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# Female Adolescent Offender's Experience with Restorative Justice Practice

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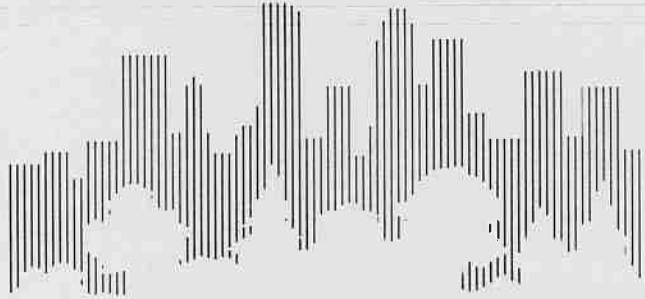
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**MASTERS IN SOCIAL WORK  
THESIS**

**Leslie Ann Houghtaling**

**Female Adolescent Offender's Experience  
with Restorative Justice Practice**

**2000**

**MSW  
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FEMALE ADOLESCENT OFFENDER'S EXPERIENCE WITH  
RESTORATIVE JUSTICE PRACTICE:  
A HERMENUTIC EXPERIENCE

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Submitted in partial fulfillment of  
the requirement of  
Master of Social Work

AUGSBURG COLLEGE  
MINNEAPOLIS, MINNESOTA

2000

MASTER OF SOCIAL WORK  
AUGSBURG COLLEGE  
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CERTIFICATE OF APPROVAL

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## ABSTRACT

FEMALE ADOLESCENT OFFENDERS' EXPERIENCE WITH  
RESTORATIVE JUSTICE PRACTICE:  
A HERMENEUTIC EXPERIENCE

Leslie Houghtaling

May 10th, 2000

This hermeneutic study examines the lived experience of one female juvenile offender as she went through the restorative justice practice of either victim-offender mediation (VOM) or group conferencing. Hermeneutics is an interpretive approach to looking at everyday experiences and uncovering what is usually hidden from us. When asked about her experience, one theme stood out as essential for the participant: *becoming trustworthy*. Several aspects including being listened to, re-developing relationships, and making amends with those who were harmed by the crime marked the participant's transformation. These findings correspond with Erikson's psychosocial stages of adolescence and young adulthood, as well as the work of developmental theorist, Carol Gilligan. Implications for social work practice include gaining a better understanding of the unique experiences of female adolescent offenders and aiding in the development of gender-specific programming in the field of juvenile corrections.

## Acknowledgement

I would like to thank my hermeneutic study group for all of your wonderful ideas and help. To Maria, thank you for your guidance and support throughout this process; you made the experience as enjoyable as it could be! And most importantly, to my family and friends for listening to me complain the past two years. I love you all!

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## CHAPTER ONE

### INTRODUCTION

In this chapter, the researcher will introduce the background of the problem, state the problem itself, detail the purpose and significance of the research study, state the research question, and situate the researcher's interest in the problem.

#### Background of the Problem

Historically, adolescent females make up only a small percentage of adjudicated juveniles (Chesney-Lind, 1992; Grogan, 1997). Recent figures show that females only constitute between 20% and 25% of juvenile offenders (Grogan, 1997; Schwartz & Orlando, 1991). Consequently, most research and statistics on adolescents have focused on boys and then used to generalize to girls (Bergsmann, 1989; Chesney-Lind & Sheldon, 1992; Lindgren, 1996; Wells, 1994). Juvenile crime is on the rise for both males and females, and while the percentage of offenses committed by females remains small, the number of adolescent females involved in serious and violent crimes is on the rise (Grogan, 1997; Reitsma-Street, 1993).

Research has also found that adolescent females are given punishments (by judges and police officers) that are either too lenient or too severe, and the punishment many times does not fit the crime. Some adolescent female offenders were given leniency for criminal activity and others were given long-term reformatory sentences for status or non-criminal offenses, such as running away from home or participating in promiscuous behavior (Chesney-Lund, 1993; Grogan, 1977). This research highlights the confusion of many people in the legal system as to how to work effectively with girls.

Fortunately, the juvenile justice system has made efforts in the past two decades to improve services to female offenders (Lindgren, 1996). Minnesota has enacted legislation, such as a 1994 law that requires the commissioner of corrections to work with other “commissioners of human service, health, jobs and training, planning, education, public safety, and with continuum of care to address the gender-specific needs of juvenile female offenders” (Lindgren, 1996; Minnesota Statute on Juvenile Female Offenders, 1994, p. 636-1-5-7).

In the past, restorative justice practices have been primarily used with *male*, non-violent offenders (Minnesota Department of Corrections, 1998a). Restorative practices are based primarily on the relationships between the victim, the offender and the community. All parties are expected to work together to agree on a suitable restitution. As part of the process, participants can offer suggestions to help the offender stay in the community (as opposed to going to juvenile detention) and become a law-abiding citizen. Examples include community service, mentorship, and/or job training (Minnesota Department of Corrections, 1998b). Only recently have programs begun to offer services like victim-offender mediation and family group conferencing to girls as well, but the numbers who participate are still quite small.

#### Statement of the Problem

During their teen years, both girls and boys are going through a remarkable biological, physical, behavioral and social transformation (Carnegie Council, 1995; Lindgren, 1996). At best, adolescence is confusing--a time to find your identity and where you fit into the world (Erikson, Erickson & Kivnick, 1986; Lindgren, 1996). For girls adolescence can be especially difficult. According to Carol Gilligan (1982), the

unique needs of girls are related to their development process, and are crucial in their identity formation. Boys develop their identities in relation to the world and girls develop their identities in relation to others. It is believed that *through* relationships with others, girls develop their sense of identity (Gilligan, 1982). As a result, many teenage girls who are in trouble with the law need supportive, gender-specific programming that fosters healthy relationships and a connection to others and the community.

In order to provide adolescent female offenders with appropriate services, social workers and others in the juvenile justice system need to understand female development and the specific needs of girls (Knight, 1991). Relationships and connections are important factors to consider when working with girls (Gilligan, 1982; Lindgren, 1996). Gilligan also adds that self-determination is important in giving girls a “voice” (Gilligan, 1982). “Girls need a voice in the design, implementation and evaluation of programs if the proposed benefits are to have relevance for them” (Grogan, 1997, p. 3).

