation, 13 family group conferencing studies and 4 assessments of peacemaking circles) found remarkably consistent levels of victim and offender satisfaction with conferencing strategies, increased likelihood that restitution contracts would be paid and crime reduction for a significant number of offenders who are involved in restorative conferencing approaches.

A qualitative study of a community circle programme in a suburban community found that victims in the circle process felt supported by the community and welcomed the opportunity to participate in the justice process (Coates, R. Umbreit, M. Voss, B. 2000). The typical case in this programme was a pre-charge juvenile misdemeanor referred by the police. In the study every circle participant was able to point out at least one important outcome of the circle. The most important outcomes were: offenders accepting

responsibility and being accountable, addressing future relations between the victim and the offender, opportunity to express feelings and awareness of support from the community. The study also found an unusual willingness of volunteers to contribute hours and hours to the work of the circle. "Council participants have strengthened their own sense of being part of a community and of sharing responsibility for what happens in its boundaries (p.74)."

Research on victim offender mediation and dialogue in crimes of severe violence consistently shows high levels of satisfaction and perceptions that the process was helpful on the part of both victims and offenders (Umbreit, Coates, Vos, 2001). Effects of the mediation session for victims included feeling heard, experiencing less control of the offender over them, reduced fear, increased trust in relationships with others, seeing the offender as a person rather than a monster, a sense of peace, reductions in suicidal feelings and release from anger (Roberts, 1995).

A study to determine the effectiveness of the Hollow Water First Nation's holistic healing programme, a circle process for sexual abuse victims and offenders, concludes that the programme saved over \$3 million in justice costs over a ten year period, in addition to improving economic, cultural and social sustainability of the community (Couture, Parker, Couture, Laboucane, 2001). Recidivism in that programme is approximately two percent.

The Woodbury Police Department Restorative Community Conferencing Programme, one of the earliest restorative group conferencing programmes in the U.S., has collected data from participants in their programme since 1996. The results show very high overall satisfaction rates each year – 8 or higher on a 10 point scale - of offenders (ranging from 71% – 100%), victims (ranging from 86% to 100%) and offenders' parents (ranging from 80% - 85%). The data also show high levels of perception of fair treatment by victims, offenders and offenders' parents and almost unanimous agreement that participating in Restorative Justice was preferable to having the situation handled by the court system.

This programme uses restorative group conferencing with juveniles. A wide range of offenses have been conferenced. The largest offense categories are juvenile alcohol offenses, theft, shoplifting, assault (both felonies and misdemeanors), damage to property, controlled substance and disorderly conduct. An analysis to examine recidivism included 281 cases. Slightly over half (52.7%) of the offenders were first time offenders; the remaining offenders had prior records ranging from one prior to 25 priors. There were 84 cases with two or more priors. The study found that recidivism rates under the conferencing programme were 33.1% compared to 72.2% for juvenile cases the year before the conferencing programme began. The study also found a change in the pattern of re-offending. Those who participated in conferencing did not re-offend as quickly and tended to have a less serious subsequent offense when compared to those who re-offended without going through a conference. By using conferencing for most juvenile offenses in Woodbury, the Police Department has significantly reduced the number of cases it sends to the County Attorneys office, clearly a cost saving to the County. In addition the public rating of the Woodbury Police Department by the community has improved.

These are the results called for in the vision. If implemented in ways consistent with the values (respect, voluntariness, equal voice), then these face-to-face practices do successfully operationalize the philosophy. They work.

#### **A. Assessing the Effectiveness of Non Face to Face Practices**

The non face-to-face practices identified as restorative are so designated based on whether they fit one or more of the characteristics identified for practices that "work," so by definition they can serve restorative ends. Those non face to face practices include: victim services, victim reparation funds, community support for victims, community service by offenders, restitution, apologies, victim impact classes or panels, victim-offender groups, treatment programmes or cognitive skills programmes and involvement of community volunteers.

However, for many of these practices, such as victim services, restitution or community service, research based on specifically restorative outcomes has not been conducted. Some seem intuitively obvious. For instance, restitution clearly repairs some of the harm to the victim and thus "works" on that dimension of restorative justice, if its implementation is consistent with restorative values. Without research, though, questions remain about whether the victim perceives restitution as repair of the harm. In a restorative

framework the people directly impacted determine the efficacy of an intervention. Much work remains to be done in assessing effectiveness of these practices in achieving a restorative vision.

