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Restorative Services: Inventory of Minnesota's Restorative Services and an Examination of Integration of Restorative Philosophy in Service Providers' Policies and Procedures

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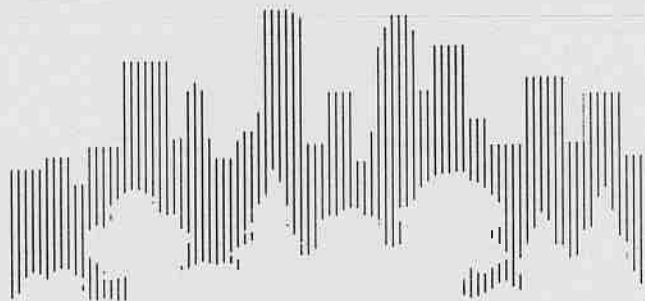
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**MASTERS IN SOCIAL WORK
THESIS**

Deanna L. Mundt Steckman

Restorative Services:

**Inventory of Minnesota's Restorative Services and
an Examination of Integration of Restorative
Philosophy in Service Providers' Policies
and Procedures**

2000

**MSW
Thesis**

Thesis
Steckm

**RESTORATIVE SERVICES:
INVENTORY OF MINNESOTA'S RESTORATIVE SERVICES AND
AN EXAMINATION OF INTEGRATION OF RESTORATIVE PHILOSOPHY IN
SERVICE PROVIDERS' POLICIES AND PROCEDURES**

DEANNA L. MUNDT STECKMAN

**Submitted in partial fulfillment of
the requirements for the degree of
Master of Social Work**

**AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA**

2000

MASTER OF SOCIAL WORK
AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA

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ABSTRACT

RESTORATIVE SERVICES: INVENTORY OF MINNESOTA'S RESTORATIVE SERVICES AND AN EXAMINATION OF INTEGRATION OF RESTORATIVE PHILOSOPHY IN SERVICE PROVIDERS' POLICIES AND PROCEDURES

EXPLORATORY SURVEY

DEANNA L. MUNDT STECKMAN

JUNE 2000

Restorative services are offered in various settings where harm has occurred and, it has been unclear what is available in Minnesota. Minnesota, as a national leader in restorative justice, has been unable to compile a comprehensive list of restorative service providers until now. An open- and closed-ended questionnaire was sent to potential Minnesota restorative service providers. The intent was to determine what types of restorative services and models are practiced by what types of agencies, where services are provided, and to examine to what extent restorative philosophy values are integrated into agency policies. Various univariate and bivariate analysis were utilized. Findings indicated most services are provided in rural Minnesota; models derived from the restorative justice discipline are highly represented; and the more that restorative philosophy values are integrated into an agency's policies, the more restorative values become an agency philosophy rather than a program. A list of restorative service providers is now available from the Minnesota Department of Corrections.

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CHAPTER 1: INTRODUCTION

The news is full of harm. Harm is happening everywhere; it's in schools, workplaces, homes, communities, and the world. Harm is created whenever an action creates a hurt, physical or emotional, to a person. Sometimes harm is from an argument, a disagreement, abuse, criminal activity, conflict, or any other host of causes.

Systems, such as criminal justice, social services, and education, are unable to keep pace with the current requests for services. A popular current thought process says there should be less government and more self-responsibility, self-sufficiency; translated that means all people need to be responsible and accountable for their own decisions and actions.

A small number of service providers are providing restorative services.

Restorative services are services that allow all participants (the person harmed, the person who created the harm, and the community) involved in a harm to begin the process of healing. As a part of that healing, the person who created the harm is held accountable for his or her actions.

In this chapter, the significance of the issues will be introduced, the issues will be discussed, and the research questions will be posed.

Significance of Issues

Restorative services are no longer utilized solely in crime situations. Restorative services are being used within social service agencies, public health agencies, schools, faith communities, work environments, families, neighborhoods, neighborhood-based community organizations; anywhere a harm was created by an action. If the public perceives that restorative services are not promoting restorative outcomes, a number of

negative results could occur. Potential results could be: refusal to personally participate in restorative services, as either the person who created the harm, the person who was harmed, or as a member of the community involved; loss of support to fund restorative services; or both. On the other hand, if the public perceives that restorative services assist with building community, address the needs of the person harmed, and encourage the person who created the harm to review his or her decision-making process and take responsibility for his or her actions, it could open up huge potential for this philosophy.

Statement of the Issues

Restorative service models have been operating in Minnesota for at least ten years (S. Stacey, personal communications, September 28, 1999). Yet, the Department of Corrections, the state agency that has supported the development of restorative justice models, has been unable to develop a current list of all restorative services provided within Minnesota due to the expanding number of models being utilized by increasingly different types of agencies.

The proliferation of providers that call their services restorative has created an environment of using the name “restorative services,” even when the services may not be intended to produce restorative outcomes. This leads to inaccurate public perceptions of what restorative services outcomes accomplish and it leads to public decisions being made regarding whether to continue the use of this philosophy.

Research Questions

There are five research questions addressed in this study. What types of restorative services are practiced in Minnesota? What types of agencies are providing restorative services? Where in Minnesota are restorative services provided? What

restorative models are being utilized? To what extent are restorative philosophy values integrated into the policies and procedures of the agency?

Summary

Given the significance of the issues covered in this introductory chapter, this study addresses, in Chapter Two, the research on restorative justice face-to-face models and effectiveness. Information regarding the theoretical frameworks of restorative justice and ecological systems theory are provided in Chapter Two. The details of the methodology utilized in this research study will be presented in Chapter Three. Chapter Four covers the data collected and the findings in relation to the research questions. Chapter Five discusses the findings and finishes the study with concluding remarks about the strengths and limitations of the study, implications for social work practice and policy, and suggestions for future research inquiry.

CHAPTER 2: LITERATURE REVIEW

In this chapter restorative justice will be defined, a brief historical background of restorative justice will be given, movements that have provided energy to the restorative justice movement will be introduced, types of restorative justice models will be presented, important theoretical frameworks and concepts will be developed, and research findings will be discussed. Specifically the findings discussed will address how persons who participate in restorative justice models view the process. Finally, gaps in the literature will be identified.

Definition of Restorative Justice

Simply stated restorative justice is about helping the victims of a crime, including the actual victim, the offender, and the community, begin to repair the harm done by beginning the healing process (Pranis, 1997; Zehr & Mika, 1997). The definition of restorative justice as mending the relationship between and among the victim, offender, and community stands in stark contrast to retributive justice, which dominates the current justice system in the United States. Retributive justice is the criminal justice framework that is concerned with punitive measures, deterrence, a tough on crime stance, a focus on the government, and is generally adversarial in nature (Gerard, 1996; Pepi, 1998; Robinson, 1996; The Restorative Justice Project, n.d.).

Albert Eglash was the first person to use restorative justice in a way that combined the various aspects of current restorative justice philosophy. Eglash (1977) suggested that there are three types of criminal justice: “(1) retributive justice based on punishment, (2) distributive justice based on therapeutic treatment of offenders, and (3) restorative justice based on restitution.” He continued, “Restorative justice focuses on the

harmful effect of offenders' actions and actively involves victims and offenders in the process of reparation and rehabilitation" (p.92). Other articles reviewed discussed restorative justice in terms of the relationship between the three components of a crime: victim, offender, and community (Bazemore, 1998; Bonta, Wallace-Capretta & Rooney, 1998; Crowe, 1998; Dooley, 1997; Gerard, 1996; Gerard & Nelson, 1998; Milks, 1997; Justice Fellowship, n.d.; Minnesota Department of Corrections, 1997; Pepi, 1998; The Restorative Justice Institute, n.d.; The Restorative Justice Project n.d.; Schiff, 1998; Seymour, 1997; Umbreit & Zehr, 1996; Zaslow & Ballance, 1996).

Restorative justice is not the new philosophy that many believe it to be. Relationships were the focus of the Biblical sense of shalom. Shalom was repairing relationships broken by criminal activity and then restoring peace in a holistic sense within the community (Stuart, 1996). Shalom goes further than restoring peace within the community (Zehr, 1995). Zehr's explanation of shalom is more complex than the scope of this study but it discusses restoring peace within the community and within each person. Beginning to repair relationships broken by criminal activity and restore peace in a holistic sense is what this study will use to define restorative justice.

Historical Background of Crime and Justice

Crime has been a part of civilization for thousands of years. A story contained in the Koran (The Koran Interpreted, 1955), Old Testament (New International Version, 1988), and Torah (The Torah, Torah the five books of Moses, 1962) tells of Cain killing Abel. Because this story is located relatively early in the text of these three writings of major world religions, it is safe to assume that crime has occurred since the beginning of humankind.

As far back as 1700 B.C.E. in the Code of Hammurabi, restitution was the expected outcome of a property offense. The Code of Lipit-Ishtar in 1875 B.C.E. also included restitution as the beginning of healing when a property crime was committed. These early legal systems required restitution. And because crime was considered harm against the victim, the system also required the offender and the offender's family to make amends to the victim and the victim's family. That was an attempt to restore peace within the community (Bazemore, 1998; Crowe, 1998; Restorative Justice, n.d.; Van Ness & Strong, 1997; Wilkinson, 1997).

A dramatic shift in the way in which crime was viewed occurred during the Middle Ages (Van Ness & Strong, 1997). This shift occurred during the rule of William the Conqueror of England who wanted to devise a method whereby he could seize additional political power. He coveted a way to obtain power over the church regarding secular issues. Beginning with his reign, crimes gradually became viewed as against the government rather than against the victim and the community. This shift eventually led to the victim and community no longer being involved after a crime was committed; the main participants in the justice system became the offender and the government (Galaway & Hudson, 1990). This type of justice system, known as state justice, is "vertical, hierarchical, imposed, punitive" (Zehr, 1995, p.115).

The evolution of state justice, changing the victim from the person who had been harmed to the government, led to a change in the way the courts operated. Early courts accused but did not inquire. Early courts were not responsible to bring charges against a person who committed a crime; that role was the responsibility of the victim. As the courts took ownership of the initiation of charges for criminal behavior, the court system

became inquisitorial in nature; that is the courts began to gather the facts and determine results (Zehr, 1995).

By the end of the 16th century state justice was quite established in Europe. The Protestant Reformation is believed to have assisted the justice system in becoming punitive. Reformation leaders believed that the government should be the agent to administer God's punishment, and other leaders emphasized that God was a punitive judge. These beliefs allowed the government to become the moral enforcer (Zehr, 1995).

By the eighteenth century, a state justice system was the norm but not the dominant system. The Enlightenment and the French Revolution continued the belief that government should impose punishments for crimes. These reforms assisted in the development of modern day retributive justice and of guidelines for administering pain as a punishment (Zehr, 1995).

However, at approximately the time of the American Revolution, emphasis on a rehabilitation movement became prevalent (Schmallegger, 1999). It was during this time, that people who committed crimes against the state came to be seen as rational human beings that were intentionally choosing their activities. The sentencing strategy therefore needed to have sanctions that were tougher than the benefits to be derived from the criminal activity. The thought was the severity of the punishment was not as important as quick and certain penalties (Schmallegger, 1999).

Sentencing is the setting of the penalty. Currently in the United States, people believe that offenders deserve to be punished, yet many people have not given up on rehabilitation. Today there are five goals of sentencing. According to Schmallegger (1999),

the goals are “1 - retribution 2 -incapacitation 3 - deterrence 4 - rehabilitation 5 - restoration” (p.320). Retribution is based on the moral Biblical saying, “an eye for an eye, a tooth for a tooth.” Retribution is the underlying goal for the “just deserts” thinking; offenders are responsible for their actions, and punishment is deserved and justified. After all is said and done, “the goal of retribution is . . . satisfaction” (Schmalleger, 1999, p.322.)

Crime prevention is the undergirding of some of the sentencing goals.

Incapacitation seeks to keep the offender away from society. The belief is that if an offender is out in society, he or she may do more harm and make others into victims. If the offender is locked up, he or she is prevented from creating more victims.

Incapacitation requires restraint, not punishment. Deterrence, another sentencing goal, uses punishment as an example. Deterrence is used because of the belief that if an offender knows what will happen to him or her, he or she is less likely to commit an offense. (Schmalleger, 1999).

Bringing about fundamental changes in offenders is an underpinning of the next two sentencing goals. Rehabilitation is about crime prevention. It works in the context of education and psychological treatment to reduce future crime rather than deterrence. The “medical model,” assumes the offenders are “sick” and the task of sentencing is to make them “well” again (U.S. Dept. of Justice, 1985). Rehabilitation was originally used as a strategy for youths. In the 1930s as Freud entered popular culture, rehabilitation became a primary purpose in adult sentencing. In the late 1970s, rehabilitation was displaced as a primary sentencing purpose because of the fatalistic belief that “nothing works.”

