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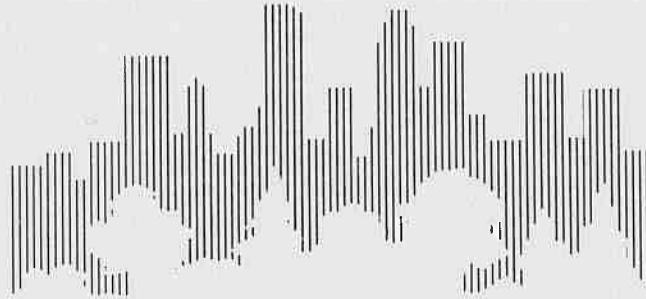*Augsburg College*

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MASTERS IN SOCIAL WORK THESIS

Sigrun M. Klausen

Examining Perceptions about Restorative
Justice Among Correctional
Managers and Leaders

2002

EXAMINING PERCEPTIONS ABOUT RESTORATIVE JUSTICE AMONG CORRECTIONAL MANAGERS AND LEADERS:
AN EXPLORATORY STUDY

SIGRUN M. KLAUSEN

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

AUGSBURG COLLEGE
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MASTER OF SOCIAL WORK
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CERTIFICATE OF APPROVAL

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ABSTRACT

EXAMINING CORRECTIONAL MANAGERS' AND LEADERS' PERCEPTIONS OF OWN

KNOWLEDGE ABOUT RESTORATIVE JUSTICE:

AN EXPLORATORY STUDY

SIGRUN M. KLAUSEN

JULY 2002

There has been an increasing dissatisfaction with the current criminal justice

system, and restorative justice with its ancient roots, has made its way into criminal

justice in the past 20 years as a different way of thinking about crime. The Minnesota

Department of Corrections established a Restorative Justice unit in 1994 as the first state

in the nation. To adapt restorative justice in the prison system, a change in organizational

culture is required, and it is important that managers and leaders understand and accept

the principles. A questionnaire with closed and open-ended questions was sent to

managers and leaders in three prisons in Minnesota. The purpose was to gather

information about correctional managers' and leaders' perceptions of own knowledge,

and acceptance of restorative justice; what barriers they view against change; and to asses

to what degree they believe restorative justice is an appropriate future direction for the

Department of Corrections. Findings indicated that the majority of managers and leaders

understand the basic values and principles, and many believe it is an appropriate future

direction. Other indications were that staff training is an important strategy for change,

and that lack of funding, work-load and lack of knowledge among staff are barriers to

change.

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CHAPTER 1: INTRODUCTION

There has been an increasing dissatisfaction with the current U.S. criminal justice

system in recent decades (Hopf, 1999; Viano, 2000). The responses to crime, such as

harsh punishment, death penalty and mandatory sentences have not been helpful however

in decreasing crime (Consedine, 1993). We remove offenders from society by

imprisoning them for lengthy periods of time. Then we return them to society, without

money and jobs, and often as more dangerous criminals than prior to imprisonment.

Many of them have broken family relationships, no support networks, and a bleak future

to look forward to (Consedine, 1993). Victims have been dissatisfied and society has

been concerned about the growing recidivism rates, which has led to a growing

movement for change in the past decade (Barajas, 1998). The concept of restorative

justice, a paradigm shift in thinking about crime and justice, has made its way into the

criminal justice system (Godwin, 1998). Restorative justice is a problem solving

approach to crime, which involves victims, community and offenders as primary

stakeholders (The Office of Juvenile Justice and Delinquency Prevention, 1997).

Restorative justice principles can be applied in various ways in correctional

facilities and agencies as well as in human service organizations. As the first state in the

nation, Minnesota established a Restorative Justice unit in the Department of Corrections

in 1994 (Personal communication, Kay Pranis, Director of Restorative Justice, Minnesota

Department of Corrections, 10.17.01). Restorative justice requires a change in the way of

thinking about crime as well as a change in organizational culture in correctional

agencies, including prisons. There may be various barriers to change, including lack of

knowledge about restorative justice. To adopt restorative justice in the prison system, it

is important that managers and leaders understand and accept the principles (Umbreit & Carey, 10.06.01).

This chapter will introduce and define the concept of restorative justice and present the key issues. Four research questions, which guide the study, will also be presented.

<div align="center">The purpose of the study</div>

The purpose of this exploratory study is to assess correctional managers' and leaders' attitudes towards and acceptance of restorative justice, their perception about their own knowledge about restorative justice, their perceptions of barriers in implementing restorative justice principles, and to assess to what degree they believe restorative justice is an appropriate direction for the Department of Corrections in the future.

In the last 20 years, restorative justice has been slowly but solidly introduced as a problem solving approach to crime in the U.S. It is a victim-centered response to crime that provides opportunities for involvement for those who are most directly affected by the criminal act. Those affected are the victim and the offender and their families, but also representatives of the community (Marshall, 1998). Restorative justice thereby examines individuals' crime and problems in the context of their social environment, which is of importance for the profession of social work. One of the characteristics of social work is the effort to examine problems in their social context, and to involve people's families, communities and social network (Raemer, 1998).

Prisons are communities, and the key to humane prison service is the staff, the corrections system's most valuable resource (Camp, Camp & Fair, 1996). Many justice

professionals and correctional staff have felt that the retributive system does not work, and this can lead to frustration, stress, cynicism and burnout in staff, which affects their work in the prison system (Camp, Camp & Fair, 1996). Restorative justice is another way of thinking, a paradigm shift. With the strong culture of disciplinary hearings and authoritarian operational style of correctional staff, change can take a long time. To move the correction system to implement this (new) way of thinking is not easy (Umbreit & Carey, 2001). An organizational change is required as well as creative leadership, long-term commitment, and a process that requires collaboration from all staff members (Umbreit & Carey, 2001).

Correctional managers and leaders may have several barriers to change, including lack of knowledge about restorative justice. Upon review of the literature, no research has been found on assessing knowledge, barriers and acceptance of restorative justice principles regarding correctional managers and leaders. This study will thereby try to start filling this gap.

Research questions

Four research questions will be addressed in this study: 1) What are the perceptions of correctional managers' and leaders' own knowledge about restorative justice? 2) Do correctional managers and leaders believe that restorative justice is an appropriate direction for the Department of Corrections in the future? 3) What do correctional managers and leaders believe are the barriers against implementation of a restorative justice framework? 4) What do correctional managers and leaders view as the best strategies for change in implementing restorative justice?

Summary

This chapter has introduced the purpose of this study as well as given some background information about the issues that lead to the above stated research questions. The following chapter, Chapter two will present a literature review, including a presentation of some restorative justice models and the theoretical frameworks supporting this study. Research methodology will be presented in Chapter three, and findings from the data collection will be presented in Chapter four. Finally, in Chapter five, the findings, as well as the strengths and limitations of this study will be discussed. Implications for the fields of corrections and social work will be discussed, and suggestions for further research will be given.

CHAPTER 2: LITERATURE REVIEW

The literature review section will give a historical background of crime, justice and punishment as well as outline values and principles of restorative justice. Forces supportive to restorative justice will be briefly discussed, and examples of restorative justice models, programs, and practices will be presented, as well as limitations and cultural implications. Restorative justice in correctional facilities and organizational change will be discussed, theoretical frameworks will be outlined and findings from research will be discussed.

The history of crime, justice and punishment

Civilization has known crime for thousands of years. "Criminality is purposeful human behavior" (Reynolds, M, 05.30.02, p.2). Religions of Semitic origin – Judaism, Islam, and Christianity – have rules about and against human behavior in their old scriptures (Burke, 1996). One example from the Bible, the Old Testament, is the story of Cain killing his brother Abel. Many other writings in the Bible also talk about crime and punishment (Consedine, 1995). Punishment for crimes can be traced back as far as 2050 B.C., where Ur-Nammu's Code allowed for a punishment system that was proportionate to the crime. (The timetable of world legal history, 12.18.01). The code of Hammurabi, 1700 B.C, included restitution as punishment for property crime. Early systems viewed crime as harm, and offenders had to be accountable for their crime by making amends to the victims and their families. This way, early systems applied restorative justice principles when dealing with crime (Bazemore, 1998). Old civilizations like the Greek, the Roman and the Arab also used restorative approaches with crime, even to homicide.

Restorative approaches have been "the dominant model of criminal justice throughout most of human history of all the world's peoples (Braithwite, 1998,p.323)

A change in the view of crime and punishment arose in the 13th century, in the Middle Ages. William the Conqueror of England wanted more political power, especially over the church, and during his regime, crime became increasingly viewed as crime against the government rather than against people. In the late Middle Ages, the Norman conquest of Europe also led to moving away from restorative justice (Braithwaite in Tonry, 1998). State justice became established all over Europe, and in the eighteenth century it was the norm, but not accepted by all citizens. However, the French Revolution and the Enlightenment supported state justice, and contributed thereby to our prevailing justice system, the retributive justice system (Zehr, 1995).

<p style="text-align:center;">The retributive system</p>

Through the lens of retributive justice (the prevailing system of justice), crime is viewed as a violation against law, and its focus is on what laws are broken and how to punish the lawbreaker. This view considers the state as the victim (Richardson, 1997). Establishing blame or guilt and to administer pain or punishment is the goal of justice in this system. In the process of justice, intentions outweigh outcomes. Consensus is not the goal, but rather who wins and who looses (Zehr, 1997). Van Wormer (2001,p.32) states: "retributive justice weighs the crime and the severity of the crime above all else, including the motive and age of the perpetrator." Focus is on the act more than on the intent, and the concept of guilt is tied to plea-bargaining. The justice process rewards the party who has the best and most aggressive and successful lawyer (van Wormer, 2001).

The United States is viewed as a violent and punitive nation by other industrialized nations, and the United States' fundamental value of punitiveness is difficult for outsiders to understand: "The death penalty, harsh mandatory sentencing laws for drug users and dealers, the exposure of inmates to violence within the prison – these are just a few examples that come to mind" (van Wormer, 2001, p.14).

Imprisonment

Prisons have been known as a place to learn new criminal skills for years. It is a place to engage in new friendship and to plan new crimes. It is also a place where many offenders have been urged or threatened to try drugs for the first time. Prisons brutalize people and destroy relationships (Consedine, 1993). Offenders in prison have to follow orders and rules, and decisions are made for them. They cannot longer control their own life and make their own decisions. Family relationships can be difficult to maintain. Having a spouse, a parent or a child in prison can even be harder for the family than for the offender. For some offenders, serving a prison sentence have increased their anger and bitterness, decreased their social and emotional skills, and turned them into criminals that are even more dangerous by the time of release (Consedine, 1995).

Statistics reveal that the United States is the nation which incarcerates the most people. As of February, 2002, the rate was 690 per 100,000 of the national population (King's College London 05.31.02). Many people support the high rates of imprisonment, because they believe it is necessary to control crime. However, increasing the rate of imprisonment may have an unfavorable effect on crime, because "the relationship between incarceration and crime remains inconsistent" (Haney, 10.18.01, p.1). Most of the prisoners in the United States' prisons come from poor neighborhoods; they are

lacking sufficient education, and often suffer from unemployment. In many prisons, the prisoners face situations with insufficient medical care, as well as lack of rehabilitation, education, and vocational programs. The majority of those who are released have received little guidance to cope with their stressful lives, and it is therefore not surprising that about 60% of them reoffend (Haney, 10.18.01).

A study conducted on the effect of prison on criminal behavior, found no evidence that imprisonment reduced recidivism. This study reviewed 50 North American studies from 1958 to 1999 that examined how imprisonment and longer sentences affected recidivism. More than 300,000 offenders were involved. Findings revealed that longer prison sentences actually increased recidivism rates by 3%. Another finding was that low-risk offenders were more likely to reoffend than high-risk offenders, and thereby the study gave some support to the theory about prisons as "schools of crime" (Gendreau, Goggin & Cullen, 1999).