Some work has been done evaluating other non face to face practices such as victim impact panels and victim-offender groups. Research conducted on the Citizens, Victims & Offenders Restoring Justice Project in Minnesota (a twelve week group) found dramatic shifts in victim perceptions pre and post participation in the group (Burns, 2002). After participation in the group victims believed that the wounds and healing of offenders is important, offenders seem to feel sorry for what they did, and offenders were held accountable. Other researcher observations include: signs of increased group integration; creation of a safe, supportive environment; offender accountability; positive changes in participants feelings toward one another and a greater willingness to consider and engage in restorative responses to crime (Burns, 2003).

## **B. Research on Restorative Practices in Schools**

Early research on restorative practices in schools shows promising results. A three year pilot project using restorative measures in five public schools in Minnesota found that the implementation of restorative practices has improved student behavior and created a more collaborative school culture. In one school yearly referrals to the office for acts of physical aggression dropped from 773 to 153 over a three and a half year period (Riestenberg, 2001). The results of these pilot projects prompted the Minnesota Department of Children, Families and Learning to fund several pilot projects to test strategies for promoting systemic change toward restorative school environments.

In a study of a school based restorative group conferencing programme in Colorado participants strongly agreed or agreed that (Ierley & Ivker, 2002):

- The facilitators were effective and fair in handling their case. 97 %
- This process helps to create a safer school environment. 92 %
- This process helps to hold offenders accountable. 91 %
- They feel satisfied with the outcome of this process. 96 %
- They feel the process resulted in a fair and just outcome. 100 %

Cases referred to the programme included harassment, fighting, theft, vandalism, arson, drugs and truancy.

## **C. Public Opinion Research**

Public opinion research in Minnesota consistently demonstrates a strong public leaning toward a restorative approach to responding to crime. A statewide survey conducted by the University of Minnesota Center for Survey Research in the fall of 2002 had several questions related to Restorative Justice. The results of the survey indicate growing awareness of Restorative Justice and consistent public interest in the fundamental goals of Restorative Justice.

- When asked about the possibility of a face to face meeting with the offender if they were the victim of a property crime, 78 percent of respondents indicated that they were likely or very likely to participate.
- A question about purposes of sentencing in violent crimes indicates only a 12 percent support for retribution – a common justification of costly punishment. Respondents expressed very high support – 61 percent - for making sure the offender does not commit the offense again. Restorative approaches are consistent with that goal and offer innovative ways of changing and monitoring behavior so the harm is not repeated.
- Another question about victimization in violent offenses indicates a preference for genuine apology and efforts at repairing the harm (51 percent) over severe punishment (41 percent). That preference clearly demonstrates an inclination toward restorative approaches even in serious offenses.

When asked whether they had ever heard the term restorative justice 1 in 5 adults indicated that they have heard the term.

Similar results were found in questions on the statewide surveys in 1991 and 1992. The 1991 survey included a question about strategies for reducing crime. In response to the question, “For the greatest impact on crime, should additional money be spent on more prisons, OR spent on education, job training and community programmes?” Eighty percent of the survey participants chose education, job training and community programmes, while 16 percent chose prisons.

These results demonstrate a community understanding of the importance of putting things right, making amends and building a better future.

## V. COMMUNITY BUILDING OUTCOMES

It was suggested earlier in this paper that restorative interventions should leave the community stronger than it was before the crime happened. Simply removing members from the community does not leave the community stronger – perhaps less vulnerable, but not stronger. What kinds of interventions strengthen the community?

- Interventions that strengthen positive relationships or create new positive relationships.
- Interventions that increase awareness of interconnection and mutual dependence.
- Interventions that increase the sense of citizen efficacy in solving problems.
- Interventions that create informal safety nets or support systems for people at risk.

Successful community building outcomes are sometimes achieved even in circumstances where an offender is not successful. We are, as yet, relatively unsophisticated in measuring community building outcomes because very little attention has been directed to establishing and measuring those outcomes compared to offender outcomes, but they are clearly very important outcomes and we do have some indications of success in that area.