The next sentencing goal, restoration, not only seeks to change offenders but also to address the needs of the victim and the community. Restoration is the desired outcome of restorative justice.

The fundamental principles involved with restorative justice (i.e., interest-based negotiation, mediation, consensus building, healing, and peacemaking) are not new ideas. These principles have been a part of dispute-resolution in many communities many generations ago and are still viable in many indigenous societies today (Stuart, 1996). The First Nations people in the Yukon, the Maori people in New Zealand, and the Native American people in the United States have used these principles for years.

The change from a state justice system to a community justice system has gone through many phases to be where it is in the United States. Restitution was abandoned early on when the victim was no longer considered an important part of the crime, but it has made a come back and is very important now. Whipping, using the stocks and other public humiliation acts were involved in the retribution era. As retribution became increasingly brutal, then came the repentance and rehabilitative mode. Currently the overall mood within the United States is getting tough on crime (Van Ness & Strong, 1997).

Movements Supportive to Restorative Justice

Various movements over the years have created an energy that has allowed restorative justice to become a viable option. Some of the movements are quite recent, while others have been around for many years.

Victims' Rights Movement

The victims' rights movement began as a grassroots movement against the criminal justice system, a system that seemed to ignore the victims of violence. The diverse forces of the victims' rights movement, according to Young (1988), all strongly believed that "the way victims were customarily treated in the aftermath of crime was deplorable" (p.322).

The victims' rights movement in the United States began in the early 1970s, after a huge rise in crime rates during the 1960s. The feminist movement had a major influence on the victims' rights movement because it viewed violence against women, such as rape and domestic abuse, as a contemptible symbol of male dominance over females (Young, 1988).

The victims' rights movement has done much to assist helping professionals understand victimization. Victimization can occur both at the hand of the person who created harm and by the systems designed to support the person harmed.

This movement has influenced consumers of all services to become outspoken participants (Young, 1988). A basic tenet of restorative justice is the inclusion of all stakeholders in the justice process. The victims' rights movement has hurled victims into the stakeholders' arena of the criminal justice process. Restorative justice is very concerned with the victim's needs to begin the healing process.

Feminist Movement

Feminists believe that all people have equal value as human beings, the personal is political, and that caring, sharing, nurturing, and loving are more important than power and possession. The belief that all people have equal value as human beings does not

necessarily mean that people should be treated identically, but that everyone should be considered similarly. The personal is political refers to the way a life is lived; a belief should not be held as an abstract concept, but used in all aspects of life. Caring, sharing, nurturing, and loving are more important than power and possession relates to how important relationships are in alleviating all types of injustice (Harris, 1987).

The feminist movement has assisted with the clarification of gender differences regarding the definition of justice. In very general terms, males tend to regard justice as rules and policies whereas females regard justice in terms of morals and values (K. Pranis & S. Stacey, personal communication, October 18, 1999).

Restorative justice is based on relationships; relationships are based on caring, sharing, nurturing, and loving--feminist beliefs. Restorative justice carefully works within the relationships that have been broken due to the harm committed and attempts to begin the healing process.

Total Quality Improvement

Total quality management and continuous quality improvement, which are business management philosophy and techniques, are designed to ensure consumer satisfaction. This philosophy espouses that employees are more quality minded when they are involved in problem solving. Thus, the attempt is to bring the decision making closer to the issues. "When problems do occur, the focus is not just on fixing them but having organizational members discover and eliminate their root cause to insure that the same problems do not keep recurring" (Bowditch & Buono, 1997, p.24).

Restorative justice allows a voice to the participants involved in the harm, to ensure satisfaction. The people actually harmed by the incident are involved in the

decision that determines the accountability for the offender and how the offender will make right the harm so healing can begin. To make a real difference in a person's life (the person who created the harm), people (the person harmed and the community affected) need to assist the person who created the harm to discover and eliminate the root cause of the harm to ensure no repeat of the same mistakes.

Alternative Dispute Resolution

Alternative dispute resolution, ADR, is an acknowledgment of the limitations of the legal adversarial positions. There were five motives for designing alternatives to traditional litigation. According to Riskin & Westbrook (1987), the five motives were

1. Saving time and money, and possibly rescuing the judicial system from an overload;
2. Having "better" processes—more open, flexible and responsive to the unique needs of the participants;
3. Achieving "better" results—outcomes that serve the real needs of the participants or society;
4. Enhancing community involvement in the dispute resolution process; and
5. Broadening access to "justice." (p.2)

Restorative justice philosophy is very similar in nature to the motives for designing ADR. Both are interested in bettering the current process by including the stakeholders as participants. Cooperation, rather than adversity, is productive (Miller, 1996). Both ADR and restorative justice acknowledge the legal system is not the only way to manage criminal activity.

Community Policing

Community policing is a movement within law enforcement to move from strictly enforcing the laws to assisting citizens problem solve about the issues in the community. A historical comparison of the organizational design and function of law enforcement since the 1840s was developed by the Upper Midwest Community Policing Institute. The historical eras have been categorized as the political era (1840 – 1930), the reform era (1930 – 1985), and the modern era (1985 – present).

During the political era, the design was decentralized within neighborhoods. The officers were considered generalists. The function of law enforcement was broad social services.

Changes occurred in the reform era, the design became control-oriented. Officers were considered specialists, such as investigators, foot patrol, car patrol, etc. The function of policing was strict law enforcement—just the facts, Ma'am.

Now in the modern era, the design is community-based efforts. The officers have a broader—almost generalist—role. The function of policing is problem solving within the community (Upper Midwest Community Policing Institute, 1999).

Restorative justice and community policing are similar in dealing with problem solving. Both philosophies make use of the participants and stakeholders involved in the situation to create the solutions.

Other Forces

Another important force, although not a movement, is an increased awareness of cultural differences. Along with this awareness is a new respect for indigenous cultures

and their processes of justice. These processes which fit restorative values have become key models for restorative justice (Pranis, 1998).

Restorative Justice Models

Restorative justice models are processes used to obtain restorative, positive outcomes. One of the basic premises of the restorative justice philosophy is it must be entered into on a voluntary basis by both the victim and the offender. There currently are discussions regarding how voluntary it should be for the offender (K. Pranis & G. Bazemore, personal communication, September 29, 1999). Another basic premise is the offender has to admit to committing the crime or creating the harm.

There are a number of face-to-face models utilized that employ restorative philosophy. Schiff's (1998) research indicates the restorative justice processes are victim-offender mediation (VOM), sentencing circles, family group conferencing (FGC), and reparative probation. These models are known by various other names. Many VOM models that have been in existence for years are known as victim-offender reconciliation programs (VORP); another VOM model is known as victim-offender dialogue. Sentencing circles are also referred to as peacemaking circles or healing circles. Reparative probation is also known as community restorative boards and community panels.

Victim-Offender Mediation

The victim-offender mediation or victim-offender reconciliation program is the oldest and most well developed restorative justice program (Umbreit, 1996). It is typically a mediated meeting between the victim and the victim's small support group of one or two people and the offender and the offender's small support group of one or two people.

During the meeting, the victim tells the offender how the crime has affected the victim physically, emotionally, and financially. The victim obtains answers to questions about the crime: why me, why my home, was I randomly picked to be victimized? Although the goal of the meeting is to begin the healing process for all participants and not to reach a settlement, often times a settlement is negotiated. All participants are directly involved in developing a plan of restitution, community service, or both in order for the offender to begin to repair the harm done by the crime (Umbreit, 1997).

According to Umbreit (1993), there are four phases involved with a VOM. The phases are intake, preparation for mediation, mediation, and follow-up. The intake phase generally occurs after the offender has appeared in court and has entered a formal admission of guilt. A referral is then made to a skilled VOM mediator. The preparation phase occurs as the mediator meets individually with the offender and then the victim to hear each story, to explain the process to each potential participant, and to encourage each to participate in the VOM process. If both the offender and victim agree to participate, the next phase is the actual meeting or mediation phase. During the meeting, the impact of the crime is shared, feelings are addressed, losses are examined, and negotiation of a mutually acceptable restitution/reparation plan is completed. After the plan is developed, the follow-up phase begins; it ends upon closure of the case after the fulfillment of the agreement.

Circles

Sentencing circles, peacemaking circle, or healing circles are a way to empower communities and people affected by crime (Stuart, 1996). Just as there is no one answer for all situations, sentencing circles are only one process in the continuum of methods to

deal with crime. According to Stuart (1996), "Many informal community based processes have far greater potential to constructively change attitudes, build, rebuild relationships, promote mutual respect for different values, empower parties to resolve differences, and generally foster 'real differences' in the well-being of everyone affected by crime, or by any conflict" (p.2).

"Real differences" are basic changes in lifestyles and attitudes. The changes begin with a true desire to heal. Healing may need to address long standing complex issues of the offender; those issues range from substance abuse, trauma, anger, or any combination which contributes to criminal activity (Stuart, 1996).

Circles are about restoring families and communities. Indigenous people have used circles for many generations. Circles can reach beyond crime to include social justice issues. Because circles view crime in a holistic sense, a circle utilizes health, education, social service and economic resources to address the underlying issues of crime. Circles encourage participation of the families of both the victim and the offender as well as community members.

Participants to be included in peacemaking circles should be the victim, offender, community leaders, prosecutor, defense counsel, offender supporters, judge, correction officials, police, victim supporters, offender supporters, and the keeper of the circle (facilitator). Prior to the sentencing circle several steps are generally utilized: the offender requests the opportunity to be involved with the circle process, the creation of a support system for the offender, the creation of a support system for the victim, a healing circle for the victim, and a healing circle for the offender. Finally, the sentencing circle is held (Pranis, 1997).

The goals of sentencing circles are many. Goals promote healing for all involved; provide an opportunity for the offender to make amends; empower victims, community members, families, and offenders by giving them a voice and responsibility in developing constructive outcomes; address the underlying causes of criminal activity; induce capacity building for resolving conflict within a community; and promote and share community values (Stuart, 1996).

Family Group Conferencing

Family group conferencing (FGC) was developed based on Maori traditions in New Zealand (Umbreit & Zehr, 1996). It was developed because the children of the Maori had a disproportionately high percentage of children involved with the juvenile justice system in New Zealand. The major emphasis in the Maori culture is that of reaching consensus and involving the whole community (Cunha, 1999). FGC is similar to victim-offender mediation, although it generally has more participants than VOM. Families of both the victim and offender are strongly encouraged to attend, and there may be professionals involved.

The participants are brought together by a trained facilitator to share how the crime has harmed them and to determine how the harm might be repaired. The offender has the opportunity to increase his or her awareness of how the crime affected the victim and to take responsibility for the crime. The professionals and family members are there to encourage and support changes by the offender. These goals also increase the opportunity for the community to build its skills regarding conflict resolution (Bazemore, 1998; Cunha, 1999; U.S. Department of Justice, n.d.).

Reparative Probation

Reparative probation is a restorative justice model that may not involve voluntary participation on the part of the offender. In a public meeting, the offender meets with a reparation board, which consists of a small group of trained citizens. The discussion with the offender is about the crime committed and its negative impact on the victim and community. Together the board and the offender develop strategies for the offender to make reparations for the crime, which includes a time line for completion of the reparations (Bazemore, 1998).

A Reparative Probation Program was implemented in Vermont in 1996. According to the Restorative Justice Fact Sheet (U.S. Department of Justice, n.d.), the goals of this program include:

- (1) Promote citizen ownership of the criminal justice system by involving them directly in the justice process.
- (2) Provide opportunities for victims and community members to confront offenders in a constructive manner about their behavior.
- (3) Provide opportunities for offenders to take personal responsibility and be held directly accountable for the harm they caused to victims and communities.
- (4) Generate meaningful “community-driven” consequences for criminal actions that reduce a costly reliance on formal criminal justice processing.

Restorative Justice Outcomes

Two major outcomes for the offender involved in restorative justice models are restitution and community service. Both outcomes have been used in the past as punitive measures. To increase the likelihood that restitution and community service are

restorative rather than punitive, care must be taken in the negotiation of the agreement to ensure that both the victim and offender perceive the outcome as restorative.

Restitution, as a restorative justice outcome, recognizes that it was the victim and community who were harmed by the crime. Therefore, it is both the victim and community that should be compensated (Galaway & Hudson, 1990).