#### Purpose and Significance of the Study

This study offers the perspective of one female juvenile offender’s personal experience of being part of the restorative justice practice of victim-offender mediation, or group conferencing (both are similar in practice). The study looked at lived experience of going through the process of victim-offender mediation, or group conferencing. The hermeneutic method of research lends itself to the study of this problem because it “provides interpretations of everyday human lived experiences in order to more fully understand their richness and complexity” (Baker, Norton, Young & Ward, 1998, p. 549; Yager, 1999). Using the hermeneutic research method has allowed me to gain an understanding of what the participant believed to be her experience as a

part of victim-offender mediation or group conferencing. The significance of this study is that I, as well as other practitioners, will be able to examine and gain an in-depth understanding of what the participant's experience meant to her.

### The Research Question

The research question was “What does it mean for a female juvenile offender to go through the restorative justice practice of victim-offender mediation or group conferencing?” The main question I asked of the participant was “Tell me what it meant to you to participate in the process of victim-offender mediation (or group conferencing).” The following is a list of several prompts used to assist in deeper probing: What stands out for you? How did it affect how you thought about the crime you committed? The victim? Future crimes? For instance. Can you give me an example? Tell me more about that. Can you clarify? What does this mean to you? What was it like for you to have had this experience?

### The Researcher's Background

This research study uses a research method called Hermeneutics. Part of the hermeneutic methodology is the belief that each person has his or her own “background” or a way of understanding the world (Yager, 1999). It is understood and accepted that my background will impact how I interpret the research study participant's lived experience of being part of victim-offender mediation or group conferencing. Consequently, it is important for the readers of this study to know who I am in relation to the subject.

This study was conducted from the perspective of a white, middle-class, thirty-year-old single female. I am near the completion of a Master's in Social Work from Augsburg

College in Minneapolis, Minnesota. I have lived in both urban and suburban environments in Minnesota my entire life. My first field placement was in an after-school diversion program for adolescent female offenders. As this internship progressed, the program began to utilize restorative justice practices during group work. I attended several in-services on restorative practices and gender-specific programming for female adolescent offenders.

I also have personal experience with victim-offender mediation and other restorative practices. Several years ago, my stepbrother's car was stolen and he chose to participate in victim-offender mediation. Because he was under the age of 18, my father also took part in the conference. Both were very happy with the outcome and are strong proponents of the process. The offender was a male juvenile and it was his second offense. My stepbrother told me that he was pleased that the offender agreed to pay restitution to make up for the work he missed and the damages to his car. My father was impressed that the offender took responsibility for stealing my stepbrother's car and listened to how the offense affected both him and my stepbrother.

It is also important to acknowledge my own beliefs about juveniles and crime. I believe that it is important to teach young people that committing a crime is wrong and that it hurts other people, and that spending extra time working with the offender can help him or her gain an understanding the repercussions of his or her offense. I also believe that offenders, even juvenile offenders, should be held responsible for their actions. It is my opinion that this process can be beneficial in helping crime decrease. I believe that through my second-hand experiences, I have gained a familiarity with restorative justice practices and their effects on the parties involved.

## Summary

This chapter gave a brief background of female juvenile offenders, gender-specific programming and restorative justice practice. It also discussed the research interest in female adolescent offenders, the purpose and significance of the research study, the research question asked of the participants and the researcher's background. The next chapter is a review of the literature related to restorative justice and gender-specific programming.

## CHAPTER TWO

### LITERATURE REVIEW

This literature review will define restorative justice and briefly discuss the concepts on which it is based. A short history will be presented on the practices of victim-offender mediation, and family group conferencing, followed by a discussion of how these practices can be useful in gender-specific programming for adolescent girls. And finally, this chapter will identify the shortcomings of restorative justice practice as well as gaps in the literature.

#### Definition

The following definition from the Center for Restorative Justice & Mediation in Minneapolis is a comprehensive definition of restorative justice. The definition requires systematic change and describes the role of each of the three participants that are most important in the restorative justice process: the victim, the offender, and the community.

With Restorative Justice, the current criminal justice and corrections systems are transformed to make victims central to the way that crimes are resolved and how damage from the crime is repaired. Community involvement in preventing crime, improving neighborhoods, and strengthening the bonds among community members results in community protection. Offenders are made accountable for their criminal behavior-- which means taking personal responsibility for their actions and becoming a positive part of the community (Center for Restorative Justice & Mediation, 1998a, p. 6).

As the US criminal justice system adopts the practices of restorative justice, citizens will discover that crime "prevention" can be more effective and safer for communities than the punitive system that does little to deter criminals from committing additional



crimes (Center for Restorative Justice & Mediation, 1998b). Research also shows that public support of restorative principles is increasing, demonstrating that it may no longer be acceptable to toss a person in a cell for twenty years and hope they gain knowledge and skills (Center for Restorative Justice & Mediation, 1998b). Restorative justice practices have not only been shown to deter criminals, but they also allow the victims to be heard and give the community the opportunity to take responsibility for its own problems. Restorative justice is based on a network of *relationships* (i.e. the Feminist perspective), as opposed to the current model of justice that is based on rules, regulations and a hierarchy of power (Pranis, 1996).

This literature review will focus mainly on the restorative justice practices of Victim-Offender Mediation and family group conferencing, which are similar in practice. Both practices are primarily based in feminist theory (Carol Gilligan) and require communication between the victim, the offender, and members of the community (e.g. family members, teachers, police, leaders in the community). Studies on restorative justice-based mediation and conferencing practices have shown high victim and offender satisfaction, improved recidivism rates, and a high percentage of completion of restitution plans (Center for Restorative Justice & Mediation, 1998b; Office of Justice Programs, 1998).