Penal philosophies

Purposes of punishment have been discussed by researchers for years, and the discussion continues. Three main purposes of punishment are: retribution, deterrence and reform (Bae, 1993). Retribution focuses on the past, and the belief is that breaking the laws merits punishment. This is the dominant belief in today's criminal justice system. Deterrence, on the other hand, is utilitarian, oriented to the future, and justified by prevention. The belief is that imposing pain on people keeps them from committing crime in the future ("tough on crime"). The third belief about punishment is reformatory. The belief is that the offender suffers from a disease, and that treatment and training will change the offender's behavior, so he or she will refrain from continuing to commit crime

(Bae, 1993). Incapacitation is another penal philosophy, and is aimed at control rather than influence, and it is viewed as crime prevention. The belief is that keeping offenders away from society will protect communities and potential victims from more crime from that offender (Nagin, 1998).

The present criminal justice system has added a less popular ideology, and that is to restore victims and communities and repair the harm of wrongdoing. Crime is not a problem for the criminal system, but a problem for the community, and "the criminal justice system cannot deliver improved public safety without active involvement of the community" (Pranis, 1998, p.42). The criminal justice system has legal authority over the offender, but the community can be viewed as having moral authority, which can help offenders change behavior and work toward repairing harm (Pranis, 1998). The ideology of restoration in the criminal justice system stems from the restorative justice framework, and "if the role of the criminal justice system is to facilitate repair harm of crime where possible and to organize interventions of support for victims and support and accountability for offenders which strengthen communities, then restorative values and principles need to be applied to all kinds of crime" (Pranis, 1998, p42). Simply stated, restoration involves a change in the role of the criminal justice system.

<u>Restorative justice</u>

Restorative justice is a renewal of a different approach to crime that has been slowly but solidly introduced internationally over the last 20 years. The modern restorative justice movement can be traced back to an experiment in Kitchener, Ontario, Canada, with a victim-offender reconciliation program (Braithwaite, 1998). All principles in restorative justice draw upon wisdom from cultures around the world, like

the Native American cultures in the United States, Aboriginal/First Nation Culture in Canada and indigenous cultures in Australia and New Zealand as well from the Kpelle people in Liberia, and many African tribes (Wright, 1991).

Definitions of restorative justice

Restorative justice can be defined as "a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future" (Marshall, 1998, p.1). Another definition is: "Restorative justice places both victim and offender in active problem-solving roles that focus upon the restoration of material and psychological losses to individuals and the community following the damage that results from criminal behavior" (Umbreit, 1994, p.2). Restorative justice can also be stated as a victim-centered approach to crime, in which the victim, offender and community engage in a process where offenders are made accountable, so that harm can be repaired and healing started. This definition emphasizes that the process is victim-centered, offenders accountable, and that healing is a part of the process in addition to repairing harm. Whatever definition used, it is totally different from retributive justice. Defining retributive justice puts emphasis on crime as a violation against the state by breaking a law, compared to restorative justice, where crime is viewed as harm or violation to people and relationships, or as an act against another person and the community. Restorative justice focuses on problem solving and on repairing harm rather than on establishing blame or guilt (The Office of Juvenile Justice and Delinquency Prevention, 1997).

Restorative justice principles

The principles of restorative justice are: personal involvement from the people most directly involved, viewing problems related to crime in their social context, problem-solving in a preventative orientation, and flexibility in practice. The goal of restorative justice is to reach consensus when it comes to outcome (Marshall, 1998).

Zehr & Mike (1997) have identified ten values and principles as guidelines for providers who want to work towards restorative justice. These values and principles are:

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 then coercion and isolation.

9. Give attention to the unintended consequences of our actions and programs; and

10. Show respect to all parties, including victims, offenders and justice colleagues.

The retributive justice system and restorative justice system can be seen as criminal justice system on each end of a continuum. Criminal justice today is not entirely retributive, and not fully restorative (Zehr, 1997). The dominant system is retributive, but various restorative justice programs and models are implemented in the criminal justice system worldwide (Zehr, 1995).

<u>Minnesota Department of Corrections and restorative justice</u>

Minnesota department of Corrections established a restorative justice unit in 1994, as the first state in the nation. Restorative justice was taught in the Prison Academy some years ago, but today, no regular mandatory training in restorative justice is offered for staff at the facilities or at Central Office in the department (Personal communication, Kay Pranis, director of Restorative Justice, Minnesota Department of Corrections, 10.17.01). The Minnesota Department of Corrections has for many years been known as operating human correctional institutions, which are safe for both staff and inmates. The adult and juvenile prison population is currently about 6,500 all together, while offenders in other settings are approximately 20,000. Totally, the department has more than 3,700 employees, and 300 of them work at the Central Office (Minnesota Department of Corrections, 2001).

Minnesota Department of Corrections is a service and regulatory agency, and their mission is as follows: "To develop, provide and promote effective correctional practices that contribute to a safer Minnesota" (Minnesota Department of Corrections, 2000, p3). Goals included are: "a humane/safe environment for staff and offenders; offender accountability; community safety through shared responsibility; operational effectiveness; and sound public policy" (Minnesota Department of Corrections, 2000,

p.4). These goals' underlying values are similar to values in restorative justice, like the offender being accountable and community involvement. The Department of Corrections has supported restorative practices statewide, "but has not attempted to implement any particular program or chart a particular sequence of actions toward restorative justice" (Pranis, 1998, p.45). Restorative practices also exist in some the prisons, and Shakopee Correctional Facility (for women), has implemented many of them. Other prisons, like Faribault and Stillwater, still have minimal restorative practices implemented (Personal communication, Kay Pranis, director of Restorative Justice, Minnesota Department of Corrections, 10.17.01).

<div align="center">Forces supportive to restorative justice</div>

Movements

Victims' rights movement. The victim's rights movement began as one of the grassroots movements in the early 1970s to reform the criminal justice system, because victims felt left out of the criminal justice process (Personal communication, Kay Pranis, Director of Restorative Justice, Minnesota Department of Corrections, 10.17.01; Viano, 2000). The primary goal for this movement was (and still is) to ensure that the victims have the same access and treatment as the offender has in the criminal justice system, and to ensure that victims are treated with the same respect as offenders, and protect the rights of the community rather then the offender's right only (Viano, 2000). Restorative justice elevates the role of the victim, and a basic principle is that the victim is one of the primary stakeholders in the justice process (Zehr, 1997). The victims' rights movement has plowed the way for victims into the criminal justice process.

Feminist movement. This was another grassroots movement that emerged in the early 1970s, and together with the civil rights'- and the victims' rights movement, it was a force in helping victims get back some lost ground (Viano, 2000). Feminist values and principles also have similarities with those of restorative justice: equal value to all people as human beings; loving, sharing and caring; and the personal is the political (Harris, 1987). Restoring relationships is essential in restorative justice. Principles like loving, sharing, and caring are principles that relationships are based on; and are therefore important in the process of restoration and healing. Equal value to all emphasizes that all human beings are equally important in society, and therefore should be equally considered in the process of justice.

Other forces

Community policing. Community policing emerged from the idea of starting the London Metropolitan Police Department in the 1820s in the U.K. In the last 20 years, police-experiments, evaluation of the purpose of the police, and pressure from society for change, "the idea is beginning to blossom" in the U.S. (Harbaugh, 1998, p.128). It can be defined as "an organizational philosophy and management approach that promotes community, government, and police partnership; proactive problem solving and community engagement to address the causes of crime" (Harbaugh, 1998, p.113). The core elements are: problem solving; community partnership; and organizational transformation. Police agencies need to understand these principles to be effective, and police officers need to be taught the skills necessary. Police officers still have to react to violence in the society, but their main assignment is to work together with stakeholders in the community to find solutions to problems together (Harbaugh, 1998). Problem solving

and involving stakeholders is essential also in restorative justice, and community policing is thereby an important force that allows for restorative justice principles to be applied.

Total quality mamagement. Total quality management (TQM) is a purposeful large scale systems change (Packard, 1995), and a business management philosophy "that embraces the company wide application of principles, practices, and systems designed to ensure complete customer satisfaction" (Bowditch & Buono, 2001, p.24). TQM requires a change in the way of thinking about organizations (Packard, 1995). Fundamental importance is given to employee participation in a problem solving and decision making process (Packard, 1995). Restorative justice also emphasizes active roles and participation of all stakeholders in a problem solving process, and like restorative justice, TQM requires a change in the way of thinking.

Some restorative justice models, programs and practices

Restorative justice is a problem-solving approach to crime with a set of principles, and underlying assumptions that guide its many different forms. Specific examples of various forms are victim-offender mediation, family group conferencing, community sentencing circles, victim empathy classes for offenders, building offender competency and peacemaking circles (Seminar, U of M, 1999).

Face-to-face models and programs

Victim-offender mediation. Victim-offender mediation is a mediated dialogue between victim and offender, and it is the oldest and most well known expression of restorative justice principles in this century. The model is widely used in North-America, Canada and Europe (Umbreit, 1994). Mediation between victims and offenders is held to start a healing process, and to give the offender a chance to actively make steps to repair

the harm he has done towards the victim. This reparation includes apology, and goes much further than financial compensation. The offender has to explain how and why he had decided to do harm, and he has to listen to the victim's story as well as respond to it. The meeting deals with emotional needs as well as material needs. The negotiation part allows flexibility, and agreements are often more creative than a court process. These meetings are facilitated by a skilled and well-trained mediator (Marshall, 1998).

Group conferencing. These models are similar to victim-offender mediation, but usually more people are involved. The family group conferencing model is based on a Maori tradition from New Zealand, and is mostly used with juvenile offenders in diversion from the court process. Family conferencing can be seen as an extension of victim-offender mediation, because it includes the offender's and the victim's family or community surrogates, and professionals may be involved. Emphasis is not only on the victim's suffering and how the offender can repair harm, but also on the offender's and the victim's families to express their emotions and needs, and how they can encourage and support the offender in changing behavior. This practice may be a more powerful tool than victim-offender mediation, because the offender's social network is involved, and changes are more likely to continue (Marshall, 1998).

Circles. Circles have come forward as a tool to increase community involvement in the justice process, and they are based on the talking circles from the native peoples in North America. Circles differ from other forms of groups by the "circle keeper" passing a talking piece around clockwise for the participants to speak, instead of the "traditional" role of a group facilitator (Pranis, 2000). Circles can take various forms, but they all integrate many of the values and principles in restorative justice (Coates, Umbreit & Vos,

2000). Circles have been used as a community-directed sentencing process, as a vehicle for support for victims, and as a tool for understanding and healing (Pranis, 1997). The circle process can be utilized at all stages in the justice process as well as in prisons, and it is based on American Indian and First Nation traditions. The process equalizes the power between participants as well as enhances the relationship between the emotional, spiritual and physical dimensions (Pranis, 1997; Coates, Umbreit & Vos, 2000).

Other restorative practices

Victim impact classes. Victim impact classes are held in some prisons. The program focuses on the harm that has been done to the victim and the community. The goal is to teach offenders to take responsibility for the crime they have done and to understand the impact the crime has had on victims and their families. Additional goals for the program are to teach offenders personal safety skills, to bond with positive people and to pay back to the community (Restorative justice pamphlet, n.d.).

Offender competency building. Vocational and educational training, anger management classes, sex offender education, chemical dependency treatment, cognitive skills training and parenting classes are some of the programs that aim at building offender competency in correctional facilities. Competency building is conducted to help offenders to understand and to take responsibility for the harm they have been doing, and to help restoring their likelihood to be a law-abiding person (Restorative justice pamphlet, n.d.).

Traditional practices. Restitution and community service are traditional practices with elements of restorative justice. Restitution is direct payment to repair the material harm the victim has suffered from. Offenders can be required to do community work,

and this practice is restorative when the assigned work "is valued by the community",
and "if the intend of requiring community service is to make amends to the community"
(Pranis, 1998, p.46).