To ensure community service is restorative, Gerard (1996) discusses five guiding principles. The principles discussed include ensuring that

- 1 - The work is worthwhile, making offenders feel their contribution is significant
- 2 - The offender is treated as an essential resource for the project
- 3 - Attention is given to skills and competencies that are transferable to paid work
- 4 - The focus is on helping the disadvantaged, which strengthens empathy and commitment
- 5 - Closure and recognition provides the offender with a sense of accomplishment.

There are other models of restorative justice; this study only reviewed information on face-to-face models. Evaluation has been conducted on a few models of restorative justice.

Research Findings

Of the numerous restorative justice documents reviewed, only nine contained empirical research regarding restorative justice programs. Of the nine articles, seven articles discussed VOM, six articles discussed FGC, two discussed circles, and one mentioned reparation boards. The research issues discussed included recidivism rates, compliance rates, and victim and offender satisfaction rates.

Recidivism Rates

Recidivism rates showed mixed results. Niemeyer and Shichor (1996) discussed how one study found that VOM had a small but not statistically significant effect on recidivism; yet another study showed a significant decrease in recidivism due to mediation.

Research regarding FGC in Wagga Wagga, Australia revealed a 50% reduction of the juvenile recidivism rate compared with offenders who went through court (Cunha, 1999; Gerard, 1996). Schiff (1998) argued that a large problem with research on recidivism after VOM is the lack of sufficient control groups.

Nugent and Paddock (1996) studied factors regarding reoffense data. The results of their study “suggest that children and adolescents who participate in VORP-type programs may subsequently engage in less frequent antisocial behavior” (p. 175). Bonta et al. (1998) evaluated a VOM program and found “results from the recidivism analysis clearly showed offenders supervised by RR [the VOM program] with lower recidivism rates compared to offenders exposed to traditional correctional supervision” (p. 26).

A meta-analysis conducted of four studies (Niemeyer & Schichor, 1996; Nugent & Paddock, 1996; Wiinamaki, 1997; Umbreit, 1993, 1994) examined the relationship between VOM participation and recidivism within a one-year period. The Wiinamaki study replicated the Nugent and Paddock study. The results indicate that participants in VOM re-offend at a rate of 19% within a one-year period of the VOM. That is compared with a re-offend rate of 28% for offenders who did not participate in a VOM. The 32% difference represents a statistically significant variable. Additionally, this meta-analysis

suggests that the re-offenses committed were a less severe offense (Nugent, Umbreit, Wiinamaki, & Paddock, 1999).

Compliance Rates

Compliance rates, the offender's rate of compliance and completion of the agreed upon settlement, generally were higher for offenders participating in restorative justice programs. Evaluation of FGC in Wagga Wagga, Australia, indicates an 86% completion rate of restitution (Umbreit, 1997). The reparation board in Vermont indicates victims and communities are adequately compensated (Gerard, 1996). Offenders who meet the victim in a VOM completed restitution at an 81% rate. Whereas offenders who did not participate in a VOM had restitution completion rates of 58% (Umbreit, 1997). Schiff (1998) indicated an overall compliance rate of 80% for VOM participants.

Satisfaction Rates

The lack of a definition of satisfaction made for variations within the studies. Satisfaction of the participants (victim, offender, and community) was not universally measured in all types of face-to-face restorative justice models. Some studies measured satisfaction with the process; others focused on satisfaction with the outcomes.

Victim satisfaction.

Victim satisfaction in Wagga Wagga (FGC) was nearly universal satisfaction (Gerard, 1996). Victims who participated in VOM were more satisfied with the system compared to victims whose cases went through the normal court process (Umbreit, 1997). The satisfaction of families with the outcome of the FGC was 85% (Umbreit, 1996).

Offender satisfaction.

According to Schiff (1998), studies indicated offender satisfaction with VOM, however the satisfaction level varies depending upon satisfaction with level of input or satisfaction with the negotiated outcome. Umbreit (1994) found the mediation process did not significantly increase offender satisfaction with how the justice system handled their cases.

Gaps and Obstacles in the Literature

Findings from the restorative justice program research appear to have overwhelmingly positive outcomes for the victim, offender, and the community in beginning to heal the wounds created by the crime. However, as already mentioned, there are obstacles in making determinations of the outcomes. The biggest obstacle in determining if restorative justice programs are effective is there are no consistent, standardized, or operationalized definitions for restorative justice; it appears each study determines its own definitions based on the information it has available to evaluate. Another obstacle is the lack of appropriate control groups to use in the studies.

Only three of the articles discussed what must occur for a program outcome to be considered restorative. Bonta et al. (1998) indicated a program is restorative if it has been “relatively successful” in adhering to restorative justice principles. Gerard (1996) indicated the benefits of restorative justice models are huge, they simply cannot be quantified. Schiff (1998) indicated that “effectiveness measures for restorative interventions are not clear or standardized” (p. 12). She subsequently stated, “Systemic research must identify the extent to which programs are truly restorative in nature and not simply transmogrified retributive or rehabilitative approaches” (p. 12).

Gender, race, and class issues were rarely addressed in these articles. Gender bias in the juvenile justice system, according to Pepi (1998), contributes to the disposition of the girls' cases by wanting to protect the girls from consequences of their sexuality; girls are disproportionately detained for offenses, including status offenses; and because treatment options are designed for boys, the treatment does not address the gender-specific needs of the girls. Pepi (1998) indicated that as many as 73% of the girls involved in the justice system are some type of abuse victims themselves.

Jenson and Howard (1998) conclude their article with the need to educate professionals to stimulate awareness of the problems and needs of African American, Hispanic, Asian American, Native American, and other youths of color. Competent strategies are needed to reduce the overrepresentation of youths of color in the juvenile justice system. Yet, according to Roscoe and Morton (1994),

research under OJJDP's [Office of Juvenile Justice and Delinquency Prevention] Causes and Correlates Program indicates that the type of community in which the juvenile lives has a stronger effect on the likelihood of becoming involved in delinquency than his racial characteristics. African-Americans living in nondisadvantaged areas do not have higher rates of delinquency than whites living in nondisadvantaged areas. (p. 1)

Race is not the issue; the issue is disadvantage (Sampson, Raudenbush, & Earls, 1997). With those findings, the race issue shifts to a class issue. Class issues raise resource issues. Will the necessary resources be available in the offender's community to allow the offender to make the real differences discussed earlier? Will offenders from

middle to upper class communities be treated more favorably (Levrant, Cullen, Fulton, & Wozniak, 1999)?

The lack of pertinent information regarding gender, race, and class are not surprising because restorative justice is broadly a part of the justice system. It has been the domain of white middle class males for as long as the United States has been a country and for many years previous because of the European roots to the system.

Theoretical Frameworks

Theoretical frameworks are the basis for this study. The theoretical frameworks discussed in relation to restorative justice include restorative justice theory and ecological systems theory. At the heart of restorative justice are values.

Restorative Justice Theory

Restorative justice theory allows for a different definition of crime and justice (Umbreit, 1994). It views the crime to be a harm between individuals, rather than a negative action against the government. It frames the primary victim as the person against whom the crime was committed; the secondary victim becomes the government. This theory allows the offender to be held accountable for the crime without automatically experiencing retributive, punitive measures as a consequence for the crime. It allows the participants (victim, offender, and community) to be actively involved in the process of justice rather than sitting on the sidelines and watching (Umbreit, 1994).

Accountability for the offender deals with the offender's ability to understand the harm that was created and begin to make things right. It includes the offender's willingness to admit the wrongdoing and inquire how to begin to repair the harm. Participation by all parties ensures that there will be many options offered in the process

of justice. Each party has its own agenda, yet in restorative justice all participate and all are heard; consensus in developing the outcome is a goal.

The signposts of restorative justice identified by Zehr and Mike (1997) are values to ensure providers are on the right path. The values help to operationalize restorative justice theory. The identified values include:

1. focus on the harms of wrongdoing more than the rules that have been broken,
2. show equal concern and commitment to victims and offenders, involving both in the process of justice,
3. work toward the restoration of victims, empowering them and responding to their needs as they see them,
4. support offenders while encouraging them to understand, accept and carry out their obligations,
5. recognize that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable,
6. provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate,
7. involve and empower the affected community through the justice process, and increase its capacity to recognize and respond to community bases of crime,
8. encourage collaboration and reintegration rather than coercion and isolation,
9. give attention to the unintended consequences of our actions and programs,
10. show respect to all parties including victims, offenders & justice colleagues.

Adhering to these values in the practice of restorative justice will ensure that the healing of the harm will be initiated.

Ecological Systems Theory

Reintegrating the offender into the community where the crime was committed has its roots in ecological theory (Bazemore, 1998). Payne (1997) states, “sees people as constantly adapting in an interchange with many different aspects of their environment. They both change and are changed by the environment. Where we can develop through change and are supported in this by the environment, reciprocal adaptation exists” (p.145). Reciprocal adaptation is the outcome that the restorative justice philosophy seeks for the offender; restorative justice wants the offender to change the offending behavior and be supported by the victim and the community to make the change.

Restorative justice philosophy desires the offender to be reintegrated into the community; the offender needs to learn what is acceptable within the community, think about what he or she has done that is not acceptable, and model himself or herself after a person within the community that has acceptable behavior.

Research Questions

The focus of this study is to examine restorative service models in Minnesota and evaluate the integration of restorative philosophy into the policies and procedures of the agency.

Research question #1: What types of restorative services are practiced in Minnesota?

Research question #2: What types of agencies are providing restorative services?

Research question #3: Where in Minnesota are restorative services provided?

Research question #4: What restorative models are being utilized?

Research Question #5: To what extent are restorative philosophy values integrated into policies and procedures of the agency?

Summary

This chapter defined restorative justice, addressed the historical background of crime and justice, mentioned various movements that have energized the role of restorative justice, described a few of the face-to-face restorative justice models, presented the theoretical frameworks and concepts, and presented a sample of the research findings regarding restorative justice. The next chapter will discuss the methods utilized in this study.

CHAPTER 3: METHODS

Overview

This chapter presents the methodology used for this study. Definitions of key concepts and variables are explored. The research design, including the strengths and weaknesses of the design, the instrument development, the study population, and the sample are explained. Measurement issues, data collection process, data analysis are also presented.

What restorative models operate in Minnesota? This study used a survey research design to gather restorative services information from service providers, compile a resource list of restorative service providers, and explore the extent to which an agency providing restorative services has integrated restorative philosophy into its policies.

Conceptual & Operational Definitions of Key Concepts

Restorative services were conceptually defined as services provided to persons harmed, persons who created harm, communities affected, or any combination of those three which begins to repair relationships broken by harm and restore peace in a holistic sense. Restorative philosophy values, adapted from Zehr and Mika (1997) were introduced and defined in the theoretical framework chapter.

Research Design

This study utilized a cross-sectional survey design. The survey, Restorative Services Inventory Survey (Appendix A), was a self-administered questionnaire which included both closed- and open-ended questions that focused on various models of restorative services used and the integration of restorative philosophy into policies and procedures.

Instrument Development

This researcher designed the inventory survey instrument in cooperation with staff at the Minnesota Department of Corrections (DOC). It was designed to collect information for the Minnesota DOC, specifically to gather restorative services information from service providers, compile a resource list of restorative service providers, and explore the extent to which an agency providing restorative services has integrated restorative philosophy into its policies. The information gathered from question 14 was adapted from Van Ness, D. & Strong, K. H. (1997). See Appendix A for the inventory survey instrument, Restorative Services Inventory Survey.

Systemic error was controlled in the design of the survey instrument by using unbiased language (i.e., non-sexist, culturally sensitive). This was especially important because many of the variables measured perceptions rather than actual behavior (Rubin & Babbie, 1997). The use of a mail survey instead of face-to-face interviews reduced the likelihood of social desirability bias. The cover letter did not convey the researcher's expectations and reduced the likelihood that participants would seek to please the researcher. Additionally, both qualitative and quantitative data were received through this study.

Pre-testing the questionnaire on restorative justice evaluators from outside of Minnesota assisted with controlling for random error. National researchers on restorative justice also assisted with the pre-testing. This feedback assessed for understandability of questions and face validity. A few questions were modified based on their recommendations. Additionally two people, not Minnesota restorative service providers,

completed the survey to determine if it was understandable outside of the restorative justice field. No modifications were necessary based on their comments.

Questions measuring the practice and extent of restorative services, geographical area served, and elements of restorative services provided were nominal, mutually exclusive and exhaustive (e.g., questions 1, 12, and 13). The level of restorative philosophy integration within the agency was measured at the ordinal level using statements regarding various policies and procedures (question 9). In addition, question 1 required a qualitative response from the providers by asking the meaning of restorative services in their agency.