### Restorative Justice: The Philosophy

The main concept of restorative justice is that crime is a violation of people and relationships (Pranis, 1996). Restorative justice asks the questions: *Who has been hurt? What are their needs? Whose obligations are they? And how can each person and the community be restored?* This philosophy is radically different than that of our current punitive system, which defines crime as an act against the state or a violation of a law. The state or criminal justice system controls the definition of crime (i.e. laws) and the punishment, and therefore takes away much of the power that the victim and community may exercise. Oftentimes, traditional punishment (like incarceration) is arbitrary, and

shows little correlation to the criminal act itself. It also isolates the offender from both the victim and the community, placing him or her in an environment that is extremely violent and destructive. Restorative justice allows the offender to stay in the community, to learn how the victim feels, and to make reparations to both the victim and the community. The fundamental belief is that the offender, as well as the victim, is a human being with the capacity to make amends and be a vital member of the community (Center for Restorative Justice & Mediation, 1998a; Mennonite Central Committee, 1997; Minnesota Department of Corrections, 1998b).

In the United States, restorative justice has been found to be most successful in cases involving teenagers who often commit property theft or low-level, non-violent offenses (Center for Restorative Justice & Mediation, 1998b). According to the University of Minnesota's Center for Restorative Justice & Mediation, "there are 15 states that have drafted or introduced legislation that promotes a more balanced and restorative juvenile justice system" (Umbreit, 1996b, p. 1). The prison system has also utilized restorative practices with adults and violent offenses as well, but with less frequency.

### The Victim

One of the most meaningful outcomes of restorative justice is that it expands the role of victims (Center for Restorative Justice & Mediation, 1998a; Mennonite Central Committee, 1997; Minnesota Department of Corrections, 1998b). In the past, few victims were allowed to be involved with the offender after the crime was committed. Many were not notified if the offender plea-bargained or if there were new developments in the case. In contrast, restorative justice devotes most of the initial attention to the needs of the victim. The process of restorative justice recognizes and acknowledges how the crime or event affects the victim. It allows the victim to participate in the justice process if they chose to do so, though some decline due to safety concerns (Center for Restorative Justice & Mediation, 1998b). It also gives the victim a role in making decisions within the process. Restorative justice works to "restore" victims' sense of

security within the community and to reduce their fear of the offender (US Department of Justice, 1998, p. 49).

### The Offender

In restorative justice practice, offenders are treated with dignity and respect (Center for Restorative Justice & Mediation, 1998a). They are not treated as delinquents who deserve only punishment, as they are generally treated in the current punitive system.

Under the existing criminal justice system that concentrates on legal issues and the possibilities of avoiding punishment, offenders are not required to realize the harm they have done. They often are not required to do anything to right the wrong they have committed (Minnesota Department of Corrections, 1998a, p. 1).

Although some criticize restorative justice as being "too soft on criminals," studies have found that many offenders feel that going to jail is easier (i.e. requires less time and energy) than being held directly accountable to their victims (Center for Restorative Justice & Mediation, 1998b, p. 1). Restorative justice practice allows offenders to recognize that their actions are harmful to other people, and to make reparation for those wrongs. This soul-searching can give offenders power and control, something that they do not have in the current punitive system. Offenders also play an active role in reparation (as opposed to the passive role they play in the current justice system) and give them a feeling of value (Mennonite Central Committee, 1997). Restorative justice's goal is to build the offenders' strengths within the community where they can develop and maintain healthy relationships, and be law-abiding members of society (Office of Justice Programs, 1998).

### The Community

Within the restorative justice model, the community also plays an integral role in the process (Center for Restorative Justice & Mediation, 1998a; Mennonite Central Committee, 1997; Minnesota Department of Corrections, 1998b). According to the

beliefs of restorative justice, it is the responsibility of the communities to provide equal protection and due process for all citizens including those of different cultures and backgrounds (Center for Restorative Justice & Mediation, 1998a). As part of the process, the community must take responsibility for inequities that may have contributed to a crime, and repair those inequities. The community is also responsible to provide for the needs of the offender as well as the victim, and must recognize that the offender has also been 'wronged' by the community itself (Center for Restorative Justice & Mediation, 1998a).

### Examples of Restorative Justice Practice

There are many examples of restorative justice models that are currently being used around the world. However, the United States has been slower than other countries like New Zealand, Canada and some European countries in adopting the new ideas of restorative justice (Umbreit, 1996b). While there are numerous types of restorative justice practices, among the most concrete applications are Victim-Offender Mediation (VOM) and family group conferencing (Pranis, 1993). Facilitators of these groups seek to bring together people who have been affected by the crime to create "communities of care" and to work together to negotiate a plan of restitution (Warner Roberts & Masters, 1999, p. 9). In general, a judge does not participate in either VOM or group conferencing (except to monitor compliance). Allowing the victim, the offender and the community to make decisions is different from the current punitive judicial system, in which the judge possesses "ultimate" control of his or her courtroom.

*Victim-Offender Mediation* allows the victim and the offender to meet in a safe setting (along with others who have an interest in the case) to mediate and develop a restitution plan (Office of Justice Programs, 1998; Umbreit, 1996a). The goals of VOM are to support the healing process of the victim and to allow the offender to learn about the impact of his or her crime on the victim. VOM also gives the victim and the offender an opportunity to develop an acceptable plan of restitution (Office of Justice Programs,

1998). For example, in a large United States multi-site study which presents both quantitative and qualitative data, the practice of VOM was shown to be very successful.

The following is a brief summary of the findings.

- 95% of the mediation settings resulted in a successful negotiation of a restitution agreement (Umbreit & Coats, 1992, p. 11).
- After meeting with the offender, victims were significantly less fearful of being revictimized (see Table 2-1).
- Among offenders, one commented "it was helpful to see the victim as a person and to have a chance to talk with them and make up for what I did" (Umbreit & Coats, 1992, p. 13).

Similar to VOM, *family group conferencing* involves the victim, the offender, and the family and friends of both parties (Office of Justice Programs, 1998; Umbreit, 1996a). The parties are brought together by a trained facilitator to discuss how they and others were harmed by the offense, and how that harm might be repaired. To participate, the offender must admit to the offense. Participants may contribute to the conference by making a commitment to be a mentor or to help the offender find employment or to show support and encouragement (Office of Justice Programs, 1998). Preliminary evaluations in the United States indicate high levels of victim satisfaction and high rates of compliance with the agreements made during the conferences (Office of Justice Programs, 1998, p. 5).