Daily interaction. Restorative justice can be applied in daily interaction and
practice. Models and programs is not enough to create a restorative system. "It is the
cumulative effect of hundreds of small acts on a daily basis. It requires reexamining all
activities and interactions from a restorative perspective" (Pranis, 1998, p.47).
Restorative justice values are not meant to be applied only in specific programs or
activities, but rather in all parts of our lives, and in all our various relationships. They
can be applied in daily interaction with our children and other family members, as well as
with colleagues, neighbors and clients (Pranis, 2001). Restorative justice principles are
actually applied in various settings in the U.S today; such as in schools, in correctional
agencies, and in human service organizations (Personal communication, Kay Pranis,
Director of Restorative Justice unit, Minnesota Department of Corrections, 04.24.02).

Limitations in use of restorative justice models, programs, and practices

Restorative justice is based primarily upon voluntary participation and
cooperation upon both victim and offender. If only one of them is willing, the range of
options is reduced, and if both are unwilling, there is no other option than going through
the formal justice process. This limits the use of restorative justice practices. Another
limitation is that when the community is involved to a greater degree, the level of
resources and skills must be considered. Therefore, involving communities requires
education and training. Communities have changed into greater emphasis on autonomy
and privacy compared to years ago, when they were more integrated. Social injustice and

inequality in and between communities may be a limitation as well. To be caring, supportive and controlling under such conditions is restricted to certain degrees (Marshall, 1998).

Cultural implications

There are several concerns about future application of restorative justice principles, and two of them are "in an increasingly diverse population, cultural differences can complicate the issue" and "there is a tendency to view issues with historical blindness as to what has happened in the past" (Turpin, 1999, p.2). The impact of racism is a factor that requires attention in the delivery of restorative justice services (Umbreit & Coates, 1998). The social inequality of racism is out of the offender's control, and "holding offenders accountable for individual harm, without accountability for the harms of social inequalities, risks reinforcing an unjust social order" (Pranis, 2001, p.287). Political imbalance is often associated with race, and in the United States, this means that whites have more recourses and political power than other groups, while there are imbalances among the minority groups as well (Umbreit & Coates, 1998). When victim and offender come from different races, racial prejudices and blame might likely occur. "While race cannot be equated with culture, it can be such a powerful determining factor of communication and interaction patterns that it should not be ignored as we are sorting out cultural differences" (Umbreit & Coates, 1998, p.9). Racism may play a role in what victim and offender see as needs as well as accountability, and it is important that the mediator/facilitator is highly understanding about impacts of racism as well as his/her own beliefs and actions. Lack of knowledge may lead to miscommunication and re-victimization (Umbreit & Coats, 1998).

A huge barrier facing some offenders, victims and communities is the language barrier. In Minnesota, this applies especially to Somali, Latino and Hmong communities. Facing the criminal justice system without proper understanding of the language, gives the offender fewer options. The demand for interpreters is huge, and this costs the justice system financially (Williams, 11.16.01). It is not difficult to imagine that language barriers may prevent offering restorative justice services to certain groups of people. Restorative justice programs are primarily based on communicating values and needs as well as reaching consensus, and language barriers and interpreters will obviously add sources for miscommunication and misunderstanding to the process.

Different worldviews are other dangers for misunderstanding and misinterpretation. The dominant values and worldview of the white population in the United States may not be shared by other cultures (and not by all whites). The U.S. dominant value of emphasizing individualism may conflict with the emphasis on community and kinship networks held by American Indians, Mexican Americans and Asian americans. This difference in views may have significant impact on how restoring relationship and repairing harm is viewed, and it can lead to inequality in outcomes. Attempts to repair harm can be threatened. Different religions may contribute to different worldviews as well, and may interfere with the understanding of needs and restoration (Umbreit & Coates, 1998). There are also differences within the cultures. A major danger is over generalizing and stereotyping when discussing and learning about cultural differences. How an individual view the world is shaped by many factors, such as gender, race, economic status, and sexual orientation as well as other factors. These factors will

play a significant role in how a participant in a restorative justice program views his or her place in the program as well as what to expect as outcome (Umbreit & Coates, 1998).

<div align="center">Research findings</div>

Some empirical research has been done on outcomes from restorative justice models and practices, and the majority of those studies have concentrated on victim-offender mediation programs (VOM). During the years 1980-1999, there are 40 known empirical studies done worldwide on VOM, and 6 on family group conferencing (Umbreit & Coates, 1999). These studies looked at various outcomes in addition to client satisfaction, and some of them included recidivism. Various studies have been done after 1999, but upon review of the literature, only one article was found to include circles, and only one article was found on evaluation outcomes from a prison setting applying restorative justice. This study will highlight findings about recidivism and client satisfaction from victim offender mediation, family group conferencing and circles from a review of 63 empirical studies in 5 countries (United States, Canada, England, New-Zealand and Canada) by Umbreit, Coates & Vos (2002). Findings from the one prison study will be highlighted as well.

Recidivism.

Recidivism is a traditional measure to evaluate long-term impact of justice programs. Findings from research show some mixed results, but overall, restorative programs were found to be significantly more effective in reducing recidivism than traditional responses, like incarceration and probation (Umbreit, Coates & Vos, 2002). A study done by Umbreit & Coates in 1992 on youth participating in victim offender mediation programs in four U.S. states, revealed that across the sites, 18 % of those who

participated in the programs compared to 27% of the comparison group reoffended. In England, a long standing study on 90 youth going through victim offender mediation (done by Wynne & Brown in 1998), showed that 87% had previous convictions before mediation, and after a two-year follow up period, 68% of them had no convictions. Stone, Helms & Edgeworth completed a study in 1998 of nearly 800 youth in Georgia, U.S. in the period 1993-1996. No significant difference in recidivism was found for those who went through mediation compared to those who did not (Umbreit, Coates & Vos, 2002).

Most studies on family group conferencing revealed lower recidivism rates for offenders participating in programs compared to comparison groups (Umbreit, Coates & Vos). A study in Minnesota, done by Hines in 2000, revealed that of 281juveniles going through conferencing between 1995 and 1999, only 33% reoffended compared to 72% of non-participants. From a study in Canberra completed by Sherman, Strang & Woods in 2000, mixed results were revealed. For youth with violent offences going through the program reoffending rates fell by 49% compared to 11% in the comparison group. However, for drunk-driving offences, reoffending slightly increased for both participants and comparison groups. For offences like shoplifting, no significant difference were revealed (Umbreit, Coates & Vos, 2002).

Recidivism is not a primary focus in circles, but in Yukon, Canada, Mattews & Larkin noted in 1999 that 80% decrease in recidivism was indicated after a two-year follow-up of 64 clients. A study from Alberta, Canada, reported that only 2% out of 100 circle participants had reoffended after ten years (Umbreit, Coates & Vos, 2002).

<u>Client satisfaction</u>

Client satisfaction is found to be consistently high for both victims and offenders across the countries, the cultures, and the sites in victim offender mediation programs. In family group conferencing more variation is found, but satisfaction rates are still fairly high (Umbreit, Coates & Vos, 2002). The lowest satisfaction rates in victim offender mediation studies were found in England based studies. A study completed by Umbreit & Roberts in 1996 found that of victims, 84 % reported satisfaction with outcomes from the victim mediation process. An earlier England based study done by Dignan in 1990 found that 64 % of victims were satisfied, while 50% of the offenders reported satisfaction (Umbreit, Coates & Vos, 2002).

A family group conferencing study in New Zealand completed by Maxwell & Morris in 1993, found that less than 6 out of 10 victims were satisfied with the outcome, while 9 out of 10 victims reported satisfaction in a study done in the U.S., by Fercello & Umbreit in 1998 (Umbreit, Coates & Vos, 2002).

Few studies of circles had responses regarding satisfaction according to Umbreit, Coates & Vos (2002). However, some participants in a circle in a First Nation community in Manitoba, Canada, reported that they benefited from the process. In a study done by Matthews & Larkin in Yukon, Canada, in 1999, victim satisfaction was found rated very high (Umbreit, Coates & Vos, 2002).

<u>Prison based study</u>

Burns (2001) conducted a study at Shakopee Correctional Facility (for female offenders) in Minnesota. Victims, offenders and community members were brought together in a circle process for 9 weeks and "told their stories, and shared the anger, pain,

and grief that resulted form criminal acts in their lives" (Burns, 2001, p.2). Some of the significant observations from the study were "positive changes in participants' feelings toward one another, and a greater willingness to consider and engage in restorative responses to crime" (Burns, 2001, p.2). The study reported positive outcomes both for victims and offenders (Burns, 2001).

Restorative justice in correctional facilities and organizational change

Implementing restorative justice principles does not mean that we will not need correctional facilities. Prisons or other types of secure custody for offenders are still necessary (Prisons and restorative justice, n.d.). Restorative justice programs and principles are implemented in various degrees in some prisons, but mostly in juvenile and female facilities (Personal communication, Kay Pranis, 10.17.01)

According to Newell (2001), restorative justice principles can be applied in correctional facilities in various ways. He emphasizes the need for changing the operational style from authoritarian, to a style that focuses on conflict resolution. Staff matters will increasingly be addressed through this process as well, but the strong culture of disciplinary hearing and authoritarian style of correctional staff will take time to change (Newell, 2001). "Allowing people to make their own decisions increase their power" (Daft, 2001, p.450). This means that giving more power to employees allows for more productivity, and leads to empowerment, (Daft, 2001).

According to Umbreit & Carey (2001), it is more important to provide opportunities for offenders to understand the human aspect of their behavior and to help victims to get restitution than to severely punish offenders. The correction system we have today is offender-driven. Not much attention is given to victims and communities.

By implementing restorative justice principles in correctional facilities offenders, victims and communities will be in more problem solving roles than the prevailing retributive systems offers. The focus will not be on offender concerns only, but on a three-dimensional response to crime: offender, victim and community. However, this implementation requires a new way of thinking and an organizational change (Umbreit & Carey, 2001).

Theoretical framework

Theoretical frameworks applied in this study include: restorative justice theory, ecological systems theory and organizational change theory.

Restorative justice theory

Restorative justice theory is a victim-centered response to crime that provides opportunities for involvement for those who are most directly affected by the criminal act. These are the victims and the offenders and their families, but also the community (Marshall, 1998). Restorative justice views crime as harm, and justice as healing or repairing. It is a problem-solving approach to crime, with a set of underlying assumptions and principles (Seminar, U of M, 1999). The values and principles of restorative justice are outlined earlier in this chapter, and these values and principles help to operationalize the concept of restorative justice. Restorative justice suggests that there is a need for "balance" between the needs of victims, offenders and communities. Offenders are required to take responsibility and accountability by making amends to victims and the community.

Ecological Systems Theory

Community involvement in the reintegration of the offender into the community is based on ecological systems theory (Bazemore & Schiff, 2001). The essence of this theory is that "individuals are engaged in constant transactions with other human beings and with other systems in the environment, and that these various persons and systems reciprocally influence each other' (Hepworth, Rooney & Larsen, 1997, p.17). A major focus of ecological systems theory is that it has a dual focus, which means that the focus is not only at the person in the situation, but also at the system in its environment. Coping behavior has to be matched in the "interface between the human system and its environment" (Ashford, Lecroy & Lortie, 1997, p.87). A favorable outcome of restorative justice is to seek for behavior change in the offender by the support from the community.

Organizational change theory

Reynolds (1994) states that employee resistance often contributes to failure to change. He argues that this happens because managers fail to communicate enough, and to address employees' barriers and concerns regarding change before they implement changes. Managers have to assess how ready the organization is for change, and that can be done by assessing staff's behavior and attitudes (Armenakis, Harris & Mossholder, 1993). To achieve change at the organizational level is difficult without change at the individual level. This is an important concept for managers to remember, as unsuccessful initiatives to change may have a damaging effect on employees (Michael & Lawson, 2000).

"Restorative justice is a way of thinking, a way of behaving, and a way of measuring. Until we can change the way we think...., we can't change behavior. We can't change measure the changes until our behavior changes" (Umbreit & Carey 2001, p.3). As restorative justice is a philosophical framework and another way of thinking compared to the retributive criminal justice system that exists in our society, this statement is important to acknowledge. Umbreit & Carey (2001) propose a framework to prepare for a restorative justice planning process. "One of the first steps in preparing for a restorative justice planning process is making sure that the agency leadership understands what restorative justice is" (Umbreit & Carey, 2001,p.3). Further, they propose that the leadership assesses the agency's readiness for change. Motivation for positive change, risks that might trigger negative change, pressures that exist and workload are important factors to address in this assessment.