Study Population

The survey was sent to 1,607 providers and potential providers. It was sent to approximately 200 programs known by the DOC restorative justice staff to provide or be interested in restorative services in the state of Minnesota. A cooperative effort among Minnesota state agencies (e.g., DOC; Department of Human Services; Department of Children, Families, and Learning; and the Department of Health) enabled the survey to be sent to providers where there was the potential for programs to operate restorative services. The potential providers included juvenile detention facilities; adult prisons; juvenile residential treatment facilities; county, tribal, or private human service agencies; school districts; community public health programs; and a mediators association. A reminder postcard was sent to all of 1,607 agencies one month after the original mailing.

Sample

The sample for this study included restorative service providers and potential providers in Minnesota. The unit analyzed was the agency providing restorative services.

Of the 1,607 surveys mailed, 181 were returned within 45 working days. The return rate was just over 11%. Because of time limitations, surveys returned after 45 working days of the original mailing were not used in this study. Surveys returned after the 45 working days were used by the DOC only for the resource list. Of the 181 returned within 45 working days of the original mailing, 180 were fully completed and used in the final analysis.

Data Collection

The data for the study involved a self-administered questionnaire mailed to providers and potential providers of restorative services in Minnesota. A self-addressed, return envelope accompanied the questionnaire and a fax number was listed on the questionnaire. A cover letter accompanied the questionnaire (see Appendix A). It contained information regarding informed consent and the Institutional Review Board (IRB) approval number of 99-69-2 (received on 1/25/00). It specified the three reasons for the survey. The cover letter informed the survey recipients that participation was voluntary and that confidentiality would be maintained in the thesis because the information would be reported in aggregate numbers.

Data Analysis

Cross-tabs were used to explain differences and similarities in the collected data. For nominal questions frequency tables were developed. Content analysis was used for the qualitative questions. See Figure 1 for further information.

Figure 1

Research Questions Methodology

Research Questions	Data Obtained From	Method Analysis Completed
1. What types of restorative services are practiced in Minnesota?	The data for question one came from the open-ended question number one on the survey. "What does restorative services mean in this agency?"	Content analysis.
2. What types of agencies are providing restorative services?	The data for research question two came from the demographic page (page 4) of the survey.	Univariate analysis. Bivariate analysis – crosstabs: - Provide Services / Agencies
3. Where in Minnesota are restorative services provided?	The data for this question was obtained from question ten of the survey. "What type of geographic area does this agency provide restorative services in?"	Univariate analysis.
4. What restorative models are being utilized?	The data for this question was obtained from question eight of the survey. "Please describe the model for restorative services provided by this agency."	Univariate analysis. Bivariate analysis - crosstabs & chi square: -Models / Geography -Models / Agencies -Models / Length of Time -Models / Design Involvement -Models / Harms
5. To what extent are restorative philosophy values integrated into the policies and procedures of the agency?	The data for this question was obtained from various questions on the survey: five, nine (A,B,C,D,E,F), 12, and 13. 5. What stakeholders were involved in the initial design of the local model of restorative services? 9A. Restorative philosophy is integrated within this agency. 9B. Staff is trained regarding victims' perspectives and needs. 9C. The agency' s mission statement includes restorative philosophy values. 9D. the job descriptions of staff include restorative philosophy values. 9E. Staff performance reviews use restorative philosophy. 9F. Staff working with youth is trained in youth development. 12. Is participation voluntary for the persons harmed? 13. Do the persons who created the harm have a choice to participate?	Univariate analysis. Bivariate analysis - crosstabs and chi square: -R Philosophy / Agencies -Design Involvement / Agencies -Design Involvement / R Philosophy -Voluntary Participation / R Philosophy

Procedure for Protection

Confidentiality was maintained throughout the study; the person completing the inventory survey had the option of disclosing his or her name as a resource person. A numbering system consisted of identical numbers on the survey instrument and in the data base. A DOC support person, not the researcher, protected the numbering key to ensure confidentiality for the participants. The inventory survey contained no identifying information unless the participant chose to be listed as a restorative justice resource person. All returned inventory surveys were locked in a drawer at the Minnesota DOC.

Voluntary participation was guaranteed because participation was limited to persons who choose to return the survey. The findings are discussed in aggregate terms to maintain confidentiality of participants. The indirect benefits of participation in the inventory were explained in the cover letter (Appendix A).

Strengths and Limitations of the Design

Until this study, no comprehensive data existed regarding the wide array of restorative services being practiced in Minnesota.

A limitation of this design is this was a cross-sectional, point in time survey. Services may be developing in stages, but not be formed at this point.

Another limitation was the language. "Restorative" may not be a familiar term to service providers outside of the disciplines of criminal justice and education in Minnesota.

Summary

Chapter Three described the methodology used for this exploratory study. Chapter Four provides the findings for the study, and Chapter Five discusses the findings.

CHAPTER 4: FINDINGS

This chapter gives a detailed analysis of the 180 useable surveys returned and the findings for each of the five research questions. Univariate and bivariate analyses, and nonparametric tests were completed for a number of variables and are reported in this chapter.

Population

The respondents of this survey are from a population of various agencies that provide differing services. The surveyed population consisted of agencies interested in restorative justice issues, restorative service providers known to the Department of Corrections (DOC), and service providers that could potentially be providing restorative services. That population was chosen because the intention of the survey was to explore restorative services in Minnesota and compile an inventory of restorative service providers. Seventy-one of the 180 respondents indicated they provide some type of restorative services.

Analysis

What Types of Restorative Services are Practiced in Minnesota?

Content analysis was completed on the open-ended question "What does restorative services mean in this agency?" Two distinct categories of answers emerged: a partial to full definition of restorative services and the model of restorative services utilized by the agency. Additionally, a number of answers were determined to be outliers.

Quotes from the responses determined to be partial to full definitions of restorative services included (a) "problem solving/conflict resolution, counseling and support;" (b) "method to heal the harm in a non-traditional way;" (c) "relationships are

based upon how we effect one another and how we make things right with each other;" (d) "face-to-face meetings to deal with crimes/situations in community and schools;" (e) "helping to heal families;" (f) "bring together all individuals related to the problem;" and (g) "responds to victims in a compassionate, fair and just manner; encourages offenders to repair harm, and promotes safe and secure communities."

For the other category, the respondents provided the model of restorative services utilized by the agency. Examples of answers in this category included (a) "peer mediation and family group conferencing," (b) "mediation victim/offender," (c) "advocacy," (d) "circles," and (e) "school conflict management program."

What Types of Agencies are Providing Restorative Services?

The information regarding the types of agencies that provide restorative services was gathered from the demographic information requested on the survey. Respondents had the option of 14 types of agencies; in addition, "other" was available (refer to the survey in Appendix A). Respondents that chose "other" indicated the type of agency as a mediation agency, defense attorney, research center, law firm, prosecutor's office, consultant, court, lobbyist, county attorney, or county jail. During the coding process, "other" was used if a respondent circled more than one answer for the request to circle type of agency that best describes this agency.

Table 1 shows the crosstabulation of the type of agency and the respondents' answers to the question "Does this agency offer restorative services?" The valid percent column listed in Table 1 refers to the types of agencies that do provide restorative services.

Table 1

Does This Agency Provide Restorative Services?

Type of Agency	Provides Restorative Services			Total Respondents
	No	Yes		
	Frequency	Frequency	Valid Percent	
School	34	17	23.9	51
Other	29	17	23.9	46
County Probation	2	14	19.7	16
Neighborhood-based Community Victims' Services	2	5	7.0	7
Law Enforcement	9	3	4.2	12
Social Services	10	3	4.2	13
Mental Health	1	2	2.8	3
Adult Prison	1	2	2.8	3
Public Health	11	1	1.4	12
DOC Field Services		1	1.4	1
Faith Community	1	1	1.4	2
Juvenile Correction Facility		1	1.4	1
Juvenile Residential Treatment Facility Extension		1	1.4	1
			0.0	0
TOTAL	109	71	100.0	180

N=180

Because of the large number of options available for agency classifications, the original agency variable was re-coded into eight classifications. That process collapsed DOC field services, juvenile correction facility, law enforcement, county probation, and adult prison into one variable, Correctional Agencies. A similar process was completed for social services, juvenile residential treatment facility, and mental health to develop one variable, Human Services Agencies. Table 2 shows the numbers for the recoded agency types that provide restorative services.

Table 2

Types of Agencies That Provide Restorative Services

Type of Agency	Frequency	Valid Percent
Victims' Services	3	4.2
Public Health	1	1.4
Faith Community	1	1.4
Neighborhood-based	5	7.0
School	17	23.9
Other	17	23.9
Correctional Agencies	21	29.6
Human Service Agencies	6	8.5
Total	71	100.0

N=71

Where in Minnesota are Restorative Services Provided?

Respondents were given the opportunity to indicate any combination of the choices of rural, suburban, or urban. Table 3 shows the choices of the respondents with rural having the greatest number at 47.9%. Combining all of the categories that include rural (rural, rural and suburban, rural and urban, and all) a total of 48 (67.6%) of the responding Minnesota restorative service providers provide services in rural areas of Minnesota.

Table 3

Geography of Restorative Services in Minnesota

Geography	Frequency	Valid Percent
Rural	34	47.9
Suburban	9	12.7
Urban	7	9.9
Rural and suburban	4	5.6
Rural and urban	3	4.2
Suburban and urban	7	9.9
All	7	9.9
Total	71	100.0

N=71

What Restorative Models are being Utilized?

Univariate analysis.

Respondents were given the opportunity to describe the model or models used to provide restorative services; the 57 respondents who answered question eight provided a total of 92 answers. Some respondents use one model while others use up to five different models to provide restorative services. Table 4 shows the respondents' choices regarding the model used.

Family group conferencing is the model most frequently used by the respondents. Family group conferencing was chosen by 22 of the respondents (23.9%). Eighteen (19.6%) providers used circles, the second most used model.

Table 4

Restorative Models Used

Restorative Model	Frequency	Valid Percent
Victim-Offender Mediation	12	13.0
Family Group Conferencing	22	23.9
Circles	18	19.6
Community Conferencing	2	2.2
Restitution	1	1.1
Community Service	2	2.2
Victim Panel	1	1.1
Reparative Panel	4	4.3
Peer Mediation	5	5.4
Teen Court	2	2.2
Other	17	18.5
Nothing Defined Yet	6	6.5
Total	92	100.0

N=92

Note. Respondents may have reported more than one model.Bivariate analysis.

Five different crosstabulations were performed using models as the constant variable. Variables that were crosstabulated with models included (a) geography (Table 5), (b) agency types (Table 6), (c) length of time of providing services (Table 7), (d) who participated in design involvement (Table 8), and (e) the type of harms dealt with by the restorative services (Table 9).

As shown in Table 5, family group conferencing was the only model that was reported in each of the seven geography options. 'Other' is listed in each of the categories, but due to the variations of models coded as other, it cannot be deemed a type of model. Circles reportedly are used by agencies providing services in all geographical categories except 'rural and urban.' Victim-offender mediation is used by agencies providing services in all geographical categories except 'all.'

Table 5

Restorative Models Used: Geography

Restorative Models Used	Geography of Where Services are Provided							Total
	Rural	Suburb	Urban	Rural and Suburb	Rural and Urban	Suburb and Urban	All	
Victim-Offender Mediation	4	2	2	1	1	2		12
Family Group Conferencing	10	2	3	1	3	1	2	22
Circles	6	3	1	1		3	4	18
Community Conferencing			1			1		2
Restitution	1							1
Community Service						1	1	2
Victim Panel						1		1
Reparative Panel	2		1			1		4
Peer Mediation	3	1				1		5
Teen Court	2							2
Other	8	1	1	1	1	2	3	17
Nothing Defined Yet	5			1				6
Total	41	9	9	5	5	13	10	92

N=92

Note. An attempt to determine significance was unable to be completed due to over 95%

of the cells having less than the required responses.

Table 6 indicates how the 57 respondents answered the questions regarding type of agency and the model of restorative services used to provide services. Family group conferencing was the most often answered model used to provide restorative services. Of all the models, family group conferencing was chosen 23.9% of the time as the model used. Of the correctional agencies, 32.4% use family group conferencing as a model.