Radical transformations often can occur through this process: offenders, often for the first time, realise[sic] the full effect that the offence has upon others; victims can work through a great deal of the emotions associated with the victimisation[sic] and report finishing these sessions in an improved position, very often it allows them to move away from being 'a victim'. In fact, such dialog and encounters enable all those involved to establish themselves fully as people, each with their own histories, views,

Table 2-1: Emotional Impact of Mediation on Victims

<i>Combined Sites</i>	<i>Pre-mediation</i> % <i>N</i>	<i>Post-mediation</i> % <i>N</i>	
Upset about crime	67%    (155)	49%    (162)	p=.0001*
Afraid of being revictimized by offender	23%    (154)	10%    (166)	p=.003*

\*Finding of significant difference

Source: Umbreit & Coats, 1992, p. 11

differences and similarities. This liberation from being a label (victim, offender, judge etc.) to being a person sets the potential for the often incredible outcomes seen in the restorative processes (Warner Roberts, A. & Masters, G., 1999, p. 3).

Victim Impact Statements (VIS), community service, and restitution can be used during mediation/conferencing practices as a component of the reparation plan (Office of Justice Programs, 1998). VIS has been used widely by the courts to allow the victim to inform the offender and judicial system how the crime has affected his or her life. The goal of VIS is to provide a format for victims to present information and participate in the criminal justice system (Office of Justice Programs, 1998). Research by Mothers Against Drunk Driving has shown that victims who made a Victim Impact Statement had increased satisfaction compared to those who did not (MADD, 1998).

Community service is currently used in all 50 states to hold the offender accountable and to repair some of the harm caused by his or her actions (Office of Justice Programs, 1998). Community service projects have not only helped offenders gain valuable work skills, but they have also helped in the completion of many public work tasks such as building homeless shelters and ridding walls of graffiti (Office of Justice Programs, 1998).

Restitution is the process by which the offender pays the victim monetary compensation for losses he or she endured as a result of the crime (Office of Justice Programs, 1998). Studies in Minneapolis, MN and Albuquerque, NM have shown that victim-offender mediation has a significant impact on the likelihood of offenders successfully completing their restitution obligation to victims, when compared to similar offenders in a court-administered restitution program without mediation. As shown in Table 2-2, 81% of offenders in mediation successfully completed their restitution agreements compared to 58% of those who were referred to a court administered restitution program with no mediation component (Umbreit & Coats, 1992, p. 17). The

Table 2-2: Percent of Restitution Completed by Offenders

Sample	Minneapolis		Albuquerque		Total	
	%	N	%	N	%	N
Mediation Sample (experimental group)	77%	(125)	93%	(42)	81%	(167)
Non-referral Matched Sample (comparison group)	55%	(179)	69%	(42)	58%	(221)
Probability of chance	p=.001*		p=.005*		p=.001*	

\*Finding of significant difference

Source: Umbreit & Coats, 1992, p. 17



data did not say if the offenders were male or female. In addition, a study involving juvenile offenders in Utah found the use of restitution was associated with significant reductions in recidivism (Office of Justice Programs, 1998, p. 19). The idea of restitution is popular in mainstream America because it allows the victim to receive money for losses due to the crime (Office of Justice Programs, 1998).

### Restorative Justice in Action

For over a decade, concerned individuals have been working to develop the theory and practice of restorative justice, but despite the obvious shortcomings of the current system, these efforts have left the mainstream of criminal justice practice largely unaffected (Pranis, 1998a). Change takes a great deal of time and effort. Because restorative justice requires partnerships, community ownership, and support, it becomes very tricky to manage and develop longevity. Nonetheless, successful restorative justice programs do exist. In fact, they are gaining attention across the nation (Center for Restorative Justice & Mediation, 1998b).

### The Woodbury (Minnesota) Police Department

Studies show that restorative justice programs can be successful (Umbreit, 1996b). For example, the Woodbury Police Department in Minnesota has created a Community Conferencing program that has produced very impressive statistics. The program began in May of 1995 as a response to skyrocketing crime locally and nationally (Woodbury is made up of mostly white, middle-class residents). The Woodbury Police Department felt the traditional methods of dealing with crime were ineffective. They were also concerned that the current juvenile justice structure provided no opportunity for victim involvement (Umbreit & Fercello, 1997b). Victims are often left with no closure to the incident; they may feel more fearful than before the crime was committed, and they may feel isolated in their own community (Umbreit & Fercello, 1997a; Umbreit & Fercello, 1997b). The offender is also left with neglected needs. The current criminal justice system is slow to respond and does not allow offenders to face their crime in a direct manner. Offenders

are traditionally let back into the community with lack of training and skills, and as a result, feel isolated and permanently labeled as a "bad person" (Taylor & Kummery, 1996, p. 1).

The purpose of the Woodbury Police Department's Restorative Justice Community Conferencing Program is to attempt to address juvenile crime problems at the community level through direct interaction of the victim, offender, and the community (Umbreit & Fercello, 1997b). The entire process takes place in the form of a conference in which the victim, offender, family members, neighbors, friends, and community members meet to discuss the crime. The conference is facilitated by a trained police officer. The process is voluntary; each person must choose to participate. This process cannot be court ordered, although it can replace the court proceeding. During the conference, the offender describes the events leading up to the crime and the crime itself. The victim then has the opportunity to disclose feelings regarding the incident. A mutual agreement is derived by the end of the conference, deciding the action to be taken by the offender. The action must be one that aids in the restoration of the victim and the reintegration of the offender back into the community. As of February 1996, approximately 81 conferences were held (Umbreit & Fercello, 1997b). Upon completion of the program, each participant was asked to fill out a questionnaire. Data from this study has shown that victims, offenders, and parents of the offenders were all generally satisfied with the conferencing process. Most felt that the process was fair to all parties involved and that conferencing was preferable to the court system. The data did not say if the offenders were male or female. See Table 2-3 for a summary of the quantitative results. Participants in all three groups were asked to provide input in the form of open-ended responses. The following is a summary of their responses.