The next task will be to present the concept and principles of restorative justice to the correctional staff (Umbreit & Carey, 2001). The organizational method to implement restorative justice will depend on the existing stage of the organization. Involving and supporting all the staff members is stated as an important factor, and barriers may exist even when staff engages in full participation (Umbreit & Carey, 2001). Another suggestion from these authors is that with no regard to the implementation plan, time is needed when such a fundamental change is involved. Restorative justice can be seen as a threat to current thinking, and correctional staff needs time to think about and reflect on this principles. Consistent, effective and careful communication is a must in this process (Umbreit & Carey, 2001).

According to Newell (2001), restorative justice principles can be applied in correctional facilities in various ways. He emphasizes the need for changing the operational style from authoritarian to a style that focuses on conflict resolution. Staff matters will increasingly be addressed in this process as well, but the strong culture of disciplinary hearing and authoritarian style in corrections will take time to change, and individuals may be resistant to change (Newell, 2001). Implementing restorative justice requires a new way of thinking, and according to Umbreit & Carey (2001), an organizational change is required.

These frameworks would be appropriate for the research problem because the questions posed include the correctional managers' and leaders' barriers, and the acceptance and knowledge about restorative justice. Utilizing a survey that includes questions about these factors will examine perceptions about restorative justice among correctional managers and leaders. Based on the findings, training and introduction of the concept can be planned, as well as implementation of the framework and organizational change.

Gaps in literature

Upon review of the literature, no study has been done to examine perceptions about restorative justice among correctional managers and leaders in a correctional facility in Minnesota. There were no studies found on whether organizational change had been implemented in agencies applying restorative justice, nor about employee satisfaction with restorative justice. Another gap in the literature is the lack of empirical studies done on restorative justice applications in prison settings. No articles were found on research about recidivism rates or other outcomes after offender participation in prison

based restorative justice programs upon or after release. There is a lack of literature on issues of social inequalities in restorative justice (Pranis, 2001). Research on race and class in the United States' criminal justice system exists, but upon review of the literature, nothing was found on cultural issues in referrals to restorative justice programs, nor was it found in discussions of outcomes. There are several concerns about future application of restorative justice principles, and one of them is an increasingly diverse population (Turpin, 1999). Barriers like language, racism, and different worldviews were not found to be analyzed or considered upon literature review.

Research questions

This study examines correctional managers and leaders acceptance and perceived knowledge about restorative justice as well as perceptions of barriers against implementing a restorative justice framework in their organization. The study also examines whether correctional managers and leaders view restorative justice as an appropriate framework for the Department of Corrections, and what strategies for change they might view as useful for implementing another framework

Four research questions will be addressed:

(1) What are the perceptions of correctional managers' and leaders' own knowledge about restorative justice?

(2) Do correctional managers and leaders believe that restorative justice is an appropriate direction for the Department of Corrections in the future?

(3) What do correctional managers and leaders believe are the barriers against implementation of a restorative justice framework?

(4) What do correctional managers and leaders view as the best strategies for change in implementing restorative justice?

Summary

This chapter has given a historical background of crime, justice and punishment, outlined values and principles of restorative justice, mentioned forces supportive to restorative justice, and presented examples of restorative justice models, programs, and practices as well as limitations and cultural implications. Restorative justice in correctional facilities and organizational change has been discussed, theoretical frameworks outlined and findings from research discussed. The following chapter will present the research methodology.

CHAPTER 3: METHODOLOGY

This chapter will present the research methodology. Key concepts will be defined and the research design including instrument development, data collection and data analysis will be explained. The sample and the study population will be presented, strengths and limitations of the design discussed, and measurement issues explained, as well as procedures for protecting the study participants.

Conceptual and operational definitions of important concepts/units of analysis

The units of analysis are individuals in the organization. Important concepts are: restorative justice, knowledge, managers and leaders, acceptance and barriers, and organizational change. Restorative justice principles were defined in the literature review section. The concept of knowledge includes training, self-learning, and understanding. Managers and leaders are the individuals who have their daily work place at three facilities (Faribault, Shakopee and Stillwater) at the Minnesota Department of Corrections, and who are listed as managers and supervisors in the human resource unit at the Department of Corrections. Acceptance means how supportive managers and leaders are to the concept of restorative justice and how supportive they are to implement a restorative justice framework in the organization. Barriers are obstacles viewed by managers and leaders to implement a restorative justice framework. The concepts will be operationally defined by utilizing self-reporting scales including a Likert-type scale with various degrees of agreement as well as choosing from various options listed in the questionnaire.

Research design

This is an exploratory study utilizing a cross-sectional survey-design. The survey is a self-administered mail questionnaire, and includes both close-ended and open-ended questions. Focus is on the knowledge about restorative justice as well as acceptance of implementing a new philosophical framework and barriers against it, and on beliefs about direction for future change and strategies for change.

Characteristics of the study population

The population studied in this research is 41 managers and leaders at Faribault Correctional Facility, 23 managers and leaders at Shakopee Correctional Facility, and 53 managers and leaders at Stillwater Correctional Facility.

Sample population

All data for this study were obtained by utilizing a self-administered questionnaire mailed to all the 117 managers and leaders at Faribault Correctional Facility, Shakopee Correctional Facility and Stillwater Correctional Facility. A self-addressed return envelope was submitted as well as a fax-number.

The locations of the study are:

Shakopee Correctional Facility, Minnesota. This facility houses all adult women offenders committed to the commissioner of corrections in Minnesota. The population in September 3001 was 329. The facility has 11 buildings, including several living quarters for inmates at all custody levels. At the time of the study, there were 23 managers and supervisors listed. This organization's vision has been developed by staff, and it involves restorative justice principles. Restorative justice is involved in daily practice, as well as in programs and practices (Minnesota Department of corrections, 2001).

Faribault Correctional Facility, Minnesota. This is a medium-security male prison with a minimum-security unit located outside the secure perimeter. The inmate population was 1,115 in September 2001. It has ten living quarters for inmates, and one of them is adapted to meet the needs of the department's geriatric population. At the time of the study, there were 41 managers and supervisors listed. Restorative justice principles are applied to some extent, by involving offenders in community service projects (Minnesota Department of Corrections, 2001). There have also been restorative justice principles applied in programming conducted by volunteers (Personal communication, Kay Pranis, Director of Restorative Justice, Minnesota Department of Corrections, 04.24.02).

Stillwater Correctional Facility, Minnesota. This is the largest close-security correctional facility in the state of Minnesota for adult male felons. The inmate population was 1,292 in September 2001. The facility has several living quarters for inmates, including a minimum-security unit for selected offenders nearing time for release. At the time of the study, there were 53 managers and supervisors listed. Restorative justice has not been widely applied, but victim advocates and volunteers from the community have accommodated victim offender mediation sessions. Victim issues are also a part of a regular group offered to offenders, and some programming involving restorative justice principles have been offered routinely (Minnesota Department of Corrections, 2001).

Data collection instrument development

A survey instrument was utilized in this study for the purpose of collecting information about managers' and leaders' perceptions of knowledge about restorative

justice and their beliefs about direction for change, perceived barriers towards and acceptance of implementing this philosophical framework, the strengths of their organization as well as strategies for change. The questionnaire was designed by the researcher with input from staff at the Minnesota Department of Corrections. The questionnaire has both closed and open-ended questions, so that some qualitative data could be collected in addition to quantitative data. The instrument was pre-tested with a small group of managers and leaders at the Department of Corrections' Central Office. Those leaders had all previous experience as managers/leaders in correctional facilities. Other professionals were asked to assist in reviewing the survey instrument as well. A few adjustments were done after pre-testing the instrument, and another question was added.

The questionnaires were sent to respondents by mail, and a follow-up letter was mailed after ten days. The questionnaire had adequate space between the questions, and the instructions were clear. The last page included an expression of appreciation for respondents' participation in the study as well as instructions about how to return the completed questionnaire.

Measurement issues. Controlling systematic error was done by using unbiased language in the design of the survey (i.e., culturally sensitive and non-sexist language). Many of the variables measured perceptions rather than behavior, and therefore it was important to control for systematic error (Rubin & Babbie, 2001). Social desirability bias also can often lead to systematic error, and by using a mail-survey instead of face-to-face interview, this bias was easier to avoid. Random error was controlled by using words and terms that respondents would understand easily. Feedback from professional researchers

as well as from other professionals was obtained to control for measurement errors (Rubin & Babbie, 2001).

Nominal level of measurement was used for identifying observations of those classified into labeled categories. The ordinal level of measurement was used for the purpose of providing information about orders of categories. Most of the variables analyzed in this study are discrete variables. This is because the variables cannot take on any value within an interval, such as continuous variables can do (Weinbach & Grinnell, 1991). However, length of time working in the field of corrections was included, and this will be a continuous variable because it can be placed anywhere within an interval (Rubin & Babbie, 2001)

Procedure for protection of human rights

The cover letter to participants included information about voluntary participation, and it was emphasized that completing the survey had no benefits or risks attached. It was also assured that participants could discontinue their participation if they felt uncomfortable at any time, or if they did not wish to continue. Information about the purpose of this study as well as ensuring anonymity for participants was included, and so was information about how raw data would be filed, and for how long.

Data analysis procedures

Open-ended questions cannot be coded in advance such as with the close-ended questions. Content analysis was therefore used for the open-ended questions, to analyze those data. Univariate analysis was utilized for examining each variable, and frequency tables was developed for questions at the nominal level of measurement. Bivariate analysis was utilized to look at the relationship between two variables. Cross-tabs were

used for the purpose of explaining differences and similarities in the observations, such as responses to restorative justice as an appropriate future direction and personal support for implementation.

Strengths and limitations of the research design

The strengths of this design is that until this study, no data had been found about correctional managers and leaders perceptions and knowledge about restorative justice, nor data about whether they view restorative justice as an appropriate direction for the Department of Corrections. Another strength of the design is that it can be utilized in other correctional settings than prisons, such as field services and county jails.

This is a cross-sectional study, and data were therefore gathered only at one point of time. This is a limitation of the study, because training or repetition of restorative justice may be introduced after the data had been gathered. Another limitation may be the lack of definition of the concept of restorative justice in the survey instrument. If the concept is not a part of daily language, individuals may differ in the understanding of the concept.

Summary

This chapter has described the research methodology, including definitions of key concepts, instrument development, data collection and data analysis. The sample and the study population were described, strengths and limitations of the design discussed, measurement issues addressed, and procedures for protecting the study participants explained. The following chapter will discuss the research findings.

CHAPTER 4: FINDINGS

In this chapter, the data from the 40 returned usable questionnaires will be analyzed, and the findings for the four research questions will be presented. Out of 117 surveys sent, 40 were returned. This means that the response rate was 34%, which can be considered as fair, and findings therefore should be interpreted with caution.

Demographics

Study population

The study population selected was correctional managers and leaders at three correctional facilities in the Minnesota Department of Corrections. This population was selected because the intention of the study was to explore their perceptions of own knowledge about restorative justice, perceived barriers of implementing a restorative framework in a prison setting, and to find out whether correctional managers and leaders believe restorative justice is an appropriate direction for the Minnesota Department of Corrections.

At the time of the study, there were 41 mangers and leaders at Faribault Correctional Facility, 23 managers and leaders at Shakopee Correctional Facility, and 53 managers and leaders at Stillwater Correctional Facility.

Level of education. Out of the 40 respondents, 20 (50%) indicated that they had a Bachelor's Degree. Seven indicated they had a Master's Degree was indicated (17,5%), five an Associate Degree (12.5%), five a High School Degree (12.5%), and three indicated some college in addition to high school (7.5%).

Current field of work. Of the 38 who reported their field of work, 11 (27.5%) indicated the field of security; 11 (27.3%) administration; 8 (20.0%)

health/treatment/case management/religious services; 5 (12.5%)clerical/support; and 3 (7.5) educational/vocational industry. Two of the respondents (5.0%) did not indicate where they worked in their organization.