Table 6

Agencies Use of Restorative Models

Restorative Models Used	Type of Agency							
	Victims' Services	Public Health	Faith Community	Neighborhood	School	Other	Correction Agency	Human Service Agency
Victim-Offender Mediation				1		4	7	
Family Group Conferencing			1	1	4	4	11	1
Circles	1			1	3	5	5	3
Community Conferencing				1			1	
Restitution							1	
Community Service						1	1	
Victim Panel							1	
Reparative Panels				1		2	1	
Peer Mediation					4		1	
Teen Court					1	1		
Other	1	1		1	2	7	4	1
Nothing Defined Yet					4	1	1	
Total	2	1	1	6	18	25	34	5

N=92

Note. An attempt to determine significance was unable to be completed due to over 98%

of the cells having less than the required responses.

Table 7 indicates the models used by the 55 respondents who answered both questions regarding the model used and how long they have been providing restorative services. Of these agencies associated with the models, 65.5% have been providing restorative services two to six years. Seventeen of the respondents (30.9%) indicated providing restorative services for more than seven years. One respondent who indicated restitution as the model of restorative services used indicated providing services for 10+ years. The respondents, whose model was community services, have been providing restorative services 10+ years. Of the six respondents that indicated no model defined, 50% have been providing restorative services for 10+ years. Of the respondents who have just begun using restorative services (0-1 years), none has defined a model.

Table 7

Restorative Models Used Based on Length of Time Providing Services

Restorative Models Used	Length of Time Providing Services				
	0-1 years	2-3 years	4-6 years	7-10 years	10+ years
Victim-Offender Mediation		2	6	1	3
Family Group Conferencing		7	9	2	4
Circles		9	5	1	3
Community Conferencing		1			1
Restitution					1
Community Service					2
Victim Panel					1
Reparative Panel		1	1		2
Peer Mediation		1	3		1
Teen Court		1			1
Other		2	6	1	6
Nothing Defined Yet	2	1			3
Total	2	25	30	7	28

N=90

Note. An attempt to determine significance was unable to be completed due to over 95% of the cells having less than the required responses.

The respondents that answered both question five (what stakeholders were involved in the initial design of the local model of restorative services) and question eight (model used) represent 78.9% of the respondents that provide restorative services. The responses are shown in Table 8.

The answers to question five were categorized. The categories were (a) professionals, (b) victim representatives and professionals, (c) community representatives and professionals, (d) victim and community representatives and professionals, (e) offender and community representatives and professionals, and (f) others. The “others” category was answered by one respondent who also answered “other” to the model used to provide restorative services. Thirty-five of the models (38.5%) indicated that victim and community representatives and professionals were involved in the design determining how restorative services would be provided. Offender representatives were included in the design of the local model of restorative services in three agencies (3.3%).

Table 8

Restorative Models Used and Stakeholders Involved in Design Decisions

Restorative Models Used	Stakeholders Involved in Design Decisions					
	Professionals	Victim & Professionals	Community & Professionals	Victim, Community, & Professionals	Offender, Community, & Professionals	Other
Victim-Offender Mediation	3	1	4	4		
Family Group Conferencing	8		5	8		
Circles	5		2	10	1	
Community Conferencing			1	1		
Restitution	1					
Community Service				2		
Victim Panel				1		
Reparative Panel			2	2		
Peer Mediation	2		1	2		
Teen Court		1		1		
Other	6	3	2	3	2	1
Nothing Defined Yet	3		2	1		
Total	28	5	19	35	3	1

N=91

Note. An attempt to determine significance was unable to be completed due to over 96%

of the cells having less than the required responses.

Fifty-five respondents answered both questions eight and 11; that is 77.5% of all respondents that provide restorative services. Question 11, an open-ended question, was coded into two categories (a) crime or crime and other harms and (b) not crime (disagreements, bullying, etc.). Seventy-five of the models (85.2%) are used to provide restorative services in situations where a crime or a crime and other harm has been committed.

Table 9

Restorative Models Used: Harms

Restorative Models Used	Type of Harm		Total
	Crime Or Crime and Other Harms	Not Crime	
Victim-Offender Mediation	11		11
Family Group Conferencing	18	3	21
Circles	13	4	17
Community Conferencing	2		2
Restitution	1		1
Community Service	2		2
Victim Panel	1		1
Reparative Panel	4		4
Peer Mediation	4	1	5
Teen Court	2		2
Other	14	3	17
Nothing Defined Yet	3	2	5
Total	75	13	88

N=88

Note. An attempt to determine significance was unable to be completed due to over 83% of the cells having less than the required responses.

To What Extent are Restorative Philosophy Values Integrated into the Policies and Procedures of the Agency?

A number of questions were included in the survey to understand this question; question nine incorporated a Likert scale for six different restorative philosophy value statements to enable respondents to acknowledge how they perceive the restorative atmosphere in the agency.

Univariate analysis.

The Likert scale on the survey allowed the respondents five degrees of response to the restorative philosophy value statements. Strongly disagree and disagree were combined into one response; agree and strongly agree were combined into another response. Table 10 shows the frequency of responses for the value statements.

More than 50% of the respondents agreed with five of the six value statements. The one value statement that received less than 50% agreement was the use of restorative philosophy in staff performance reviews. Please note the increase in disagree and neutral answers as the value statements become more specific.

Table 10

Restorative Philosophy Values Integration into Agencies' Policies and Procedures

Restorative Philosophy Value Statements	Disagree	Neutral	Agree	N R
Restorative philosophy is integrated within this agency.	6 (8.5%)	9 (12.7%)	56 (78.9%)	
Staff is trained regarding victims' perspectives and needs.	12 (17.1%)	11 (15.7%)	47 (67.1%)	1
The agency's mission statement includes restorative philosophy values.	4 (5.8%)	12 (17.4%)	53 (76.8%)	2
The job descriptions of staff include restorative philosophy values.	15 (23.8%)	15 (23.8%)	33 (52.4%)	8
Staff performance reviews use restorative philosophy.	12 (19.0%)	27 (42.9%)	24 (38.1%)	8
Staff working with youth is trained in youth development. ^a	3 (4.9%)	11 (18.0%)	47 (77.0%)	2

N=71

Note. ^aEight respondents indicated the staff did not work with youth. Percentages listed are valid percentages. NR= No Response (Not all respondents answered each question).

Bivariate analysis.

The six value statements were crosstabulated with (a) the type of agencies (Table 11-16), (b) stakeholders involved in design decisions (Table 17), (c) voluntary participation of the person harmed and voluntary participation of the person who created the harm (Table 18). The variable, stakeholders involved in design decisions, was crosstabulated with the type of agencies, see Appendix B.

Table 11 shows that approximately 79% of the 71 respondents who provide restorative services perceived their agency as having integrated restorative philosophy within the agency.

Table 11

Type of Agency that has Integrated Restorative Philosophy Within the Agency

Type of Agency	Restorative philosophy is integrated within this agency.			
	Disagree	Neutral	Agree	No Response
Victims' Services		1	2	
Public Health			1	
Faith Community		1		
Neighborhood-based			5	
School	5	6	6	
Correctional Agencies			21	
Human Service Agencies		1	5	
Other	1		16	
Total	6 (8.5%)	9 (12.7%)	56 (78.9%)	

N=71

Note. An attempt to determine significance was unable to be completed due to over 87% of the cells having fewer than the required amount of responses.

Table 12 shows that most respondents (67.1%) perceive that staff is trained regarding victims' perspectives and their needs.

Table 12

Type of Agency in Which Staff Understand Victims' Perspectives and Needs

Type of Agency	Staff is trained regarding victims' perspectives and needs.			
	Disagree	Neutral	Agree	No Response
Victims' Services			3	
Public Health			1	
Faith Community			1	
Neighborhood-based			5	
School	8	5	3	1
Correctional Agencies	3	2	16	
Human Service Agencies		1	5	
Other	1	3	13	
Total	12 (17.1%)	11 (15.7%)	47 (67.1%)	1

N=70

Note. An attempt to determine significance was unable to be completed due to over 87% of the cells having fewer than the required responses.

Table 13 shows that restorative philosophy values are perceived to be included in 76.8% of the agencies' mission statements.

Table 13

Type of Agency Whose Mission Statement Includes Restorative Philosophy Values

Type of Agency	The agency's mission statement includes restorative philosophy values.			
	Disagree	Neutral	Agree	No Response
Victims' Services		2	1	
Public Health			1	
Faith Community			1	
Neighborhood-based		1	4	
School	3	7	6	1
Correctional Agencies			21	
Human Service Agencies	1		5	
Other		2	14	1
Total	4 (5.8%)	12 (17.4%)	53 (76.8%)	2

N=69

Note. An attempt to determine significance was unable to be completed due to over 87% of the cells having fewer than the required responses.

Agencies were perceived to have included restorative philosophy values in job descriptions according to 33 (52.4%) of the respondents. That information is shown in Table 14.

Table 14

Type of Agency Where Job Descriptions Include Restorative Philosophy Values

Type of Agency	The job descriptions of staff include restorative philosophy values.			
	Disagree	Neutral	Agree	No Response
Victims' Services	1	2		
Public Health			1	
Faith Community	1			
Neighborhood-based			4	1
School	7	5	2	3
Correctional Agencies	3	4	13	1
Human Service Agencies	2	2	2	
Other	1	2	11	3
Total	15 (23.8%)	15 (23.8%)	33 (52.4%)	8

N=63

Note. An attempt to determine significance was unable to be completed due to over 87% of the cells having fewer than the required number of responses.

As evidenced by Table 15, responses to the value statement (staff performance reviews use restorative philosophy) for this question indicated a neutral response or disagreement with the statement for 61.9% of the respondents.

Table 15

Type of Agency Where Staff Performance Reviews use Restorative Philosophy

Type of Agency	Staff performance reviews use restorative philosophy.			
	Disagree	Neutral	Agree	No Response
Victims' Services		1	2	
Public Health			1	
Faith Community	1			
Neighborhood-based		2	2	1
School	6	5	3	3
Correctional Agencies	3	9	8	1
Human Service Agencies	1	4	1	
Other	1	6	7	3
Total	12 (19.0%)	27 (42.9%)	24 (38.1%)	8

N=63

Note. An attempt to determine significance was unable to be completed due to over 75% of the cells having fewer than the required responses.

As shown in Table 16, the majority of the respondents (77%) perceive that the staff who work with youth have had training in youth development.

Table 16

Type of Agency Where Staff Working with Youth Have Been Trained in Youth

Development

Type of Agency	Staff working with youth is trained in youth development.			
	Disagree	Neutral	Agree	No Response
Victims' Services			3	
Public Health			1	
Faith Community			1	
Neighborhood-based		1		4
School		6	11	
Correctional Agencies	3	4	13	1
Human Service Agencies			6	
Other			12	5
Total	3 (4.9%)	11 (18.0%)	47 (77.0%)	10

N=61

Note. An attempt to determine significance was unable to be completed due to over 87% of the cells having fewer responses than required.

Tables 17-22 show the responses to the value statements crosstabbed with the stakeholders involved in designing the local model of restorative services. Tables 17-22 are located in Appendix B.

Table 23 shows the crosstabs of the restorative philosophy value statements and voluntary participation in restorative services by the person harmed and the person who created the harm. Notice that the person harmed is allowed greater freedom for participation than the person who created the harm. The analysis was completed to determine the different responses to the person harmed and person who created the harm based on the perceptions of the value statements.

Table 23

Restorative Philosophy Value Statements	Voluntary Participation							
	Person Harmed				Person Created the Harm			
	Yes	No	Do Not	Other	Yes	No	Do Not	Other
Restorative philosophy is integrated within this agency.								
Disagree	5	1			5	1		
Neutral	6	1		1	5	2		1
Agree (N=70)	50	3	1	2	40	6	2	8
Staff is trained regarding victims' perspectives and needs.								
Disagree	11	1			9	3		
Neutral	7	3			9	2		
Agree (N=69)	42	1	1	3	32	4	2	9
The agency's mission statement includes restorative philosophy values.								
Disagree	4				4			
Neutral	9	2		1	8	2	1	1
Agree (N=68)	46	3	1	2	37	6	1	8
The job descriptions of staff include restorative philosophy values.								
Disagree	12	2		1	12	2		1
Neutral	14				10	2	1	1
Agree (N=62)	29	2	1	1	24	3	1	5
Staff performance reviews use restorative philosophy.								
Disagree	11	1		2	10	2		
Neutral	24				18	2		6
Agree (N=62)	20	3	1		17	4	2	1
Staff working with youth is trained in youth development								
Disagree	3				2	1		
Neutral	8	1		1	8			2
Agree (N=60)	42	3	1	1	34	7	2	4

The category of stakeholders most apt to be involved in the design decisions for providing restorative services was the professionals, 22 of 70 responses; this is shown in Table 24. The next category was victim and community representatives and professionals with 21 of the 70 responses.