**Victims:**

1. Respondents were pleased with the conference/program, and with the police effort.

Table 2-3: Woodbury Conferencing Results

	Victims	Offenders	Parents of Offenders
Satisfaction with Results of the conference. Mean response between 1-10	8.18	7.96	8.8
Satisfaction with Conference progress. Mean response between 1-10	9	8	8.95
How I was treated during the conference process. Mean response between 1-10	9.45	8.96	9.55
How fairly everyone else was treated. Mean response between 1-10	9.45	9.41	9.55
Percentage of Respondents who felt the process was preferable to the courts	82%	92%	100%
Percentage of Respondents feeling that the courts could accomplish things that restorative justice could not	45%	7.4%	15%
Percentage of Respondents who would choose the restorative justice program again	82%	96.3%	95%

Source: Umbreit & Fercello, 1997b, p. 6-8

2. Some respondents felt that the conference/program should be used for first time offenders only; more serious offenders would not be a good fit for the program.
3. A few participants reported dissatisfaction because the offender's attitude did not change. Some participants believed that offenders were not remorseful.

**Offenders:**

Nearly all open-ended responses from offenders described satisfaction with the program. Respondents were pleased with the process, with the police department, and the manner in which the conferences were conducted.

**Parents of Offenders:**

1. Parents of offenders were also pleased with the conference/program, and with the manner in which the police handled the case.
2. Parents often said that the program should be for first time offenders only

Source: Umbreit & Fercello, 1997b, p. 8

In summary, the data is mostly positive. The Woodbury Police Department believes they have created a program that is effective and innovative. The department does acknowledge that these positive findings may be skewed due to the newness and the low number of participants. However, this finding of very high satisfaction with the process of family group conferencing is consistent with a number of studies in North America and Europe related to the similar process of victim offender mediation (Umbreit & Fercello, 1997b). This data has encouraged the Woodbury Police Department to continue its program and to experiment further.

Central City Neighborhoods Partnership (Minneapolis, Minnesota)

Central City Neighborhoods Partnership (CCNP) is another example of restorative justice implementation (Central City Neighborhoods Partnership, 1998). This program is located in Minneapolis, MN and serves the neighborhoods of Stevens Square, Loring Park, Elliot Park, and Downtown (culturally diverse neighborhoods). CCNP has held

twelve conferences since September 1997. CCNP, much like Woodbury's program, places the emphasis on repairing the damage of crime (Central City Neighborhoods Partnership, 1998).

Offenders are offered an incentive to participate in the program (Central City Neighborhoods Partnership, 1998). If they choose the conferencing over a court proceeding and are successful, the incident will not be documented on their criminal record. However, this is not the only reason offenders are choosing to participate. Two participants mentioned the dialogue as an attractive component - simply the chance to be dealt with on a personal level. Others sought closure, and to have an opportunity to acknowledge their mistake and put it in the past (Central City Neighborhoods Partnership, 1998).

Most police referrals are made by the CCP/SAFE unit rather than by arresting officers (Central City Neighborhoods Partnership, 1998). Offenders can be any age, but those who are violent are not eligible to participate. This sheds great light on why the number of eligible offenders is lower than the number referred. Out of the 84 referrals, 59 were eligible. To date, 12 conferences have been completed. Six of the 12 offenders in the program have completed their conference agreements, and none of them have new arrests in Hennepin County. All conferences that have taken place thus far have succeeded in accomplishing an agreement for reparative activities. Some creative examples of reparative activities would include: neighborhood block patrol, serving meals for the homeless, writing a letter of apology, going to support groups, attending a victim panel, and participating in a follow-up conference. Nearly 100% satisfaction has been reported from all participants (including victims, offenders, supporters, and community members). In fact, many community organizations are requesting more services from offenders (Central City Neighborhoods Partnership, 1998).

#### Gender-Specific Programming

Historically, research and statistics on adolescents have focused on boys and then

generalized to girls (Bergsmann, 1989; Chesney-Lind & Sheldon, 1992; Wells, 1994; Lindgren, 1996, p. 1). However, studies have found that the needs of adolescent female offenders differ from those of males and require a gender-appropriate response (Office of Criminal Justice Planning, 1998). Research by Feminist theorist, Carol Gilligan (1982) has shown that girls develop their identity primarily in relation to others and that their identities are based within a framework of relationship and connection (Minnesota Department of Corrections Interagency Adolescent Female Committee, 1995; O'Hara Pepi, 1998).

Restorative justice researcher Kay Pranis summarizes Gilligan's theory on other differences between women and men.

Men typically approach moral problems in terms of rights, justice and fairness, while women commonly approach moral problems in terms of the human interrelationships involved, emphasizing the importance of community and harmony (Pranis, 1995, p. 1).

Consequently, Pranis took these findings a step further and suggested that the process and structure of restorative justice may be more "intuitive" to women offenders than the current punitive structure (Pranis, 1993, p. 12). Pranis wrote:

Because most women are socialized to the value of harmony, women offenders are likely to respond well to victim-offender mediation.

Mediation allows an opportunity to take responsibility in a very personal way. Mediation models a form of communication between parties that is respectful and not based on power, an experience often needed as a first step toward restoration by women caught up in the complexities of victimization and offending (Pranis, 1993, p. 12).

In addition, the Minnesota Department of Corrections Interagency Adolescent Female Committee recommended more restorative programming in working with female adolescent offenders. In their recommendation, they summarized research that found that

girls are more successful when they focus on relationships with other people and offer ways to master their lives while maintaining these relationships (Minnesota Department of Corrections Interagency Adolescent Female Committee, 1995).

Gilligan (1982) also talks about a loss of voice among female adolescents (Lindgren, 1996). The term “voice” can be thought of as the ability to say what one knows, thinks and feels without worry of abandonment or loss of the relationship (Gilligan, 1982).

Victim offender mediation and family conferencing can offer a safe place for the female offender to find her “voice” and discover her own strengths and competencies (O’Hara Pepi, 1998).

When working with adolescent females, focusing on their strengths is important because many suffer from low self-esteem and have issues with their identity (Hauger, 1994; Lindgren, 1996). The central focus of the strengths perspective is identifying the strengths and resources of people and their environments (Chapin, 1995; Lindgren, 1996). R.K.Chapin (1995) adds that the strengths perspective is based upon the belief that people can continue to grow and change (Lindgren, 1996). Restorative justice, by nature, fosters self-determination and focuses on the strengths of all parties involved including the offender (Pranis, 1998a).