Analysis

Perceptions of own knowledge

The first question addressed by the study was: What are the perceptions of correctional managers' and leaders' own knowledge about restorative justice?

A total of eight statements were included on the questionnaire to explore this question, and they all included a Likert-scale. One statement was about self-understanding of restorative justice; five statements incorporated values and principles from the restorative justice theory, involving stakeholders, restoration and offender accountability; one statement included change in role for the criminal justice system, and the last statement included application of the values and principles in daily interaction with offenders.

The Likert-scale gave the respondents five degrees of responses: strongly agree, agree, disagree, strongly disagree and don't know (DK) to all the statements. In this analysis, strongly agree and agree were combined into a response called agree, while disagree and strongly disagree were combined into a response called disagree for the eight statements to explore the question about perceptions of correctional manager's and leaders' own knowledge.

The agreement with the statements was extremely high among the respondents. For two statements, where victim and community were identified as important stakeholders, 100 % (n=40) of the respondents agreed. The statement about

understanding the basic values and principles of restorative justice was agreed upon by 38 (95.0%) of the respondents. Only 1 respondent did not agree, and one reported not knowing. The statement about a change in role of the criminal justice system received the least agreement, but was still very high (n=30; 75.0%). Table 1 shows the frequency of the responses that agreed and disagreed to the value statements, and the frequency of those who did not know.

Table 1

Perceptions of correctional managers' and leaders' own knowledge about restorative justice

Restorative justice statements	Agree	Disagree	DK	NR
I understand the basic values and principles of restorative justice	38 (95.0%)	1 (2.5%)	1 (2.5%)	
The victim is an important stake-holder in restorative justice	40 (100.0%)			
The community is an important stakeholder in restorative justice	40 (100.0%)			
The offender is an important stake-holder in restorative justice	38 (95.0%)	1 (2.5%)	1 (2.5%)	
Restorative justice involves a change in role of the criminal justice system	30 (75.0%)	6 (15.0%)	2 (5.0%)	2
Restorative justice focus on restoration, not on punishment	35 (87.5%)	3 (7.5%)	2 (5.0%)	
Restorative justice emphasizes the offender taking responsibility for behavior	38 (95.0%)	1 (2.5%)	1 (2.5%)	
Restorative justice principles can be applied in daily interaction with offenders, not only in separate programs	36 (90.0%)	2 (5.0%)	2 (5.0%)	

First learned about, and involvement in restorative justice

To further examine participants' knowledge about restorative justice, questions were asked about where they had first learned about restorative justice, and what restorative training or practices they had been involved in.

The respondents were asked to respond to a question about where they first had learned about restorative justice, and what training or practices they have been involved in. They also were given the opportunity to indicate any combination of the choices given. The category "other" included a possibility for specification. Respondents specified "participation in programs" and "own research" under "other" to the question about where they first had learned about restorative justice. To the question about involvement in training or practices, the respondents who circled "other" specified participation in "victim impact panel" and "other programs, like Big Brothers". Several of the respondents circled more than one option to both of these questions, and therefore the total number is more than 40.

More than 70% (n=29) of the respondents had first learned about restorative justice from training through the Department of Corrections, and almost 50% had first learned about it through readings. Three of the respondents circled that they had not learned about restorative justice. The question about involvement in restorative justice training and practices revealed that training in basic restorative justice principles was the primary involvement for the respondents (67.5%). Seven respondents had not been involved in any training or practices. Of those 7, 1 was from Shakopee, 1 from Faribault, and 5 from Stillwater.

Table 2 shows the frequency of where participants had first learned about restorative justice. Table 3 shows the frequency of what involvement they have had in training or practices.

Table 2

Where first learned about restorative justice

Option	Frequency	Valid Percent
Training through DOC (Department of Corrections)	29	72.5%
Reading about it	19	47.5%
Training/seminar from other sources	9	22.5%
From college class	9	22.5%
From professional conference	12	30.0%
From colleagues	12	30.0%
Other	3	7.5%
Not learned about restorative Justice	3	7.5%

N=40. Total may add to greater than 40 due to respondents' choice of more than 1 option.

Table 3

Involvement in restorative justice training or practices

Option	Frequency	Valid Percent
Training in basic restorative justice principles	27	67.5%
Family group conferencing	10	25.0%
Community conferencing	10	25.0%
Victim services/victim support	7	17.5%
Victim-offender dialogue/meeting/ conferencing	3	7.5%
Peace making/sentencing circles	3	7.5%
Other	3	7.5%
None of the above	7	17.5%

N=40. Total may add to greater than 40 due to respondents' choice of more than 1 option.

Implementation of restorative justice

A question to explore the respondents' perception of whether the organization already was implementing restorative justice principles was asked. The options yes and no were given together with an encouragement to explain what they were doing involving restorative justice principles if they answered yes. Content analysis was completed, and themes that emerged were grouped according to the respective facilities.

Shakopee Correctional Facility. All 6 of the respondents reported that restorative justice principles already were implemented. Themes and examples of programs and practices specified were: teen panels; victim impact panels; group conferencing; programs where inmates talk to children; programs where inmates create items to donate to organizations; and restorative justice principles applied in daily interaction and practice.

Faribault Correctional Facility. Out of the 17 respondents, 11 indicated that restorative justice principles already were implemented. Of the remaining respondents 4 answered no to the question, 1 was unsure, and 1 did not respond. Themes and examples of programs and practices given were: restorative justice training for staff; offenders talking to high-school children; offender involvement in community projects; donations to the community; victim-offender dialogue, victim groups/victim speakers; and restorative justice principles applied in treatment/therapy groups.

Stillwater Correctional Facility. To the question about whether restorative justice principles already were implemented in the organization, 9 out of 17 respondents answered yes, 4 answered no, 2 were unsure and 2 did not respond. Some of the themes and examples given by those who answered yes were: restitution; victim-offender

meetings; victim impact panels; some programs for offenders involving restorative justice principles; and restorative principles applied in case-management.

Restorative justice as an appropriate future direction

The question "Is restorative justice an appropriate direction for future in the Department of Corrections?", was followed by an encouragement to explain the answer. Content analysis was therefore completed to analyze this question, and to transform qualitative data into quantitative data. Two categories emerged, and they were coded "yes" and "unsure". The majority (57.5%) believed restorative justice to be an appropriate direction for the future, while 25% of the respondents were unsure. None of the respondents answered that they did not believe this is the direction for the future. Five participants did not respond, and two of the responses were determined as invalid, and to not be included in the analysis because of difficulty understanding the meaning and handwriting. Table 4 shows the frequency of those categories from the 33 usable responses as well as the frequency of invalid and no responses.

Table 4

Restorative justice as an appropriate direction for the Department of Corrections

Category	Frequency	Valid Percent
Yes	23	57.5%
Unsure	10	25.0%
Blank (No response)	5	12.5%
Invalid responses	2	5.0%

Explanations given in the responses positive to restorative justice as an appropriate direction for the future were determined into the following categories: 1) yes, because the current system does not work; 2) yes, because it addresses offender accountability, behavior change, recidivism, restoration, and reentry to society; 3) yes, but with reservations to sorts of crime, level of custody in the facility, and amount of work; 4) yes, because of the need to change the value of punishment; 5) clearly yes, or gradually implementation.

For the category "unsure", the respondents' explanations were determined into the following categories: 1) unsure, because preventive work should be more important than work with offenders; 2) unsure, because of lack of effectiveness; 3) unsure, because of factors like budget, staff and measuring effectiveness.

To explore the relationship between the respondents' beliefs about restorative justice as an appropriate direction for the Department of Corrections and their perspective regarding personal support of, and personal responsibility for implementation of restorative justice in their organization, two cross tabulations were done. A third cross tabulation was done to explore the relationship between respondents' beliefs about direction, and restorative justice reflecting their own values and beliefs. Restorative justice as an appropriate future direction was used as the constant variable in these three cross tabulations.

As shown in Table 5, all 23 (63.9%) respondents who indicated that they believe restorative justice to be an appropriate future direction for the Department of Corrections, also indicated that restorative justice reflects their own values and beliefs. The majority

of the respondents unsure about restorative justice as future direction also indicated that restorative justice reflects their own values and beliefs.

Table 5

<u>Restorative justice as an appropriate direction: Restorative justice reflects my own values and beliefs</u>

Restorative justice as appropriate direction for the future	Degree of how restorative justice reflects own values and beliefs				
	Reflects own values and beliefs	Do not reflect own values and beliefs	Don't know	NR	Total
Yes	23				23
Unsure	7	1	1	1	10
Blank (No response)	4	1			5
Invalid response	2				2
Total	36	2	1	1	40

Table 6 indicates that all 23 (69.7%) respondents who believe in restorative justice a direction for the future also personally support implementation of restorative justice in own facility/organization. More than 50% of those who were unsure (6 out of 10), and those who did not respond to the question about direction also indicated personally support for implementation.

Table 6

Restorative justice as an appropriate future direction: Personal support of implementation

of restorative justice in own organization

Restorative justice as appropriate direction for the future	Degree of personal support of implementation of restorative justice				
	Personally support imple-mentation	Do not support imple-mentation	Don't know	NR	Total
Yes	23				23
Unsure	6	1	2	1	10
Blank (No response)	4		1		5
Invalid response	2				2
Total	35	1	3	1	40

As shown in Table 7, respondents' feelings about personal responsibility for

contributing to implementation of restorative justice had more variation than the two

previous tables. However, the majority (15) of the respondents who believe restorative

justice to be a future direction still indicate that they feel personal responsibility for

contributing to the implementation. Four respondents who believe in restorative justice

as future direction, answered that they do not feel personally responsible for contribution.

Table 7

Restorative justice as an appropriate direction: Personally responsible for contributing to

implementation

Restorative justice as appropriate direction for the future	Degree of personal responsibility for contribution to implementation				
	Feel Personally responsible	Do not feel personally responsible	Don't know	NR	Total
Yes	15	4	4		23
Unsure	4	3	2	1	10
Blank (No response)	2	3			5
Invalid response	1	1			2
Total	22	11	6	1	40

Benefits of implementation

To explore what benefits correctional managers and leaders could perceive by implementing restorative justice in their organization, an open-ended question was asked. Content analysis was completed, and grouped in categories for the respective prisons.

Shakopee Correctional Facility. Four out of six answered this question. A main theme appeared: benefits for society by offender being accountable, repairing harm, and restore relationships.

Faribault Correctional Facility. Of the 17 respondents, 12 specified benefits, and 5 had no response. Three main themes emerged: 1) offender accountability that leads to repairing harm and restoring relationships; 2) change of offender behavior leading to reducing recidivism; and 3) positive changes for a better work environment.

Stillwater correctional Facility. Out of the 17 respondents from Stillwater, 8 specified benefits, 5 were unsure about benefits, and 4 had no response. Three themes emerged, and those were 1) change of offender behavior leading to reduced imprisonment and recidivism, and 2) positive changes for a better work environment, and 3) increased public support.

Barriers against implementation

To answer this question the respondents were given the opportunity to choose between a range of options, and to specify any combination of these options. Respondents were also given the option of the category "other", and were asked to specify their choice. In this category, "lack of direction and legislative support" was specified as well as "issues with security uniform, security level of facility and punishment bias." "Lack of evidence that it works" was also in that category. One respondent did not answer this question.

Table 8 shows that three areas emerged as the perceived barriers to implementation. They were work-load (67.5%), lack of funding (57.5%), and lack of knowledge by staff (50.0%). None of the other choices showed a greater number than 11 (27.5%). Lack of support from management/leadership was only chosen by 4 respondents (10.0%), and only 3 respondents thought that the readiness of the facility/organization was a barrier (7.5%).