Table 24

Type of Agency that Involved Which Stakeholders in Design Decisions

Stakeholders Involved in Design Decisions	Type of Agencies						
	Victim's Services	Public Health	Neighborhood	School	Correction Agencies	Human Services Agencies	Other
Victim Representatives	1						
Professionals		1		9	10		2
Victim Representatives and Professionals				1	1	1	3
Community Representatives and Professionals			3	5	3	1	4
Victim and Community Representatives and Professionals	2		1	2	7	2	7
Offender and Community Representatives and Professionals			1			2	
Others							1
Total	3	1	5	17	21	6	17

N=70

Note. An attempt to determine significance was unable to be completed due to over 87% of the cells having fewer than the required responses.

Closing Statements

This chapter presented the findings of the study. The next chapter will include a discussion of the findings as related to restorative justice theory and ecological systems theory. Strengths and limitations of the study, implications for social work policy and practice, and recommendations for future research will also be included.

CHAPTER 5: DISCUSSION

Overview

The purpose of this exploratory study was threefold. The first purpose was to gather restorative services information from service providers. The second purpose was to compile a resource list of restorative service providers that will be available from the Minnesota DOC. The third purpose was to explore the extent to which an agency providing restorative services has integrated restorative philosophy into its policies.

This chapter will present a discussion of the key findings for the five research questions. It also includes a discussion of the strengths and limitations of the study, implications for social work policy and practice, and recommendations for future research.

Findings

What Types of Restorative Services are Practiced in Minnesota?

Content analysis was completed on the open-ended question "What does restorative services mean in this agency?" This question was asked to obtain the respondent's definition of restorative services. The language was apparently not clear about the intent as is evidenced by the answers. Few respondents defined restorative services; many answered with the model they use to provide restorative services. Other answers did not appear to pertain to the question.

The respondents who answered with some definition of restorative services appear to have a basic understanding of restorative philosophy. A basic understanding of restorative philosophy includes the three components: (a) encouraging the person harmed (victim) to voluntarily participate in the process, (b) allowing the person who created the

harm (offender) a choice in participating in the process, and (c) involving the community in the process (Bazemore, 1998; Gerard, 1996; Minnesota Department of Corrections, 1997; Pepi, 1998; Schiff, 1998; Umbreit & Zehr, 1996). Most of the respondents included at least one component of the three (victim, offender, and community) in the definition of restorative services.

What Types of Agencies are Providing Restorative Services?

The number of respondents providing restorative services was 71. Of those, the highest percentage of agencies (29.6%) were agencies who deal with crime, such as Department of Corrections field services, juvenile correction facilities law enforcement, county probation, and adult prisons. Because the term restorative services is an effort to expand the concept of restorative justice, it is reasonable that agencies that deal with "justice" would be the largest percentage of agencies that provide restorative services.

The group of "other" accounted for 23.9% of agencies providing restorative services. Interestingly, many of those agencies also deal with "justice." Respondents who often deal with "justice" and chose "other" as a type of agency included mediation agency, defense attorney, law firm prosecutor's office, court, county attorney, and county jail.

The Minnesota Department of Corrections has supported the philosophy of restorative justice since 1992 (Carey, 2000). Prior to that, DOC had supported what many consider the early beginnings of restorative justice, such as a focus on restitution and the Community Corrections Act of 1973 to assist communities deal with crime issues on a local level.

The Minnesota Department Children, Families and Learning has supported restorative practices for a few years. *Restorative Measures* for schools to use in preventing violence was published by Department of Education in 1996 (Carey, 2000). That would appear to account for the 23.9% of service providers being schools.

Those three categories of agencies (i.e., correctional agencies, other, and schools) account for 77.4% of the respondents that currently provide restorative services. It is not surprising that those agencies providing restorative services interact with the two Minnesota state agencies that have encourage, promoted, and supported restorative services.

Where in Minnesota are Restorative Services Provided?

The responses to this question surprised this researcher. Expectations were that because the Twin Cities population is so dense that more restorative services would be provided in the urban and suburban areas. However, the respondents indicated that 47.9% provide restorative services in rural areas. Combining the responses that include rural (rural and suburban, rural and urban, and all) with the rural response increased that coverage to 67.6%. All of the responses including suburban totaled 38.1% while all responses including urban totaled 33.9%.

Because there was a low response rate to the survey, this finding raises many questions. Are there that many more opportunities to obtain restorative services available in rural Minnesota? Is it due to time resources and the opportunity to complete the questionnaire? Is it because of a greater willingness to assist with research in some areas of the state?

Discussion with John McLagan, Minnesota Department of Corrections, indicated that the results of the survey are fairly accurate. There is much more restorative justice activity in the rural areas of Minnesota. This is due in part to the first restorative justice conference sponsored by DOC being held in St. Cloud (J. McLagan, personal communications, May 3, 2000).

What Restorative Models are being Utilized?

Family group conferencing.

The most frequently mentioned model was family group conferencing. Family group conferencing is used by 23.9% of the respondents. Most of the respondents indicated either family group conferencing or REALJustice. REALJustice is a form of family group conferencing. Family group conferencing was the only model respondents used that was provided in each geography category.

Family group conferencing was the model used by 32.4% of the correctional agencies. The 11 correctional agencies represent 61.1% of the respondents using this model. One faith community, one human services agency, one neighborhood-based agency, four schools, and four 'other' agencies also used family group conferencing.

Family group conferencing is used 85.7% of time for harms that are crime or crime and other harms. It is also used in a few settings where the harm is not considered a crime.

One explanation for the usage of family group conferencing might be that "In 1994 family group conferencing, a major innovation involving law enforcement and schools, was introduced to Minnesota by Terry O'Connell of the New South Wales,

Australia, Police Department” (Carey, 2000, p.32). Another possible explanation might be because one of the REALJustice national trainers lives and works in Minnesota.

Circles.

Circles accounted for 19.6% of the models used by the respondents. Circles were used throughout the state. Many of the circles used within Minnesota have been trained by indigenous people of the Yukon.

Similar to family group conferencing, the circle model is used in most all type of agencies as a way to provide restorative services. Only public health and faith community did not report using circles. Five of the agencies (27.8%) that use circles are correctional agencies, five of the agencies that use circles are ‘other,’ three are schools, three are human service, one is neighborhood based, and the last one is victims’ services.

The majority of providers using circles have been providing restorative services for 2-3 years. Five providers who use circles have provided restorative services for 4-6 years, one for 7-10 years, and three for 10+ years.

When considering the stakeholders involved in the design decision, agencies that included at least three different types of stakeholders (victim or offender and community representatives and professionals) were much more likely (61.1%) to use circles.

Circles are not exclusively used for crime or crime and other harms. Circles are used 76.5% for crime or crime and other harms.

‘Other.’

The category of other has many variations in it. Although many responses were ‘other’ responses (18.5%), the variations within the category do not lend itself to analysis as a model.

Victim-offender mediation.

VOM was the response for 12 agencies, 13.0% of the responses. VOM is the oldest of the face-to-face restorative justice models. It is used in throughout the state of Minnesota.

VOM is used 58.3% of the time by correctional agencies. 'Other' and neighborhood agencies also use VOM. Of the 12 agencies that use VOM, ten have been providing restorative services for at least four years.

VOM, as a restorative services model, was designed with a wide variety of stakeholders. Five of the agencies used two types of participants (victim or community representatives and professionals), four of the agencies used three types (victim and community representatives and professionals), and three of the agencies used professionals to design the local model.

VOM is used exclusively in situations where a crime has been committed. The title certainly implies a crime by the use of both victim and offender.

Community conferencing, restitution, community service, victim panel, reparative panel, and teen court.

These models were grouped together because all are exclusively used in crime or crime and other harm situations. Many of the agencies (58.3%) using these models have been providing restorative services 10+ years. Restitution and community service are a part of the victim and community focus that occurred in Minnesota in the early stages of the restorative movement (Carey, 2000).

Peer mediation.

As a model, peer mediation was used 80% of the time by schools and 20% by correctional agency. Peer mediation is used for both crime or crime and other harm and not crime. The stakeholders involved in the design decisions that choose peer mediation ranged from professionals to use of three types (victim and community representatives and professionals). Eighty percent of the providers using peer mediation have been providing restorative services from 2-6 years. Peer mediation was chosen as the model to be used in the rural area for three of the five respondents.

Nothing defined yet.

The researcher found this to be a curious category. It is understandable that agencies who have been providing restorative services for less than one year may not have completely defined the models to use. What is curious is that 50% of the providers, who indicated not having a definite model, indicate providing restorative services for 10+ years.

To What Extent are Restorative Philosophy Values Integrated into the Policies and Procedures of the Agency?

One of the ways attempted to explore how integrated restorative philosophy values are into the agencies policies and procedures was by listing six statements and requesting respondents' perception of each statement. Respondents were requested to choose a numeric value on a Likert scale from one to five. Responses one and two indicated disagreement, three neutrality, and four and five agreement.

Restorative philosophy is integrated within this agency.

The statement, “restorative philosophy is integrated within this agency,” produced 78.9% agreement by the respondents. The remaining 21.1% indicated either neutrality or disagreement.

When crosstabbed with type of agency, of the 21.1% of the respondents who were either neutral or disagreed with this statement 11 were schools, one was victims’ services, one was faith community, one was human service, and one was ‘other.’ Schools accounted for 17 of the respondents to this statement—11 of them (64.7%) responded with either disagreement or neutrality. Why are schools perceived as not integrating restorative philosophy into the school even though restorative services are provided there? Is it because the mission of schools is perceived to educate students rather than be concerned with restorative practices?

Crosstabulations with the stakeholders involved with the design decisions for the local model of restorative services showed that professionals or community representatives and professionals designed the services in the agencies affiliated with the six respondents who disagreed with this value statement. It appears that when victim representatives were involved with the design decisions there was more agreement with the statement about integration within the agency. This appears to be consistent with one of Zehr and Mika’s (1997) signposts of restorative justice, “work toward the restoration of victims, empowering them and responding to their needs as they see them” (3).

Crosstabulation of this value statement (restorative philosophy integrated within agency) and voluntary participation for either the person harmed (victim) or a choice for the person who created the harm (offender) shows that 81.9% of the agencies that agree

with the value statement also have voluntary participation for the person harmed. Choice of participation for the person who created the harm is allowed 71.4% of the time in agencies that agree with the value statement. It appears that for the respondents voluntary participation is more important for the person harmed. Zehr and Mika (1997) indicate that victims and offenders should be shown equal concern. This difference for persons harmed and persons who created the harm might be reflective of the current discussions regarding how voluntary it should be for the offender (K. Pranis & G. Bazemore, personal communication, September 29, 1999). Or it may be reflective of different value standards for the person harmed and the person who created the harm.

Staff is trained regarding victims' perspectives and needs.

The statement, "staff is trained regarding victims' perspectives and needs," produced 67.1% agreement by the respondents. Of the remaining 32.8%, more than half (17.1%) disagreed with the statement. One respondent did not choose an answer for this statement.

This researcher found it interesting that almost one third of the respondents perceived the restorative services staff they work with are not trained in victims' perspectives and needs. Empowering victims and responding to their needs is one of the signposts of restorative justice according to Zehr and Mika (1997).

Crosstabulations for the value statement (training about victims' perspectives and needs) and type of agency indicate school staff are perceived to have not been trained to understand victims' perspectives and needs. Of the 17 school respondents, eight disagreed that staff had been trained to understand victims and another five respondents were neutral. Further research would be necessary to determine if that is because the

majority of staff in a school are teachers who are more concerned about students' learning rather than understanding victims' perspectives and needs.

Crosstabbing the value statement (training about victims' perspectives and needs) with the stakeholders involved in the design decisions shows that of the 17.4% of the respondents who disagreed with the statement, 58.3% of those were affiliated with agencies where professionals had made the design decisions for the restorative services. What are the ramifications to the victims if the staff of agencies providing restorative services are not trained regarding victims' perspectives and needs?

Crosstabulations were performed regarding staff being trained in victims' perspectives and needs and whether or not participation in restorative services is voluntary for either the person harmed (victim) or a choice for the person who created the harm (offender). Five respondents (7.2%) indicated persons harmed participate and it is not voluntary. Nine respondents (13.0%) indicated persons who created the harm must participate and do not have a choice. It is interesting to notice the difference regarding the choice for victims versus offenders, even though Zehr and Mika (1997) indicate both should receive equal concern. Perhaps the different choices for the victims and the offenders relate to the feminist perspective that although people have equal value as humans it does not mean people should be treated identically, but rather that everyone should be considered similarly (Harris, 1987).