A common aspect of both restorative justice practice and the strengths perspective is listening. Listening to the stories of offenders can reduce misconceptions and allows the offender to be a part of the decision-making process (Chapin, 1995; Lindgren, 1996). These stories can foster a feeling of collaboration and result in a sense of empowerment (Chapin, 1995; Lindgren, 1996). Sandra Lindgren (1996) wrote in her thesis about the importance of strengthening self image and confidence in girls, “Choices and options for adolescent females need to be available so they can learn to make wise decisions, become independent, and see a future for themselves” (p. 21).

#### Shortcomings of Restorative Justice Practice

Although there is research that shows a positive correlation between restorative

justice practice and improved relations, among this research also lies evidence of potential dangers (Umbreit & Zehr, 1997). One of the primary criticisms of restorative justice practice is the possible shaming of the offender during the mediation/conferencing process (Taylor & Kummery, 1996). Many feel that adults present during mediation can intimidate teenage offenders.

The presence of so many adults, including a police officer in uniform, may be so intimidating to the young offender that he or she may not feel safe enough or comfortable enough to open up and share feelings and thoughts.... [and] can interfere with the process of the juvenile offender's truly 'owning up' to his or her criminal behavior... (Umbreit & Zehr, 1997, p. 5)

A goal of restorative justice conferencing and mediation practices is to build the self-esteem of all participants including the offender (Office of Justice Programs, 1998). Shaming can work against this goal and can victimize the offender. Ideally, the offender should be able to make peace with himself, the victim, and the community, to move beyond a feeling of "shame" (Umbreit & Zehr, 1997). For this reason, it is important that those who facilitate or mediate must be well trained in conflict resolution and mediation skills (Umbreit & Zehr, 1997).

Another criticism is the potential for re-victimization in the mediation or conferencing practice if the parties are unprepared (Umbreit & Zehr, 1997). Some offenders may say that they are willing to participate, but when the actual meeting takes place, the offender may refuse to talk or he/she may act belligerent. This can be very frustrating and painful for the victim and make them feel that they are being victimized again. It is especially important that the victim be educated about the possible drawbacks of meeting with the offender (Umbreit & Zehr, 1997).

Among the victims who agree to participate, some can be over-zealous in their need for retribution (Umbreit & Zehr, 1997). Victims who are not able to communicate fairly



during the mediation/conferencing process are not fit to participate in restorative justice practices. Many victims are also going through such severe emotional and physical trauma that they are afraid to participate in any meeting with the offender and often result in a breakdown of communication between the group members (Umbreit & Zehr, 1997).

#### Gaps in Literature

Data from restorative justice research has, so far, been very positive (Center for Restorative Justice & Mediation, 1998b). However, the research available regarding programs in the United States is at a young stage (most research is from the past 10 years) and is not yet conclusive (Center for Restorative Justice & Mediation, 1998b, Umbreit & Fercello, 1997a). This fact is important to recognize.

Literature also addresses the lack of minority participants in research of restorative justice practice, and criticizes the assumed "cultural neutrality" of the victim-offender mediation process (Umbreit & Zehr, 1997). Only a few studies were found that were based in an urban community with a high number of minorities and much of the data provided was not divided by race. Pranis (1998a) wrote:

There is also the risk that a restorative approach might be unevenly applied, benefiting certain racial or ethnic groups but not others. Such an outcome would be exactly the opposite of the intention of the restorative justice initiative. Oversight by the state remains very important to minimize the likelihood of biased results (Pranis, 1998a, p. 12).

Consequently, researchers could be missing valuable (and possibly unique) data among participants who are not white and middle class. In addition, critics feel that those who are facilitating the groups are too concerned with the "script" rather than adapting the process to different cultural needs (Umbreit & Coats, 1998). An uneducated or biased mediator or facilitator can misinterpret participants with different communication styles (both verbal and non-verbal). Therefore, the process can not only be ineffective but also harmful to the participants (Umbreit & Coats, 1998).

Another important gap in the literature is research on the effectiveness of restorative justice practices specifically on young *female* offenders (Minnesota Department of Corrections Interagency Adolescent Female Committee, 1995). With recognized differences between women and men especially during adolescence, a comparison of the effects of restorative justice practices on each group would be both helpful and interesting. My study will address this gap and begin to look at how the experience of going through victim-offender mediation and family group conferencing affects the lived experiences of one female adolescent offender.

## CHAPTER THREE

### CONCEPTUAL FRAMEWORK

#### Overview

The conceptual framework for this research study incorporates two developmental theories and the strengths perspective. The developmental theory used in this study is primarily based on Erikson's eight psychosocial stages (1986) and the work of developmental theorist, Carol Gilligan (1982). In addition, another conceptual framework for practice is the strengths perspective. This perspective focuses on the strengths and resources of people and their environments rather than their pathology (Chapin, 1995; Lindgren, 1996). This perspective will be compared with current literature related to adolescent female offenders and their unique needs.

#### Developmental Theories

Adolescence is a time of great discovery; teens are searching to find out who they are and what they will become (Ashford et al., 1997). During this time, two developmental tasks are most important: independence from the family and development of personal identity. Erikson refers to this developmental stage as "identity vs. role confusion" (Ashford et al., 1997). Furthermore, Carol Gilligan's (1982) findings serve as a complement to Erikson's theory by addressing the differences between female and male adolescent development. Gilligan's theory stresses the importance of relationships and connections for adolescent females as they form their identity. She also recognizes the prevalence of intimacy for females throughout all stages of development (Gilligan, 1982; Lindgren, 1996).

## Erikson's and Gilligan's Developmental Theories

Erikson assumed that human beings follow a sequence of developmental stages from birth to death, and that people must grapple with conflicts of one stage before they move on to a higher stage (Ashford et al., 1997). See Table 3-1 for Erikson's revised life cycle stages that include the optimum outcome for each stage (Erikson et al., 1986).