Table 8

Perceived barriers to implement restorative justice in the organization

Option	Frequency	Valid Percent
Work-load	27	67.5%
Lack of funding	23	57.5%
Lack of knowledge by staff	20	50.0%
Lack of support from colleagues	11	27.5%
Disagreement with the philosophy	10	25.0%
No interest in restorative justice	9	22.5%
Restorative justice is too time consuming	8	20.0%
Restorative justice diminishes security	6	15.0%
Other	6	15.0%
Lack of support from management/leadership	4	10.0%
The facility/organization is not ready	3	7.5%

N=40. Total may add to greater than 40 due to respondents' choice of more than 1 option

Organizational strengths.

In addition to exploring perceived barriers to implement restorative justice in the organization, organizational strengths were explored as well. An open-ended question was asked, and content analysis was applied to explain the findings from the respondents in the three different prisons.

Shakopee Correctional Facility. Four out of the six possible respondents specified what they perceived as strengths of their organization in implementing restorative justice. Two themes emerged: 1) Staff-commitment to restorative justice, and incorporation in daily practice, and 2) good relationships with volunteers and community.

Faribault Correctional Facility. Out of the 17 possible respondents from Faribault, 11 described what they perceived as organizational strengths in implementing restorative justice, while 6 did not respond to the question. Two main themes appeared: 1) Support from a good and strong leader and a management team with a willingness to change, and 2) experienced correctional officers and other staff who are interested in change.

Stillwater Correctional Facility. Of the respondents from Stillwater 8 out of 17 describe strength. Five did not respond, 2 were unsure about strengths, and 2 of the answers were determined not usable. The two main themes that appeared were somewhat similar to those from Faribault's respondents: 1) Open-minded management, and 2) knowledgeable and supportive staff.

Best strategies for implementing restorative justice.

To explore this, a range of options to choose from was given to the respondents. They were given the opportunity to indicate any combination of the choices, and the

option "other" with an encouragement to specify was given as well. This category revealed "funding and more staff", "involving community members" and "convincing parties" as useful strategies. One respondent did not answer this question.

Table 9 shows the frequency of the choices of the respondents, and "introductory training to staff about restorative justice" has the greatest number at 35 (85%). "Use authority and power" has the lowest frequency at 5 (12.5%).

Table 9

Strategies useful in implementing restorative justice in the organization

Option	Frequency	Valid Percent
Introductory training about restorative justice to staff	34	85.0%
Give staff time to absorb new principles	26	65.0%
Develop an action/change plan, and develop shared vision and goals	25	62.5%
Increase information	24	60.0%
Involve all staff in the process of change	23	57.5%
Assess the organization's readiness for change, and be supportive to all staff during the process	21	52.5%
Extensive internal and external Communication Create staff excitement	18	45.0%
Use dialogue and consensus building	16	40.0%
Change rules, procedures, and job description	14	35.0%
Engage outside consultants	11	27.5%
Other	7	17.5%
Use authority and power	5	12.5%

N=40. Total may add to greater than 40 due to respondents' choice of more than 1 option

For the 34 respondents who chose "introductory training about restorative justice to staff" as a strategy for implementing restorative justice in the organization, another question was given to explore their perceptions of what staff should receive that training. Again several options to choose from were given, including the category "other" with encouragement to specify. This category had only one response (2.5%), which indicated to include staff at Minnesota Department of Corrections, Central Office in the introductory training. Table 10 shows the respondents' choices with all staff included in introductory training as the significant greatest number, n=27 (67.5%).

Table 10

Introductory training about restorative justice to staff

Staff	Frequency	Valid Percent
All staff	27	67.5%
Case managers' treatment staff/therapists, and all staff in direct contact with offenders	8	20.0%
Religious services, leaders and management	7	17.5%
Corrections officers/security staff, and education staff	6	15.0%
Health care	3	7.5%
Others	1	2.5%

N=40. Total may add to greater than 40 due to respondents' choice of more than 1 option

Closing statements

Findings from the analysis of the study have been presented in this chapter.

Major findings were that the majority of the respondents believed that they understand

the basic values and principles of restorative justice, and that it reflects their own values

and beliefs. There were also indications of support for restorative justice as a future

direction for the Department of Corrections, and for personal support of implementation.

Major perceived barriers against implementation were: "work-load", "lack of funding",

and "lack of knowledge by staff", while "introductory training about restorative justice to

staff" was indicated as the most useful strategy in implementing restorative justice.

The following chapter will contain a discussion of the findings as well as a

discussion of strengths and limitations of the study. Implications for the field of social

work and for the Department of Corrections and recommendations for further research

will be discussed.

CHAPTER 5: DISCUSSION

Overview

The purpose of this study was threefold. The first purpose was to assess managers' and leaders' attitudes toward, acceptance of and perceptions of own knowledge about restorative justice. This is the first step to ensure when implementing change in the organization, and is therefore important for organizational change (Umbreit & Carey, 2001). The second purpose was to assess their perceptions of barriers and helps in implementing restorative justice in their organization, and the third purpose was to assess to what degree they believe restorative justice to be an appropriate direction for the Department of Corrections.

A discussion of the findings for the research questions will be presented in this chapter. Strengths and limitations of the study will be discussed, and implications for the field of social work and for the Minnesota Department of Corrections will be included as well as recommendations for further research.

Findings

Perceptions of own knowledge

The researcher found it very interesting that agreement with the statements was overall very high. The statements "I understand the basic values and principles of restorative justice" and "restorative justice emphasizes the offender taking responsibility for behavior" both received 95% agreement. One respondent disagreed, and one reported "don't know" in both statements. The statements "the victim is an important stakeholder in restorative justice" and "the community is an important stakeholder in restorative justice" both received 100% agreement, so the respondents who had disagreed or

reported not knowing, still held the value of the importance of victim- and community involvement in the criminal justice process. Victims and community are primary stakeholders in restorative justice in addition to the offender (The Office of Juvenile Justice and Delinquency Prevention, 1997), and involving the community in the reintegration of the offender is based on the ecological systems theory (Bazemore & Schiff, 2001).

It was interesting, however, that one respondent disagreed (95% agreed and 1 reported "don't know") to the statement "the offender is an important stakeholder in restorative justice" while acknowledging both victim and community as primary stakeholders. The statements "restorative justice principles can be applied in daily interaction with offenders, not only in separate programs" also had a fairly high agreement rate (90%), which was surprising, knowing from personal communication with correctional employees that restorative justice often is viewed as programs, not as an overall philosophy. According to Pranis (1998), restorative values are not meant to be applied only in specific programs, but rather in all parts of our lives, and in all our various relationships (including offenders and colleagues). It seems that most of the respondents had a clear understanding of, and agreement with this view.

To the statement "restorative justice focus on restoration, not on punishment" three respondents (7.5%) disagreed. This was surprising because of the fact that restorative justice literally includes the word restore. However, consideration should be give to the embedded value of punitiveness in the U. S. society (van Wormer, 2001) in responses to this statement. The statement that received the least agreement rate, was "restorative justice involves a change in the role of the criminal justice system." Of the

40 respondents, 75% agreed while 6 respondents (15%) disagreed, 2 reported not knowing, and 2 did not respond. To the researcher, the fairly high agreement rate was surprising. In the literature, a change in the role of the criminal justice system was not found discussed very often. From Pranis' (1998) discussion of the role of the criminal justice system, a conclusion can be drawn that a change that recognizes more than legal authority is involved.

The questions "where did you first learn about restorative justice" and "what restorative training or practices have you been involved in" were asked to further examine the respondents' knowledge about restorative justice, and from where they had obtained their knowledge.

Where first learned about restorative justice. Out of the 40 respondents, 29 (72.5%) reported training through the Department of Corrections as where they had first learned about restorative justice. The second highest frequency was "from reading about it" (47.5%), and 30% had first learned about it from professional conference/colleagues. Three of the respondents reported that they had not learned about restorative justice.

Because of limitations of the survey design, it was not possible to explore whether those who had received training through the Department of Corrections had received that training as mandatory or voluntary training, nor whether the training was given by the Prison Academy for new employees, or later in their career. As stated by Umbreit and Carey (2001), one of the first steps in planning for change is to make sure that leaders and managers understand the values and principles of restorative justice. Minnesota Department of Corrections has had an established restorative unit in Central Office since 1994, but no regular mandatory training in restorative justice has been given to

employees since the Prison Academy included some training a few years ago (Personal Communication, Kay Pranis, Director of Restorative Justice, Minnesota Department of Corrections, 10.17.01). From the findings in this study, a conclusion can be drawn that the Department of Corrections cannot be sure that all their managers and leaders understand restorative justice.

Involvement in restorative justice training and practices. Responses given indicate that the majority (82.5%) had been involved in restorative justice one way or another. Only 7 respondents (17.5%) reported that they had not been involved in anything related to restorative justice. Interestingly, 29 respondents indicated that they had received training in restorative justice through the Department of Corrections, but only 27 indicated training in basic restorative justice principles as involvement in restorative justice. This may be due to the language used in the options given (lack of clarification), or it may be because training they had received through the Department of Corrections did not teach them about basic principles. Involvement in family group conferencing was reported by 25% of the respondents, while victim services/support was reported by 17.5%. Again, limitations of the survey design did not allow for exploring whether the reported involvement had been through the Department of Corrections, or in their personal life. Involvement in other types of restorative justice programs or practices was not reported very frequently.

Overall, the responses in this study revealed a high level of perceived knowledge about restorative justice among correctional managers and leaders in the three prisons surveyed. This is an important factor in working towards an organizational change to implement a restorative justice framework (Umbreit & Carey, 2001). Due to limitations

in the survey design, it is not possible to decide whether the reported level of knowledge

is actual knowledge, because only perceived own knowledge was measured.

Implementation of restorative justice principles

Shakopee Correctional Facility. Of the 6 respondents from Shakopee in this

study, all answered this question, and they all reported that restorative justice principles

already were implemented. This was not surprising, because the researcher knew from

pamphlets and personal communication with Kay Pranis, Director of Restorative Justice,

Minnesota Department of Corrections; that Shakopee already had implemented

restorative justice principles (10.17.01). Responses from Shakopee also indicate that

restorative justice principles are implemented in daily interaction with the inmates, not

only in programs and practices. None of the respondents from the other facilities did

report that restorative justice was applied in daily interaction with inmates. According to

Pranis (1998), restorative justice can be applied in daily interaction and practice, and that

programs and models are not enough to create a restorative system. The researcher

believes that the more restorative justice principles, models and programs that are

implemented, the easier they are to recognize and to implement in daily interaction. In

the Shakopee Correctional Facility, restorative justice has been known and applied, and

that may be the reason for recognizing the principles in daily interaction with inmates.

However, because of the low return rate from Shakopee (26%), results must be

interpreted with caution, and it is therefore difficult to draw a conclusion from the

findings.

Faribault Correctional Facility. For the researcher, it was interesting that

responses from Faribault were mixed. The majority indicated that restorative justice

principles were implemented, while 4 respondents reported no implementation. There have been some programs implementing restorative justice principles in the facility, and top management is supportive to restorative justice (Personal communication, Kay Pranis, Director of Restorative Justice, Minnesota Department of Corrections, 04.24.02). It is therefore somewhat surprising to the researcher that 4 respondents indicate that restorative justice is not implemented. This might be due to lack of information about what programs or models are offered to the offenders, or lack of knowledge about what types of programs that include restorative justice principles. Another explanation might be lack of internal communication and information. Managers often fail to communicate enough to employees (Reynolds, 1994), but this lack of communication may also happen between managers and level of managers.

Stillwater Correctional Facility. Fewest indications about implementation of restorative justice principles came from respondents at Stillwater Correctional Facility. Only 9 respondents out of 17 indicated that restorative justice principles were implemented. There was not much going on involving restorative justice at Stillwater Correctional Facility when the survey was sent out, and this facility has not been known as a promoter of restorative justice (Personal communication, Kay Pranis, Director of Restorative Justice, Minnesota Department of Corrections, 04.24.02). The researcher did therefore not expect many indications for restorative justice implemented in this facility. It was satisfying that a few respondents had recognized some implementation. Again, there might be a lack of internal communication and information, as well as a lack of knowledge about programs offered, and it is therefore difficult to draw a conclusion from the findings.