The agency's mission statement includes restorative philosophy values.

There was 76.8% agreement with this statement. Two surveys did not complete a choice for this statement. The remaining 23.2% of the respondents either were neutral on this statement or disagreed with it.

Crosstabulating the value statement (regarding mission statement includes restorative philosophy values) with the type of agency indicates neutrality or disagreement by 16 respondents—of which 10 are schools, two are victims' services, two are other, one is neighborhood-based, and one is human service. Of the 17 school respondents who are providing restorative services, only six agreed with the value statement. This piques the researcher's curiosity, why—what is occurring within the schools that are providing restorative services? Are restorative services perceived as a program rather than a philosophy? As schools define their missions to educate, perhaps they do not perceive restorative services as beneficial in ensuring that education occurs.

Crosstabulations were performed regarding the value statement (mission statement includes restorative philosophy values) and stakeholders involved in the design decisions for the local model of providing restorative services. Twenty-seven percent of the agencies where professionals were the only stakeholders involved in the design decisions did not agree with the value statement. Six agencies where professionals designed the restorative services did not agree with the value statement—four are neutral while two disagree. Are there ramifications to any of the three components of restorative services, person harmed, person who created harm, and affected community (Bazemore, 1998; Crowe, 1998; Schiff, 1998) if the agency providing restorative services does not include restorative philosophy values in the agency's mission statement?

Crosstabulations to determine if the agency mission statement includes restorative philosophy values and whether or not participation in restorative services is voluntary for either the person harmed (victim) or a choice for the person who created the harm (offender) indicated that of the agencies agreeing with the statement 88.5% allow persons

harmed (victims) to voluntarily participate, while 5.8% require their participation.

Seventy-one percent of the same agencies who agreed with the value statement allow the person who created the harm (offender) the choice of participating; at the same time, 11.5% of agreeing agencies require participation by persons who created the harm. The question that arises from this information is do the agencies have different values for the person harmed and the person who created the harm? If so, why?

The job descriptions of staff include restorative philosophy values.

This statement was agreed with by 52.4% of the respondents. The respondents who disagreed with or were neutral on this statement increased to 47.8%. Eight of the surveys had missing data for this statement.

Although many respondents agreed with the earlier statements about restorative philosophy values being integrated within the agency and included in the mission statement, there appeared to be a marked drop in the number of respondents who perceived restorative philosophy values in the staff job descriptions. That might be due to the relative recency of the use of restorative philosophy. At the same time, a number of agencies have been providing restorative services at least two years, enough time for job descriptions to be revised if the agency deemed it necessary.

Crosstabulations were performed for the value statement (job descriptions include restorative philosophy values) and type of agency providing restorative services. Only two types of agencies (public health and neighborhood-based) had only agreement with the value statement. Of the 17 school respondents, three had missing data and only two agreed with the value statement, which left 70.5% of the school respondents disagreeing or being neutral about the value statement. Of the 20 correctional agencies that responded

to the value statement, 35% disagreed or were neutral. Two human service agencies agreed with the value statement, which left 66.6% of the human service agencies that disagreed or were neutral. Almost 79% of the respondents indicated restorative philosophy is integrated within the agency—if not in the staff job descriptions, where is it being integrated? Is restorative philosophy being implemented as a program rather than an agency philosophy?

Crosstabulating of the stakeholders involved in the design decisions and the value statement (staff job descriptions include restorative philosophy values) indicated that of the 21 respondents affiliated with agencies where the design decisions were made by professionals, only 38% agreed with the value statement. The respondents affiliated with agencies where the design decisions were made by at least three different types of members (e.g., victim and community representatives and professionals or offender and community representatives and professionals) agreed with the value statement 64.7% and 66.7% respectively. It appears that agencies that included more than one type of member in the design decisions agree with the value statement more frequently. Perhaps that is an indication that the more inclusiveness of various decision makers at the beginning of providing restorative services the more those agencies have included restorative philosophy values in the staff job descriptions.

Crosstabulations for the value statement (staff job descriptions include restorative philosophy values) and whether or not participation in restorative services is voluntary for either the person harmed (victim) or a choice for the person who created the harm (offender) indicated that when victims' participation was voluntary 21.8% disagreed with the value statement, 25.5% were neutral, and 52.7% agreed with the value statement. Of

the respondents that indicated offenders had a choice to participate, 26.1% disagreed with the value statement, 21.7% were neutral, and 52.2% agreed. This analysis did not have noticeable differences for the person harmed and the person who created the harm.

Staff performance reviews use restorative philosophy.

This statement received the smallest percentage (38.1) of agreement of the six value statements. Again, eight surveys were missing data for this statement. Of the remaining 69.1%, only 12 respondents (19.0%) disagreed with the statement while 42.9% were neutral.

The cover letter for the survey explained that one of the purposes of this study was to explore the extent to which an agency providing restorative services has integrated restorative philosophy into its policies. This researcher questions if the neutral answers to this question were a deliberate attempt to not be negative regarding restorative philosophy.

Verbal, anecdotal information indicated that at one agency when an employee was receiving some disciplinary action, the employee and fellow employees did not feel the discipline was done in a manner consistent with restorative values. Do agencies provide restorative services to the “clients,” but do not use restorative values with the employees?

The crosstabulation completed for type of agency and the value statement (staff performance reviews use restorative philosophy) indicated that of the 14 school respondents, 78.6% either were neutral or disagreed with the value statement. Of the 20 correctional respondents, 60% were neutral or disagreed with the value statement. Of the 14 ‘other’ respondents, 50% were neutral or disagreed with the value statement. The low amount of agreement with this value statement begs the question—why?

Crosstabulating stakeholders involved with the design decisions and the value statement showed none of the 20 respondents affiliated with agencies where the design decisions were made by at least three different types of members (e.g., victim and community representatives and professionals or offender and community representatives and professionals) disagreed with the value statement. However, 75% of those respondents were neutral about the value statement and 25% agreed.

Crosstabulations for the value statement (staff performance reviews use restorative philosophy) and whether or not participation in restorative services is voluntary for either the person harmed (victim) or a choice for the person who created the harm (offender) indicated that of the respondents affiliated with agencies where the victim voluntarily participates, 36.4% agreed with the value statement. That left 63.6% of those respondents who were either neutral or disagreed with the value statement. Four respondents indicated victims were required to participate, 75% of those respondents agreed with the value statement. Forty-five respondents indicated offenders had a choice to participate or not. Of those, 37.8% agreed with the value statement that left 62.2% either neutral or in disagreement with the value statement. Eight respondents indicated that offenders participated whether it was his or her choice or not. Of those eight, 50% agreed with the value statement. To what extent is restorative philosophy integrated into an agency's policies and procedures if the staff performance reviews are not based on restorative values?

Staff working with youth is trained in youth development.

Eight respondents indicated staff did not work with youth. Two surveys had missing data for this statement. The percentage of respondents who agreed with this

statement increased from the previous statement. Seventy-seven percent agreed with this statement. Of the remaining respondents, 11 (18%) were neutral regarding this statement. Only 4.9% of the respondents disagreed with this statement.

The first crosstabulation completed for this value statement (staff trained in youth development) was with type of agency. Of the 20 correctional agencies responses, three (15%) disagreed with the value statement, four (20%) were neutral, and 13 (65%) agreed. Of the 17 school respondents, 11 (64.7%) agreed with the values statement and 6 (35.3%) were neutral. The one remaining respondent not agreeing with the statement was neutral. Reciprocal adaptation occurs when a person develops through change and is supported by the environment (Payne, 1997). If employees providing restorative services to youth are not trained in youth development, are they capable of working with the youth? How will staff encourage the youth to change the offending behavior and be supported by the victim and the community? Six school respondents were neutral regarding the value statement (staff trained in youth development). It appears peculiar that school staff are not trained in youth development; further research could determine what is the basis for that response.

Crosstabulating stakeholders involved in the design decisions and the value statement (staff trained in youth development) indicated that 46 of the 60 respondents (76.7%) agreed with the value statement. Eleven respondents were neutral and three disagreed with the value statement. All respondents that were affiliated with agencies where victim and community representatives and professionals made the design decisions agreed with the value statement. Of the three agencies where offender and community representatives and professionals decided the design, two agreed with the value statement

and one was neutral. Agencies in which community representatives and professionals or victim representatives and professionals made the design decisions were the agencies that also disagreed with the value statement or were neutral. In the 21 agencies where only professionals were involved in the design decisions, two disagreed with and six were neutral on the value statement. It appears that the more inclusive of all people involved in the restorative process, the greater the likelihood of being able to agree with the value statement. What are the other factors are involved? How do those factors get played?

The crosstabulations performed with the value statement (staff trained in youth development) and whether or not participation in restorative services is voluntary for either the person harmed (victim) or a choice for the person who created the harm (offender) indicated that of the 53 respondents affiliated with agencies that allow the person harmed (victim) to voluntarily participate, 11 (21.8%) were neutral or disagreed with the value statement. Forty-four respondents allowed the person who created the harm the choice to participate; of those, 22.7% were either neutral or disagreed with the value statement. Of the four respondents who required participation from the person harmed, three agreed with the value statement; of the eight respondents who required participation from the person who created the harm, seven agreed with the value statement. The perception of different values for the person harmed and the person who created the harm may be seen here with twice as many respondents requiring the person who created the harm to participate as that require the person harmed to participate. What is behind the participation requirement? Do respondents who require participation have congruency with restorative philosophy values—e.g., empowering, encouraging, responding to needs, providing opportunities, showing respect, etc. (Zehr & Mika, 1997)?

Another way to attempt to explore how integrated restorative philosophy values are into the agencies policies and procedures was by crosstabulating the stakeholders involved in the design decisions for providing restorative services with the type of agencies. The expectation was the more inclusive the decision making process was, the more integrated restorative philosophy values would be in agencies' policies and procedures. This was to determine which types of agencies were more inclusive in design decisions. Twenty-four respondents used at least three member types (victim or offender and community representatives and professionals) to design the restorative services. Seven of those respondents were correctional agencies (7 of 21), seven were 'other' agencies (7 of 17), four were human services (4 of 6), two were victims' services (2 of 3), two were schools (2 of 17), and two were neighborhood-based agencies (2 of 5). The inclusive or exclusive involvement for design decisions is past; how can agencies integrate restorative philosophy values into policies and procedures? Is there a predictor for the extent of the integration?

Strengths and Limitations of the Study

Strengths

The strength of this study is that it is the first time a survey of this type has been conducted in Minnesota. An exploratory study of restorative services in Minnesota, a leader in restorative justice, had not been accomplished prior to this study.

This study was purposefully designed to be as broad as possible to include as many disciplines that recognized their efforts as restorative. As a statewide survey, it was designed to look at the use of restorative services in rural, suburban, and urban areas. The major purpose of the broadness was to learn if disciplines other than criminal justice had

recognized restorative values and that those values could be transferred and applied in situations other than “crime.” This will also be discussed in the limitations section.

Restorative practices are in an infancy stage. This study has allowed for a baseline of restorative practices in Minnesota.

Limitations

Two major limitations are apparent in this study: rate of return and language. The rate of return was approximately 11% (181 out of 1607). The survey was sent to mailing lists of mediators, persons interested in restorative justice, county human service agencies, schools that have violence prevention coordinators, community health service agencies, private child-placing agencies, known restorative justice providers, and tribal agencies. Some of the mailing labels were addressed to individuals while other labels were addressed to an agency. Tomaskovic-Devey (1994) discussed the rates of return for sending surveys to individuals versus organizations. The response rate for surveys sent to an organization depends upon the individual who receives the survey and his or her authority, capacity, and motive to respond. That may partially explain the low response rate for this survey. Other explanations may include request for a quick response; a cut-off date, surveys received after that date were not included in this analysis; and language.

Another major limitation of this study was language. Use of the terminology of restorative services may have inhibited some providers' responses. Perhaps using the terminology of family-centered integrated service delivery inclusive of all parties would have captured some providers who think of their services in those terms rather than as restorative. Respondents may not have recognized their services as restorative, beginning to heal the relationships damaged by whatever the harm was. Survey recipients may be

familiar with the terminology restorative justice and determined they didn't provide that service and were unable to transfer their services to restorative services. Or survey recipients may not be familiar with the terminology restorative justice so assumed they didn't have anything to do with the survey and did not respond. For further research in this area, survey designers may want to design surveys with discipline-specific jargon to obtain an accurate response.