According to Erikson (1986), the adolescent stage has "tensions between the development of a sense of psychosocial identity and its interplay with an unavoidable identity confusion" (Identity vs. Role Confusion) (p. 35). As human beings resolve the conflict of this stage, a sense of fidelity emerges. "Fidelity is described as the ability to sustain loyalties in spite of contradictions of value systems" (Lingren, 1996, p. 15). Erikson et al (1986) notes that fidelity is "the cornerstone of identity" and that it is important to resolve the earlier conflicts of each life cycle in relation to the current level of development (p. 35).

The next stage in Erikson's life cycle is *intimacy vs. isolation* and occurs most frequently in the transition from adolescence to young adulthood (Ashford et al., 1997). It is important to note that Erikson's stages of development are based upon *male* psychosocial development only. In her theory, Gilligan (1982) modifies Erikson's theory by noting that the sequence for female development is different. Her findings show that in females, the "intimacy" stage develops simultaneously with the "identity" stage rather than following the "identity" stage as in Erikson's theory. Therefore, Gilligan's research shows that relationships are more important to females than males and that these relationships are how females form their identity (Gilligan, 1982; Lindgren, 1996; Ms. Foundation, 1993). For boys and men, separation from their mother and individuation

Table 3-1: Erikson's Psychosocial Life Cycle Stages

	HOPE	WILL	PURPOSE	COMPETENCE	FIDELITY	LOVE	CARE	WISDOM
OLD AGE								Integrity vs. Despair
ADULTHOOD							Generativity vs. Self-absorption	
YOUNG ADULTHOOD								
ADOLESCENCE								
SCHOOL AGE				Industry vs. Inferiority				
PLAY AGE			Initiative vs. Guilt					
EARLY CHILDHOOD		Autonomy vs. Shame/Doubt						
INFANCY	Trust vs. Mistrust							

Source: Erikson et al., 1986

are tied to gender identity and masculinity. In contrast, girls' and women's feminine identity does not depend on their successful separation from their mother; femininity is defined through attachment (Gilligan, 1982). Consequently, Gilligan hypothesizes that girls make decisions differently than boys, based on a *care perspective* (as opposed to a justice perspective) that is based on people's connectedness with others (Ashford et al., 1997).

Gilligan (1982) also discusses the loss of voice among female adolescents. The term "voice" can be thought of as the ability to say what one knows, thinks and feels without worry of abandonment or loss of the relationship (Gilligan, 1982). Research by Gilligan, Lyons & Hanmer (1990) has "found that development in girls depends on their ability to resist not their loss of innocence, but their loss of knowledge" (Lingren, 1996, p. 17). Furthermore, girls are in a constant dilemma to "respond to others and abandon themselves or to respond to themselves and abandon others" (Gilligan et al, 1990, p. 9). According to Gilligan, Roger & Tolman (1991), "Girls often use the phrase 'I don't know' to cover knowledge, which they believe may be dangerous, and the phrase 'you know' correspondingly to discover what it is possible for them and still be connected with other people" (p. 11). This crisis of losing their "voice" (not knowing what they can and can't say) often times can result in feelings of disconnectedness from others (Gilligan et al., 1991).

### The Strengths Perspective

Another aspect of the conceptual framework for this study is based on the strengths perspective. The central focus of the strengths perspective is identifying the strengths and resources of people and their environments (Chapin, 1995; Lindgren, 1996). It is

based on the belief that all individuals have the capacity for change and a potential for continued growth (Lindgren, 1996). Female adolescents often have issues with self-esteem and identity, and look to others for acceptance and to gain an understanding of themselves (Hauger, 1994; Lindgren, 1996). Lindgren (1996) added that “focusing on the positive abilities of clients, their goals and aspirations, the quality of growth is enhanced” (p. 20).

Another area in which the strengths perspective excels is the belief that clients have a “story” and they are to be thought of as the expert. Listening is essential to learning about the client and what they are experiencing (Chapin, 1995). In her thesis on gender-specific programming, Sandra Lindgren (1996) gave a summary of an article about interviewing for client strengths by DeJong & Miller (1995). The six key concepts behind the strengths perspective are “(1) empowerment, (2) sense of belonging, (3) regeneration and healing from within, (4) synergy – working together rather than alone, (5) relationship between client and worker being a collaborative one, and (6) enhancing relationships between clients and their contexts” (DeJong & Miller, 1995, p. 735). Each of these concepts is central to both effective female programming and restorative justice practices.

#### Application of Theoretical Framework

Restorative justice practices are based on a framework of *connectedness* and *maintaining relationships* between the parties involved: the victim, the offender and the community. This framework is rooted in the theory of Carol Gilligan and the use of the strengths perspective in practice. Consequently, knowledge of Gilligan’s developmental theory can explain why the restorative practices of victim-offender mediation and family

conferencing can be more effective with female juvenile offenders than the current punitive system.

Erikson's developmental theory explains how, during their adolescent years, both girls and boys struggle with developing their identity and roles. Boys have been found to learn independence and separation. Gilligan's developmental theory modifies Erikson's theory in that adolescent girls develop their identity in a different way – through relationships and cooperation with others. As Gilligan (1982) wrote, many young girls also lose their “voice” or their ability to speak their mind without worry of rejection. Finally, use of the strengths perspective in victim-offender mediation and family conferencing gives young female offenders a chance to “tell their story” (something that they are not usually able to do in the current punitive system). The perspective is based on the idea that everyone has the capacity to change and that all people have resources in themselves or the environment around them that can improve their lives.

When asked what about the experience of a female juvenile offender as she goes through the restorative justice practice of victim-offender mediation (or group conferencing), it was expected that the participant's answers would generally correspond with the findings of Carol Gilligan. Her “stories” would include feelings of being supported by others in the group, and an appreciation of people listening to them. In contrast to boys, adolescent girls strive to build and maintain relationships and, for this reason according to Gilligan's (1982) perspective, most girls would want to make amends and to have a “clean slate.”

In conclusion, victim-offender mediation and family conferencing use *relationships* and *cooperation* to achieve their goal, thus, it would be acceptable to hypothesize that



these practices may arouse a feeling of connectedness and community among female adolescent offenders. The practice also empowers the offender to write her own “story” and to determine her own destiny. Gilligan’s (1982) developmental theory (based on Erikson’s theory) and the strengths perspective act as a foundation for explaining why these practices can be ideal in working with adolescent girls as they develop into young women.