<u>Restorative justice as an appropriate future direction</u>

The U.S. current criminal justice system has experienced a rising dissatisfaction from victims and society overall (Hopf, 1999; Viano, 2000). Growing recidivism rates has been a concern, and a growing movement for change has emerged in the past decade (Barajas, 1998). Responses from this survey indicate that professionals in the correctional system also are supportive to a change in direction, in this case towards restorative justice. Responses from those who answered "yes" to restorative justice as a future direction for the Department of Corrections indicated that in their opinion the current system does not work; there is a need to reduce recidivism; and there is a need to change the value of punishment.

Offender accountability, restoration, offender behavior change, and offender reentry to society are some of the principles included in restorative justice (Zehr & Mike, 1997). These principles also emerged in some of the "yes" responses to the question about restorative justice as an appropriate future direction. However, 2 respondents also gave reservations to levels of crime and custody, in addition to gradual implementation.

The category "unsure" revealed reservations like staff and budget as well as more importance to preventive work rather than work with offenders. Lack of effectiveness and difficulty with measuring how it works were other examples. Restorative justice focuses on the future (Marshall, 1998); on repairing harm and restoring relationship (Zehr & Mike, 1997); and involving community as a moral authority to help offenders change behavior (Pranis, 1998). This will help to prevent future criminal behavior, and is therefore a preventive intervention as well. When it comes to lack of effectiveness and measurement problems, findings from research on victim-offender mediation and family

group conferencing indicate significant effectiveness in reducing recidivism as well as fairly high client satisfaction for program participants compared to those going through the traditional system (Umbreit, Coates & Vos, 2002). It seems to the researcher that this information has not reached the respondents. Another reason for these reservations might be the lack of research on restorative justice outcomes in a prison context.

Crosstabulation was conducted to explore the relationship between the respondents' belief about restorative justice as an appropriate future direction for the Department of Corrections and their perspective regarding restorative justice reflecting their own values and beliefs. All of the 23 respondents who believed restorative justice to be an appropriate future direction for the Department of Corrections also responded that restorative justice reflects their own values and beliefs. Of the 10 respondents who were unsure about the future direction, 7 reported that restorative justice reflects their own values, and beliefs. Only two responded that restorative justice does not reflect their own values and beliefs. One of them was from Faribault, and one from Stillwater. Restorative justice is another way of thinking about crime and justice (Godwin, 1998), and to achieve change at the organizational level is difficult without change at the individual level (Michael & Lawson, 2000). Out of 40 respondents, 36 altogether reported that restorative justice reflects their own values and beliefs, which is a good indicator for change at the individual level, and will be helpful for change at the organizational level.

Another crosstabulation was done to explore the degree of personal support of implementation of restorative justice according to what they believe is an appropriate direction for the future. Again, 23 of those who reported that they believe restorative

justice to be an appropriate future direction also reported personal support for implementation. Altogether, 35 out of 40 respondents reported personal support for implementation of restorative justice in their organization. It was interesting that also those who were unsure about whether restorative justice was an appropriate future direction, reported personal support for implementation. Employee resistance often contributes to failing to change, and this is because managers often fail to communicate enough, as well as fail to assess staff's behavior and attitudes (Reynolds, 1994). With a fairly high number of managers and leaders reporting personal support for implementation, a conclusion can be drawn that they will be supportive to change, and thereby able to be loyal in following important steps towards change.

A final crosstabulation was conducted to explore the relationship between managers' and leaders' degree of personal responsibility for contribution to implementation and what they believe about restorative justice as an appropriate future direction. This relationship had more variations than the two previous explored relationships. Still, the majority of those who believe in restorative justice as a direction for the future reported personal responsibility for contributing to implementation (15 out of 23). Overall, 22 out of 40 responses reported personal responsibility for contributing to implementation, while 11 reported that they do not feel personally responsible. Four of those who reported believing in restorative justice as a future direction, reported that they did not feel personally responsible for contributing to implementation.

The researcher believes that that the authoritarian style with downward power and chains of command in correctional agencies, disempowers employees, and leads to less productivity. The respondents who do not feel personally responsible for contributing to

implementation may feel that they do not have power to make change. Allowing

employees to make decisions on their own, will increase their power (Daft, 2001, p.450).

This means that giving more power to employees allows for more productivity, and leads

to empowerment, (Daft, 2001). An organizational change with more power to staff might

lead to more productivity, and more positive feelings about personal responsibility for

contributing to implementation of restorative justice.

Benefits in implementation

Out of the 40 respondents, 24 specified benefits. Findings were grouped in

categories for the respective prisons, because each prison can be viewed as a separate

organization

Shakopee Correctional Facility. Four out of six respondents specified benefits,

and one main theme emerged: benefits for society by offender being accountable,

repairing harm, and restoring relationships. Restorative justice focuses on restoration of

relationships and repairing harm (Umbreit, 1994) by the offender being encouraged to

understand harm done and change behavior to carry out obligations to repair harm (Zehr

& Mike, 1997). The responses from Shakopee indicate that this is a benefit for the whole

society, not only individuals in their organization.

Faribault Correctional Facility. Out of the 17 participants from Faribault, 12

specified benefits. Three themes emerged from these responses, and one of them was

similar to the theme of the responses from Shakopee. The other two were: change of

offender behavior leading to reduced recidivism; and positive changes for a better

environment. Interactions with all human beings and systems in the environment lead to

reciprocal influence (Hepworth, Rooney & Larson, 1997). A change from authoritarian

style to a focus on conflict resolution will also lead to addressing staff matters, not only offender matters (Newell, 2001).

      <u>Stillwater Correctional Facility.</u> Less than 50% of the respondents specified benefits, and two of the three themes that emerged were similar to responses from Faribault: reduced recidivism and imprisonment due to changed offender behavior; and better work environment. The third theme was: increased public support.

<u>Barriers against implementation</u>

      It was not surprising to the researcher that work-load was perceived as the barrier most frequently chosen by the respondents (27 out of 40). Two other options had fairly high frequency: lack of funding (57.5%), and lack of knowledge by staff (50%). Lack of knowledge by staff may be a barrier to change according to Umbreit & Carey (10.06.01), and this statement is congruent with the responses from the study. Other perceived barriers were lack of support from colleagues; disagreement with the philosophy; restorative justice is too time consuming; it diminishes security; and others (ranging from 27.5% to 15%). The category "other" included "punishment bias" and "lack of evidence that it works", which both were discussed earlier in this chapter. In this category, two respondents also indicated that correctional staff in uniforms were viewed as "cops", and therefore a barrier against implementation. Lack of direction and lack of legislative support were also indicated as barriers against implementation by one respondent.

      Lack of support from management/leadership was only chosen by 4 respondents, and the barrier with the lowest frequency was "the facility/organization is not ready". Assessing the organization's readiness for change is one of the first steps in implementing restorative justice (Umbreit & Carey, 2001). This study does not address

what has been done at the organizational level in implementing change, and therefore it is unknown whether readiness for change is assessed. However, indications from the findings do not emphasis lack of readiness as a significant barrier against change.

Perceived organizational strengths

The researcher found it important to include an exploration in organizational strengths to implement restorative justice as well as exploring barriers. Again, because the three sites are three different organizations, responses from the respective facilities will be discussed separate. By the 40 that participated in this study, 23 clearly specified organizational strengths.

Shakopee Correctional Facility. Four out of six responded, and the themes that emerged revealed that implementation of restorative justice seems to be extensive. Staff commitment to restorative justice and incorporation in daily activities was specified as strengths. The other category was: good relationship with volunteers and community. Involving community is one of the guidelines for restorative justice providers (Zehr & Mike, 1997), something that Shakopee seem to have understood and implemented.

Faribault Correctional Facility. Eleven out of 17 specified strengths with their organization, and the two themes were: support from management; and experienced staff interested in change.

Stillwater Correctional Facility. Stillwater had the lowest response rate on this question. Eight of 17 respondents clearly described strengths. The themes emerging were similar to Faribault's, namely: open-minded management, and knowledgeable and supportive staff.

Best strategies for implementing restorative justice

The clearly most frequent option chosen for the question about what the respondents viewed as best strategies for implementation was: introductory training about restorative justice for staff (85%, n=34). Other strategies that had high frequency were: give staff time to absorb new principles (65%); develop an action/change plan (62.5%); develop shared vision/goals (62.5%); increase information; and involve staff in the process (57.5%). After initial steps in preparing for change to a restorative justice framework (making sure that leadership understands, and assessing readiness for change), presenting concepts and principles are the next step (Umbreit & Carey, 2001). This seems to be supported by the finding in this study, with introductory training to staff perceived as a strategy by 85% of the respondents. Giving staff time to absorb, and involving all staff in the process as well as being supportive to staff are to important factors in the process (Umbreit & Carey, 2001), which again is supported by the findings.

That more than 50% chose assessing readiness for change as a useful strategy surprised the researcher, because responses from earlier questions had indicated that staff is interested in change, lack of readiness was the least frequent option chosen for perceived barriers. Other options, like create staff excitement; change rules procedures etc.; consensus building; and outside consultants had all less than 45% frequency. The least frequent choice was: use authority and power. Newell (2001) suggest changing the authoritarian style used in correctional institutions to one that focuses on conflict resolution. The low frequency on this option as useful for change may indicate support for a change in style.

Introductory training

To explore what staff the respondents perceived should be trained in restorative justice, those who had chosen that option were required to choose from another range of options to indicate who should receive training. There was a significant high frequency of option "all staff" (67.5%). Several of the respondents that chose other options combined choices, but none of the others had a frequency higher than 20%. One respondent included 'other", and indicated that staff at Central Office should be trained as well. Today, restorative justice is not mandatory training for all staff, and the Prison Academy does not include restorative justice training for new employees (Personal communication, Kay Pranis, director of Restorative Justice, Minnesota Department of Corrections, 10.17.01).

Strengths and limitations of the study

Upon review of the literature, no study has been done to examine perceptions about restorative justice among correctional managers and leaders in a correctional facility in Minnesota. This is a strength of this study as well as the fact that the questionnaire is designed to be utilized in other correctional settings as well.

Three major limitations are clear in this study: sample size; return rate; and language. The sample size was quite small. Only 117 leaders and managers in three prisons were invited to participate. In addition, the response rate was fair; only 34%, which both limit generalization of the findings. According to Rubin and Babbie (2001), a response rate of at least 50% is considered acceptable for analyzing and reporting, and this study had a much lower response rate.

Language was also a major limitation. First, there were no definition of restorative justice included, and then lack of clarification was apparent in some of the statements and questions given. For some respondents, it might have been unclear that restorative justice principles can appear in various settings and interactions, not only in programs and practices that are clearly restorative. Use of terminology might have held respondents back from answering as well.

Another limitation of this study is that it only surveyed three correctional facilities one time (cross-sectional). This will limit the generalization of the study, because the different correctional facility organizations in Minnesota have varied knowledge, acceptance and barriers to restorative justice.

Implications for Minnesota Department of Corrections

Because of the low return rate, findings must be interpreted with caution. However, the researcher believes it is safe to draw a conclusion based on this study, and that is that the level of perceived knowledge among leaders and managers seems to be high. This is the first step to ensure when implementing change in the organization. It also seems to the researcher that it is safe to say that the study indicates some support for restorative justice as an appropriate future direction, and that managers and leaders surveyed are quite supportive to implementation of the principles in their own organization.

Based on these conclusions, some recommendations can be given. First, the Department of corrections might consider ensuring that all staff receives introductory training in restorative justice by implementing it as mandatory for new employees in the Prison Academy. Second, the hiring process should be reviewed, and include a screening

of potential employees' knowledge and acceptance of restorative justice. Third, an examination of practices and policies in the respective prisons (and Central Office) could be done to get an overview of how frequent restorative justice values and principles are integrated, or can be integrated. From the literature review we know that restorative justice can be applied in daily interaction and practice, and that models and programs are not enough to create a restorative system. "It is the cumulative effect of hundreds of small acts on a daily basis. It requires reexamining all activities and interactions from a restorative perspective" (Pranis, 1998, p.47). Fourth, findings from former research that indicates support for restorative justice could be presented to all staff, giving some evidence that it works. Finally, the research and evaluation unit could be engaged in further research on restorative justice in the prisons (e.g. on change in offender behavior).