Implications for Social Work Policy and Practice

Implications for social work policy include the ability of the profession to work toward restoration no matter what discipline setting the social work occurs in. Working towards restoration includes a focus on harms of wrongdoing, exhibits concern and commitment, empowers, responds, supports, encourages, holds accountable, develops achievable goals, encourages or facilitates communication between involved parties, involves and empowers community, collaborates, reintegrates, attends to the unintended consequences, and shows respect to all (Zehr & Mika, 1997). Restorative services are very similar to the strengths perspective in that the strengths perspective focuses on people's own ability to define how they will interact with the environment (Payne, 1997).

Restorative practices clearly must not re-victimize the person harmed.

Practitioners must be skilled in facilitation to accomplish restoration. Social workers, with the person in environment perspective, have a broad understanding of restorative services—although they may not name the services as restorative services. The social work profession should take a leadership role in promoting services that are restorative.

Social work ethics uphold the values of restorative services. Both restorative services and social work ethics ascribe to similar objectives: believe in client self-

determination; prevent practices that are inhumane or discriminatory; engage in non-exploitive relationships; promote and encourage respect, fairness, and courtesy; work to improve effectiveness of services, expand choice and opportunity; and advocate for social justice (Lowenberg & Dolgoff, 1996).

Recommendations for Future Research

Future research must consider discipline-related language barriers if attempting to broaden the restorative baseline. This research did not address issues of class, gender, or race of the services provided or evaluated for Minnesota residents; future research may want to investigate those issues to determine justice for all residents.

Currently, there are no standardized or operationalized definitions for restorative services (Schiff, 1998). Without those, research interpretation is difficult because of the lack of ability to compare terms.

A further recommendation would be to engage stakeholders in discussion to determine what they desire to be studied. There are numerous studies that could be conducted; what will be most beneficial to the stakeholders?

To conduct research similar to this study, face to face interviews should be undertaken to obtain a clearer understanding of the meaning of the responses. This could be accomplished by interviewing administrative personnel, direct line workers, or both. This study has provided a baseline to restorative services in Minnesota, but has also raised intriguing questions.

Summary

Restorative justice, a current approach with historical roots (Carey, 2000) has shown great promise within the criminal justice discipline. Can restorative services be

transferred to other settings to ensure that hurt relationships have an opportunity to begin to heal?

With all the talk about personal accountability, sometimes the community responsibility is ignored. Strong communities can provide guidelines for acceptable behavior within their boundaries and as such need to be involved with restorative services. There is still much work to be accomplished to restore peace within communities, families, and individuals. Let us support each other on this journey.

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APPENDIX A

8. Please describe the model for restorative services provided by this agency. (For example, if you provide family group conferencing services, which model is used? REAL Justice, New Zealand, Family Unity Model, Relative Care Conferencing, etc.) Please include a short, written description of the services or, if available, attach a brochure describing the services.

9. On a scale of one to five, where "1" = *strongly disagree*, "3" = *neutral*, and "5" = *strongly agree*, please agree or disagree with the following statements. (Please circle your numerical answer.)

	<i>Strongly</i> Disagree	Disagree	Neutral	Agree	<i>Strongly</i> Agree	
A. Restorative philosophy is integrated within this agency.	1	2	3	4	5	
B. Staff is trained regarding victims' perspectives and needs.	1	2	3	4	5	
C. The agency's mission statement includes restorative philosophy values.	1	2	3	4	5	
D. The job descriptions of staff include restorative philosophy values.	1	2	3	4	5	
E. Staff performance reviews use restorative philosophy.	1	2	3	4	5	
F. Staff working with youth is trained in youth development.	N.A.*	1	2	3	4	5

Additional comments or explanations. _____

* Not applicable because no staff work with youth.

10. What type of geographic area does this agency provide restorative services in? (Please circle all that apply.)

- A. Rural
- B. Suburban
- C. Urban

Please list city(ies) and county(ies). _____

11. With what types of harms (crime, conflict, abuse, bullying, disagreement, etc.) does this agency deal? _____

12. Is participation voluntary for the persons harmed? (Please circle answer.)

- 1. Yes
- 2. No
- 3. Persons harmed do not participate.
- 4. Other _____

13. Do the persons who created the harm have a choice to participate? (Please circle answer.)

- 1. Yes
- 2. No
- 3. Persons who created harm do not participate.
- 4. Other _____

14. Please indicate which activities of restorative services are encouraged by this agency. (If this agency encourages the activity listed for one or any combination of the different stakeholders--person harmed, person who created harm, or community--please place a check mark in each bracket set that applies.)

<u>Activity</u>	<u>Person harmed</u>	<u>Person who created harm</u>	<u>Community</u>
Seeks to determine needs of	[]	[]	[]
Allows full participation by	[]	[]	[]
Encourages taking responsibility by	[]	[]	[]
Gives opportunity to take responsibility	[]	[]	[]
Seeks to make right the harm to	[]	[]	[]
Encourages dialogue between	[]	[]	[]
Solicits feedback by	[]	[]	[]

15. For how many cases (case defined as one harmful situation) has this agency provided restorative services in each of the calendar years? (If this agency did not provide restorative services in a listed year, please indicate N.A. for that year.)

1999 _____ 1998 _____ 1997 _____ 1996 _____ 1995 _____

15A. How many total stakeholders did those cases involve? (If this agency did not provide restorative services in a listed year, please indicate N.A. for that year.)

1999 _____ 1998 _____ 1997 _____ 1996 _____ 1995 _____

16. What percentage of those cases achieved restorative outcomes for each of the calendar years? (If this agency did not provide restorative services in a listed year, please indicate N.A. for that year.)

1999 _____ 1998 _____ 1997 _____ 1996 _____ 1995 _____

17. According to your local model and agency belief, what is a restorative outcome? _____

Demographics

Name of Agency _____

Title of Person Completing Survey (Optional) _____

Address _____

City _____

Phone Number _____ Fax Number _____

Agency E-mail Address or Web site Address _____

Type of Agency: (Circle the number that best describes this agency.)

- | | |
|--|--------------------------------------|
| 1. Victims Services | 9. Law Enforcement-based |
| 2. Block nurse/parish nurse/public health | 10. County probation |
| 3. DOC field services | 11. Mental health |
| 4. Extension service | 12. Neighborhood-based community org |
| 5. Faith community | 13. School |
| 6. Human services / social services | 14. Adult prison |
| 7. Juvenile correctional facility | 15. Other: (please describe) _____ |
| 8. Juvenile residential treatment facility | _____ |

Optional: If a person in this agency is willing to be listed as a restorative services resource person, please complete:

Name _____

How would you prefer to be reached? ___ phone: _____

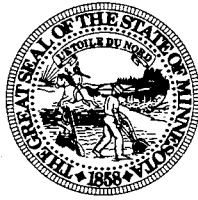
___ e-mail address: _____

___ fax: _____

Please return this questionnaire within one (1) week to: Deanna Steckman
 Dept of Corrections – Restorative Justice
 1450 Energy Park Drive, Suite 200
 St Paul MN 55108-5219
 (651) 642-0457 (fax)

**Thank you for taking the time to complete and return
 this questionnaire.**

Yes No I would like to receive a comprehensive listing of restorative services operating within Minnesota.



State of Minnesota
Minnesota Department of Corrections

February 2000

Dear Colleague:

We invite you to participate in an inventory of restorative service providers within Minnesota. Your participation in this research project is voluntary and important, and your consent to participate is implied by the completion and return of the survey. Please read this letter before you begin.

An Augsburg College Master of Social Work student designed this inventory in conjunction with the Minnesota Department of Corrections (DOC) Restorative Justice Planners. If you choose not to participate, it will not affect your current or future relationship with the DOC or Augsburg College.

The purpose of this inventory is threefold. The first purpose is to gather restorative services information from service providers. Minnesota is a recognized leader in restorative justice. The Minnesota DOC receives requests from persons involved in local, state, national, and international restorative justice issues. With information gathered from this inventory, the Minnesota DOC will have answers regarding the scope of restorative services provided within Minnesota. The second purpose is to compile a resource list of restorative service providers that will be available from the Minnesota DOC. The third purpose is to explore the extent to which an agency providing restorative services has integrated restorative philosophy into its policies.

If you decide to participate, we request you complete and return the survey in the enclosed envelope by February 11. It should take approximately 20 minutes to complete it. There are no anticipated risks or direct benefits for your participation in this research project; an indirect benefit is your contribution to knowledge. Your participation allows the three purposes discussed above to be served.

The information gathered by the inventory will be analyzed and reported in aggregate form in the thesis to ensure anonymity. You need to know that the information contained in the resource list will consist of the agency's name (or program name), address, and phone number. The resource list will be available to the public from the DOC. Only agency information will be included in the resource list **unless** you chose to list an agency representative as a restorative services resource person. The raw data gathered for this research project will be kept in a locked file cabinet drawer and be destroyed by August, 2000.

Thank you very much for your consideration, and we look forward to your participation in this inventory survey. If you have any questions, please call Deanna Steckman (in late afternoon or early evening) at (651) 603-0028 or her thesis advisor, Professor Susan Bullerdick, at Augsburg College (612) 333-1398.

Sincerely,

Susan L. Stacey
Minnesota DOC Restorative Justice Associate Planner

Deanna Steckman
Augsburg College M.S.W. Student

IRB Approval # 99-69-2

APPENDIX B

Table 17

Restorative Philosophy Value Statement A and Stakeholders Involved in Design Decisions

Stakeholders Involved in Design Decisions	Restorative philosophy is integrated within this agency.		
	Disagree	Neutral	Agree
Victim Representatives			1
Professionals	4	2	16
Victim Representatives and Professionals			6
Community Representatives and Professionals	2	2	12
Victim and Community Representatives and Professionals		3	18
Offender and Community Representatives and Professionals		1	2
Other			1
Total	6	8	56

N=70

Table 18

Restorative Philosophy Value Statement B and Stakeholders Involved in Design Decisions

Stakeholders Involved in Design Decisions	Staff is trained regarding victims' perspectives and needs.		
	Disagree	Neutral	Agree
Victim Representatives			1
Professionals	7	2	13
Victim Representatives and Professionals		1	5
Community Representatives and Professionals	3	2	10
Victim and Community Representatives and Professionals	2	4	15
Offender and Community Representatives and Professionals		1	2
Other		1	
Total	12	11	46

N=69

Table 19

Restorative Philosophy Value Statement C and Stakeholders Involved in Design Decisions

Stakeholders Involved in Design Decisions	The agency's mission statement includes restorative philosophy values.		
	Disagree	Neutral	Agree
Victim Representatives		1	
Professionals	2	4	16
Victim Representatives and Professionals	1		5
Community Representatives and Professionals	1	2	13
Victim and Community Representatives and Professionals		4	15
Offender and Community Representatives and Professionals		1	2
Other			1
Total	4	12	52

N=68

Table 20

Restorative Philosophy Value Statement D and Stakeholders Involved in Design Decisions

Stakeholders Involved in Design Decisions	The job descriptions of staff include restorative philosophy values.		
	Disagree	Neutral	Agree
Victim Representatives		1	
Professionals	8	5	8
Victim Representatives and Professionals	2		3
Community Representatives and Professionals	2	4	8
Victim and Community Representatives and Professionals	1	5	11
Offender and Community Representatives and Professionals	1		2
Other			1
Total	14	15	33

N=62

Table 21

Restorative Philosophy Value Statement E and Stakeholders Involved in Design Decisions

Stakeholders Involved in Design Decisions	Staff performance reviews use restorative philosophy.		
	Disagree	Neutral	Agree
Victim Representatives			1
Professionals	8	6	6
Victim Representatives and Professionals	1	1	4
Community Representatives and Professionals	2	5	7
Victim and Community Representatives and Professionals		12	5
Offender and Community Representatives and Professionals		3	
Other			1
Total	11	27	24

N=62

Table 22

Restorative Philosophy Value Statement F and Stakeholders Involved in Design Decisions

Stakeholders Involved in Design Decisions	Staff working with youth is trained in youth development.		
	Disagree	Neutral	Agree
Victim Representatives			1
Professionals	2	6	13
Victim Representatives and Professionals		1	4
Community Representatives and Professionals	1	3	8
Victim and Community Representatives and Professionals			18
Offender and Community Representatives and Professionals		1	2
Total	3	11	46

N=60

Note. Eight respondents indicated staff did not work with youth. Three other respondents did not answer the questions necessary for this table.

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