Restorative justice views crime as an opportunity to reweave the social fabric by developing social capital and informal social control through restorative processes. The following stories from the street are evidence of the community building outcomes resulting from restorative interventions:

- A woman from an inner city neighborhood community justice circle that works with African American juveniles saw one of the 'circle kids' with a group of other kids on a street corner getting into a fight. Because she has a relationship with the youngster through the circle, she pulled over and called to him to get into her car. He jumped into her car and got himself out of potential trouble. (creating new positive relationships)
- Two community members in a downtown neighborhood met through participation in a community restorative justice conference and discovered they live near one another. They subsequently worked together to organize a clean up of their block. (creating new positive relationships, increasing the sense of citizen efficacy)
- A community member felt empowered after participation in a restorative justice conference to speak to a man smoking marijuana at her bus stop. She told him that she has to catch the bus there and it is not okay for him to smoke marijuana in the bus stop. The man left. She stated that she would never have done that prior to her experience in the community conferencing process. (increasing the sense of citizen efficacy)
- One member of a community justice circle group working with a 19 year old offender spoke of seeing the applicant in the community a couple of times since the last circle. He recalled one incident where they greeted one another and he expressed pleasure at that exchange. "The other time I saw you, but you didn't see me," the community member continued. He went on to describe the applicant on his bike, talking to someone in a car who was in the street holding up traffic. He looked at the applicant and said, "That tells me about you and whether your attitude is changing. That was not respectful." While working diligently to support and help this young man, the community is also clearly setting out standards of behavior for everyone in the community, not just the offender.
- As a result of an assault by another juvenile an adolescent boy moved to a distant city to live with his father. Following a victim offender mediation regarding this case, the mother of the offender contacted the mother of the victim expressing concern for her loneliness since her son moved away. The mother of the offender suggested that they do something together. They discovered a mutual interest in theater and began to attend plays together. (creating new positive relationships)
- In the peacemaking circle process with a juvenile, the Community Justice Committee discovered that one of the problems in the family was constant conflict between the juvenile and his brother. A minister who is a member of the circle spent time with the brother and encouraged him to attend the next circle, which he did. During that circle it became apparent that both brothers were very interested in car racing. A community member offered both brothers a pass to the local racetrack in exchange for some help from them. A new relationship was created with this community member and the relationship between the brothers was strengthened by emphasizing common ground. The brother voluntarily attended the next circle for the offender. (creating safety nets)

- In an upper middle class suburb of St. Paul, an adolescent girl was charged with marijuana possession. Initially, the mother could not believe her daughter could be involved with drugs. In the family group conferencing process, which this city uses for all diversion cases, the mother was confronted with the reality of her daughter's use of drugs. The mother became concerned about the role of the broader community context in her daughter's behavior. She suggested to the police department that there was a need for a community wide dialogue on shared values and community standards to communicate clear boundaries to the young people of the community. The police department worked with this mother to organize a process called Focus on Community United by Shared Values, whose aims are to establish a committed relationship between the youth and adults of the city, to focus on developing the character and capabilities of all people, young and old alike, and to be responsible members of the community. (increased awareness of interconnectedness)
- Several volunteer community members of a Community Response to Crime panel gave their home phone numbers to a juvenile, suggesting that he call them if he has a problem. (creating a safety net for a person at risk)
- An eighty year old victim of an attempted burglary, disappointed that the offender re-offended after promising never to do it again, met with him, and asked insistently over and over, "How am I going to know you won't do this again?" She calls him regularly to make sure he stays out of trouble. (creation of new positive relationship)
- A victim of juvenile vandalism participated in the circle process. Shortly after the case was resolved he was diagnosed with terminal cancer. A circle member who had worked closely with him throughout the case visited him in the hospital, taking him homemade soup and flowers. Another circle member played the violin at his funeral. (creation of new positive relationships and a support system)
- The responsibility to rally around the victim can take countless forms. Churches in a small town in Florida organized to reach out to the families of two college students who were murdered by high school students in the Florida town. Representatives from the Florida community traveled to Maryland to plant trees in memory of the murdered young men. They also provided housing for the family of the third victim who was severely beaten and was hospitalized in the Florida town. (awareness of interconnectedness)
- Victims of the Oklahoma City bombing who traveled to Denver, Colorado, to attend the trials were provided with extensive support by churches and community volunteers in Denver. (awareness of interconnectedness)
- Twelve middle school students were involved in vandalizing an empty home in the community. During the peacemaking circle process the students and their parents identified the lack of a place for students to hang out together as a contributing factor. Members of the community justice council worked with Community Education to develop additional teen activities in their summer programme and are exploring the feasibility of a teen center in the community.
- In a suburban community the victim, offender, offender's mother and neighborhood residents gathered to resolve vandalism of a neighborhood tree house which had caused extensive conflict in the community. While the police officer was working to find a suitable place to meet, a neighborhood resident, who had participated in the process in another case, suggested that they could resolve the case themselves without the police, and they did. The agreement addressed both the individual responsibility of the offender and the responsibility of the neighborhood to be more connected and get to know one another. The police accepted the agreement. Extensive use of family group conferencing by the police department as the response to juvenile crime has resulted in an increase in community skills in problem solving and conflict resolution. (increased sense of community efficacy)
- In spite of difficulties with the offender, participants in a peacemaking circle project in a diverse inner city community express confidence that through this process the community will be strengthened. "What's most important here is the community coming together. The details of how we do it are not as important as the community doing something." Use of the circle process as a response to crime has increased the community's sense of capacity to address very difficult community problems. (increased sense of community efficacy)
- "What do you do here?" the woman asked. She noted that the atmosphere around the building had changed. "There were always lots of kids hanging around, making a lot of noise and they never helped open the door when my arms were loaded. Now it's quieter and when they are around, they run to open the door for me and want to know if you are in there doing circle." The woman she was speaking to had done several circles with neighborhood kids and it had apparently changed the climate of the neighborhood.