<u>Implications for practice and the field of social work</u>

Restorative justice examines individuals' crime and problems in the context of their social environment, which is of importance for the profession of social work. Restorative justice principles emphasize working towards restoration for victims and communities as well as emphasizing offender being accountable. Social workers understand the principles of systems theory and the person in the environment, and will thereby be skilled in working with restorative services. One of the characteristics of social work is the effort to examine problems in their social context, and to involve people's families, communities and social network (Raemer, 1998).

The social work profession has an obligation to address the need of all human beings, to improve services and to work towards social justice (Loewenberg, Dolgofft &

Harrington, 2000). Social workers should therefore be obligated to take the lead for working towards implementation of restorative justice services in correctional facilities.

Being incarcerated prohibits normal contact with family, employers, and social networks. Offenders in prison cannot control their own life and make their own decision, and decisions are made for them. They often feel powerless, and cannot longer control their own life and make their own decisions (Consedine, 1995). Taking personal responsibility for own actions and own life empower individuals (van Wormer, 2001). Restorative justice emphasizes offenders taking responsibility for their criminal behavior and to work towards change, which leads to empowerment. Social workers with their empowerment perspective as well as strength perspective then have a thorough understanding of restorative justice, and are clearly well suited to lead the promotion of restorative justice in correctional facilities as well as in social work everywhere.

New patterns have emerged for leadership in social work and human service organizations, with more focus on decentralization of authority (power), encouragement of innovation and initiative, as well as managing uncertain environment with lack of recourses (Hasenfeldt, 1992). Social workers have the skills to be managers and leaders, with their orientation towards empowerment and strengths. As both professionals and leaders, they can promote restorative justice values and organizational change. Social work ethics, such as: work towards social justice; promote respect and fairness; enhance service delivery and effectiveness; believe in self-determination; and stop discriminatory practices (Lowenberg & Dolgoff, 2000) are all similar to restorative justice principles. They are also important values in leadership and organizational change.

Recommendations for further research

There is a need for research on race, ethnicity and culture in the criminal justice process to display possible inequalities based on above mentioned issues, both in the prevailing justice process as well as in the restorative justice process. Furthermore, research on values, beliefs and attitudes of justice professionals and restorative justice practitioners may help in future development of cultural competency training.

Another recommendation would be to take a closer look at cultural and diversity issues in the offender population. This is needed to ensure that inequalities and social injustice can be prevented in the delivery of restorative justice services as well as in the overall justice system. Also, future research looking for a wider range of key words instead of using restorative justice would help acknowledging processes and practices from tribal and indigenous culture. This would also lead individuals to easier recognition of restorative justice.

A final recommendation would be to conduct studies that can measure actual knowledge instead of only perceived knowledge about restorative justice. A qualitative study with focus groups would be one option. Another would be a survey which could be conducted, including mixed statements and questions from both restorative and retributive justice to see how respondents define differences.

Summary

All restorative justice principles draw upon wisdom from ancient, tribal and indigenous cultures around the world, such as the Native American cultures in the United States, Aboriginal/First Nation Culture in Canada and indigenous cultures in Australia and New Zealand as well from the Kpelle people in Liberia, and many African tribes

(Wright, 1991), which is important to acknowledge. The focus in this study has been correctional agencies in the United States, and dissatisfaction with the current criminal justice system has lead to a growing movement for change towards implementation of restorative justice (Barajas, 1998). Implementing restorative justice is a paradigm shift; a new way of thinking, and requires organizational change. The first step in implementation is to ensure that leaders and managers understand the concept of restorative justice (Umbreit & Carey, 2001). This study has examined correctional mangers' and leaders' perceptions of restorative justice.

Major findings in this study were:

- high level of perceived knowledge of restorative justice;

- some support for restorative justice as an appropriate future direction;

- introductory training about restorative justice to staff as indication for the most useful strategy in implementing restorative justice;

- perceived barriers against implementation were: "work-load", "lack of funding", and "lack of knowledge by staff".

The researcher found the results from this study encouraging, and believes that the time has come for the Minnesota Department of Corrections to make restorative justice more important in their daily work as well as in future planning. Restorative justice can be applied in daily interaction with offenders in prison, and the researcher would like to emphasize that she believes that correctional officers and other staff can make a difference in the criminal justice system, and act as role models for offenders in changing behavior. Encouragement, respect, and empowerment of offenders and employees could have a positive effect on productivity and work environment.

Disciplinary actions by offenders in prisons could be handled from a restorative justice perspective instead from the punitive perspective, which exists today, and would be a good way to measure effectiveness. Prisons are communities, and it is time for all individuals in this community to participate as stakeholders in the decision making process, and to work together to solve problems and repair harm.

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Restorative Justice Survey

Instructions:

Most of the questions in this survey can be answered by circling the response that best reflects your view. For some of the questions you are asked to circle all that apply, while a few questions ask for more in depth answers. Please fill in the date and the name of your location.

Date_____ **Location**_____

(name of facility, field service or Central Office)

Please read the following statements and circle the **one response for each statement** that best reflects your perspective.

		Strongly Agree	*Agree*	*Disagree*	*Strongly Disagree*	*Don't know*
1.	I understand the basic values and principles of restorative justice	SA	A	D	SD	DK
2.	The victim is a primary stakeholder in restorative justice	SA	A	D	SD	DK
3.	The community is a primary Stakeholder in restorative justice	SA	A	D	SD	DK
4.	The offender is a primary stakeholder in restorative justice	SA	A	D	SD	DK
5.	Restorative justice involves a change in role of the criminal justice system	SA	A	D	SD	DK
6.	Restorative justice focus on restoration, not on punishment	SA	A	D	SD	DK
7.	Restorative justice emphasizes the offender taking responsibility for behavior	SA	A	D	SD	DK

8. Where did you first learn about Restorative Justice? Please circle **all** responses that apply.

  A. Training through DOC (Department of Corrections)
  B. Training/seminar from other sources
  C. From reading about it
  D. From colleagues
  E. From college class
  F. From professional conference
  G. Other. Please specify_____
  H. I have not learned about restorative justice

9. Have you been involved in any of the following training or practices? Please circle **all** that apply.

    a. Training in basic restorative justice principles
    b. Victim services/victim support
    c. Victim – offender dialog/meeting/conferencing
    d. Peace making circles/circle sentencing
    e. Family group conferencing
    f. Community conferencing
    g. Other. Please specify_____
    h. None of the above

10. Is restorative justice an appropriate direction for future change in the Department of Corrections? Please explain your answer:_____
_____
_____
_____
_____

11. What strategies might be useful in implementing restorative justice in your organization? Pleas circle **all** that apply.

    A. Introductory training about restorative justice to staff
    B. Assess the organization's readiness for change
    C. Involve all staff in the process of change
    D. Be supportive to all staff during the process
    E. Develop shared vision and goals
    F. Give staff time to absorb new principles
    G. Gain information
    H. Develop an action/change plan
    I. Create staff excitement
    J. Extensive internal and external communication
    K. Change rules and procedures
    L. Change job description
    M. Engage outside consultants
    N. Use authority and power
    O. Use dialogue and consensus building
    P. Other. Please specify:_____
_____

12. If you circled A in question 11, what staff do you believe it would be necessary to train? Pleas circle **all** that apply.

    A. All staff
    B. All staff in direct daily contact with offenders
    C. Leaders and management
    D. Case managers
    E. Education staff
    F. Treatment staff/therapists
    G. Corrections officers/security staff
    H. Health Care
    I. Religious Services
    J. Others. Please specify:_____

13. What are the strengths of your organization to implement a restorative justice framework?

_____
_____
_____
_____
_____

14. My facility/organization is already implementing restorative justice principles.

    Please circle the one that applies :   YES   NO

If you circled YES, please explain what you are doing involving restorative justice principles in your organization :

_____
_____
_____
_____

Please read the following statements and circle the **one response for each statement** that best reflects your perspective

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't know
15. I support implementation of restorative justice in my facility/organization	SA	A	D	SD	DK
16. I feel personally responsible for contributing to the implementation of restorative justice principles and practices	SA	A	D	SD	DK
17. Restorative justice reflects my own values and beliefs	SA	A	D	SD	DK

18. What benefits can you see in implementing restorative justice principles and practices in your work?

_____
_____
_____
_____
_____

19. What do you think are the barriers to implementing restorative justice principles and practices in your facility/organization? Please circle **all** that apply.

    A. Lack of knowledge by staff
    B. Work-load
    C. Lack of support from management/leadership
    D. Lack of support from colleagues

E. No interest in restorative justice
F. My facility/organization is not ready for it
G. Disagreement with the philosophy
H. Lack of funding
I. Restorative justice is too time consuming
J. Restorative justice diminishes security
K. Other. Please specify:_____

emographics

20. What is your current field of work?

A. Education/vocational/industry
B. Health/treatment/religious services/case management
C. Security
D. Clerical/support
E. Administration

21. How long have you been in a management/leadership/supervisory position in your field ? _____

22. How long have you worked for the Department of Corrections?_____

23. What is your highest level of education?

A. High School
B. Associate Degree
C. Bachelors Degree
D. Masters Degree
E. Ph.D
F. Other. Please specify:_____

. Gender. Please circle the one that applies: Male   Female

ease return this questionnaire within 10 days to: Sigrun Klausen
Department of Corrections
Restorative Justice
1450 energy Park Drive, Suite 200
St. Paul, MN 55108-5219
FAX: (651) 642-0457

Thank you for taking time to participate in this study, and thank you for efforts in completing and returning the questionnaire.

State of Minnesota
Minnesota Department of Corrections

March 2002

Dear Colleague

I hereby invite you to participate in a survey addressing restorative justice in the Department of Corrections (DOC). Please read this letter before you start filling out the survey. The State of Minnesota is known as a leader in Restorative Justice, and was the first state in the nation to establish a Restorative Justice unit within the Department of corrections (in 1994). The first purpose of this study is to gather information about the level of knowledge about restorative justice among correctional managers and leaders. The second purpose is to explore whether restorative justice is believed to be an appropriate direction for DOC in the future. The third purpose is to explore various barriers in our current system against adopting a restorative justice framework in a prison context.

Your participation in this research project is important, and entirely voluntary. Your consent to participate is implied by the completion and return of the questionnaire. Your response will be anonymous both to the researcher and to anybody else. It should take about 20 minutes to complete the survey. If you feel uncomfortable in answering the questions, please feel free to stop at any time, or skip the questions you do not feel comfortable answering.

The survey is designed by a Master of Social Work student at Augsburg College, Minneapolis, in cooperation with the Restorative Justice planners at DOC. Your current or future relationship with DOC will not be affected if you choose not to participate in the study.

If you decide to participate, please complete and return the survey in the enclosed addressed envelope within ten days. No benefits or risks are connected to your participation in the study. However, the three above mentioned purposes will be served by your contribution.

The information gathered from this survey will be analyzed and presented in a thesis in a way that ensures anonymity. A summary of the findings will be available for you on request to the Restorative Justice unit at the DOC. The raw data gathered from this study will be kept in a locked file at DOC, and will be destroyed by August 2002.

I would like to thank you for considering participating in this study, and I look forward to your contribution in the survey. If you have questions, please call Sigrun Klausen at (651) 603 0028, or my project advisor, Dr. Lois Bosch, (612) 330 1633.

Sincerely,

Sigrun Klausen
MSW Student

IRB Approval # 2002-9-02

Institutional Research Board
Augsburg College

March 6, 2002

To: Sigrun Klausen

From: Norma C. Noonan, Chair

I am pleased to inform you that the IRB has approved your research proposal

__xxx__ as submitted

_____as revised

_____ with the following conditions:

Your IRB approval number which should be noted in your written project and in any major documents alluding to the research project is as follows:

2002-9-02

I wish you success with your project. If you have any questions, you may contact me: 612-330-1198 or noonan@augsburg.edu.

c. Lois Bosch