## VI. REFLECTIONS ON ASSESSING OUTCOMES

The evidence I have presented about the effectiveness of restorative justice as a philosophy and a set of practices has used a wide variety of sources and types of information. Rigorous scientific research is one of those sources of information, but only one of many. Scientific research typically asks the question “Does it work?” as it arises in the current paradigm, a paradigm based on the assumption of objective knowledge that must be validated in rational processes (Pranis, 2003). However, restorative justice posits a different set of assumptions based on interrelatedness. In an interrelated world knowledge is not an objective entity with an existence on its own. Knowledge is always in a context and rational processes are not the only way of gaining or demonstrating knowledge. The restorative paradigm requires that we explore other ways of looking at questions and knowledge and that we maintain some awareness of when we are using the old paradigm to discuss the new paradigm.

Rigorous scientific research is also very costly. Many communities do not have the resources to conduct such research. If we require rigorous scientific proof to make a change, then we may always be stuck with a particular way because we cannot afford the ‘proof’. Scientific research is valuable, but other sources of information are valuable as well, including feedback from others, direct experience and intuitive knowledge. In my experience in the U.S., decisions about criminal justice public policy are based more on stories than on scientific evidence. Stories are a profound way to share information and to convey deeper meanings.

In the academic and professional fields the question “Does it work?” is given great weight and primacy. The question is typically asked as though we have a clear consensus about what “works” means. But as we have seen it is not a transparent question. And it may not be as important as we have assumed in the way we are currently asking it. My experience in public speaking to very diverse groups in many different communities across the U.S. is that lay community members rarely ask, “Does it work?” when restorative philosophy and restorative practices are described to them. They more frequently ask, “Why aren't you already doing it that way?”

For many a restorative approach is common sense and does not require proof – just as many aspects of our life do not require proof. We don't ask for proof that we should eat when we are hungry or that we should sleep when we are tired. Some people don't need proof that, when harm happens, we should focus our response on repairing the harm. And many don't need proof to know that bringing people together in a safe, respectful, reflective process to speak truth and listen deeply will make the community healthier and safer.

Rhea Miller in her book, “Cloudhand, Clenched Fist”, writes about paradigm shifts and an expanded understanding of how we know what we know. Knowledge is not just about facts that arise from the experience of another (normal science), but about the relationship those facts have to our own experience. External “proof,” if not resonant with our own truth, is not very compelling. The authenticity and authority of an idea arises from the collective and individual experiences of a group. It cannot simply be bestowed by the pronouncement of an expert. “Does it work?” as a primary, driving question arises in the context of normal science in the old paradigm. In a paradigm shift, great caution must be exercised in using the questions of the old paradigm to determine validity of the new paradigm.

“When a community can draw on and trust its own inner resources to discover the validity of a new paradigm, the community is liberated from bondage to old embedded, fixated ways of being in the world. The community is then able to embrace the creativity of chaos, the possibilities of dreams. People are empowered to imagine new ways of being, to problem-solve on a deep level.” (p. 60)

What do we ask about our practices to create a feedback loop of information that will support learning, growth and improved practice in moving toward a restorative vision? In “Ethics for the New Millennium” the Dalai Lama suggests that ethical actions are those that support the well-being of others. We cannot know what is ethical without paying attention to how it will impact others, and we cannot know how our actions impact others without asking them. So, perhaps, for ethical practice, the first and foremost question is: What is the impact of these interventions on the lives of real people from their perspective – all the people who are affected by our actions? And when we get the answer to that question, we ask further: Is that what they want and what we intended? The answers to these questions can guide us as we move forward.

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