## CHAPTER FOUR

### METHODOLOGY

#### Introduction

In this chapter, the methodology used to conduct the research is discussed. It contains the research question, philosophical background, design, participants, criteria for determining quality research, data collection, data analysis, and the protection of human subjects.

This study looks at a female who, during her teenage years, committed a crime and chose to be part of the restorative practice of either victim-offender mediation or group conferencing. In the process of my study, the young woman will tell her story of the experience. This research study uses an interpretive approach, called hermeneutics, to identify themes that stand out in the experience of being a participant in victim-offender mediation or group conferencing as a female juvenile offender. Hermeneutics takes the real life experiences of the participants and examines the complexity and meaning of them (Baker et al., 1998). As stated in the introduction, the purpose of this study is to offer the perspective of three female juvenile offender's personal experience of being part of the restorative justice practice of either victim-offender mediation or group conferencing.

#### Research Question

The research question was "What does it mean for a female juvenile offender to go through the restorative justice practice of victim-offender mediation or group conferencing?" During the interview, the participant was asked the following questions and prompts:

1. Tell me what it meant to you to participate in the process of victim-offender mediation (or group conferencing).
2. What stands out for you?
3. What does this mean to you?
4. What was it like for you to have had this experience?
5. For instance?
6. Can you give me an example?
7. Tell me more about that.
8. Can you clarify?
9. How did it affect how you thought about the crime you committed?
10. Were you involved in the decision of restitution or punishment within the group?

#### Philosophical Background

This study used a qualitative method of research, called hermeneutics, to gather information in an in-depth interview (at least 60 minutes in length) of a female juvenile offender who has gone through either victim-offender mediation or family conferencing. Hermeneutics is an interpretive approach to looking at a participant's everyday lived experiences. Its central task is "the process of bringing a thing or situation from unintelligibility to understanding" (Addison, 1992, p. 110). For centuries hermeneutics has been used to gain a deeper understanding of the bible, legal documents, and other written text. The process was derived from Martin Heidegger's (1889-1976) philosophical writings. However, it was not until the end of the 19<sup>th</sup> century that the approach was used to study the human sciences (Addison, 1992).

Heideggerian philosophy asks the question, “*What does it mean to be human?*” (Yager, 1999) Heidegger contends that self-understanding is rooted in our own historical understanding which is composed of our background, pre-understandings, co-constitution, and interpretation (see Endnote 1). According to Heidegger’s philosophy, researchers should disregard how “being” is understood, and instead focus on the examination of how “understanding” is essential to “being”(Koch, 1995; Yager, 1999). “Understanding is no longer conceived as a way of knowing, but as a mode of being, as a fundamental characteristic of our ‘being’ in the world ”(Koch, 1995, p. 831; Yager, 1999).

By nature, human beings use interpretation to gain an understanding or to make sense out of everyday experiences. Consequently, researchers take this one step further by using in-depth interpretation (by way of hermeneutic research) to gain a *deeper* understanding of the meaning of particular experiences or phenomena (Yager, 1999). Although interpretation of meaning is necessary to understand human actions, there is no such thing as “fact.” Addison (1992) states that “meaning” is rarely fixed, clear or unambiguous. “Meaning changes over time, in different context and for different individuals” (p. 112). The process of hermeneutic research is circular; there is a continual exchange between the participant and the interviewer. “The process is not simply about acquiring *new* knowledge but acquiring/interpreting what the other person understands their world to be” (Yager, 1999, p. 23). It is also important to note that the researcher’s values (or pre-understandings) are reflected in their interpretation of another’s experience and that the “researcher both shapes and is shaped by the experience” (Yager, 1999, p. 23).

## Research Design

The researcher used a semi-structured interview format asking the main question “Tell me what it meant to you to participate in the process of victim-offender mediation (or group conferencing)” as well as prompts outlined above. The interview was 60 minutes in duration and was audiotaped for transcription purposes. The strength of this study is the depth of material elicited from each participant. The researcher was also able to question each participant when needed to clarify what was said. Limitations include a small sample size due to the finite number of female juvenile offenders who have gone through Victim Offender Mediation (VOM) or group conferencing, and the possibility that participants may be reluctant to speak openly because of the sensitive subject matter discussed.

## Participants

In interpretive research, the goal is not to generalize from a sample group to a broader population but to gain a better understanding of a person’s experience. Therefore, the term “participant” is used rather than “study population.” I have a sample size of one. To be a participant in the study, one must have been through the process of victim-offender mediation or family conferencing as an offender within the last three years. During the 60-minute interview, the participant was asked to tell her story of her experience in victim-offender mediation or family conferencing. I used the snowball effect and sought referrals from other professionals in the field of juvenile justice and restorative justice. A \$15.00 honorarium was given to the participant to compensate her for her time and inconvenience. The participant in the study was from a suburban area of

the Twin Cities. The participant was interviewed in her home to help her feel more comfortable.

### Criteria for Determining Quality Research

Although reliability and validity are easier to measure (with standard scientific criteria) in quantitative studies, it is important to ascertain quality of research in qualitative interpretive research as well. And while qualitative researchers do not necessarily agree on the nature and extent of the role of reliability and validity, interpretive researchers have identified emerging criteria for evaluating quality research. Lincoln (1995) describes eight emerging criteria: standards for judging quality in the inquiry community, positionality, community as arbiter of quality, voice, critical subjectivity, reciprocity, sacredness and sharing the perquisites of privilege. These criteria are useful because they address how qualitative researchers have answered criticisms from the conventional community (Lincoln, 1995; Yager, 1999).

Standards for Judging Quality in the Inquiry Community – This criteria outlines nine specific characteristics of an interpretive study that would warrant consideration for academic publication. Since this study was done for fulfillment of my degree requirements and not for publishing, this criteria was not applicable to this study.

Positionality – Positionality refers to the belief that all text is “partial and incomplete: socially, culturally, historically, racially, and sexually located; and can therefore never represent any truth except those truths that exhibit the same characteristics” (Lincoln, 1995, p. 280; Yager, 1999). Simply put, researchers cannot generalize information gathered to similar individuals or groups across time and context. To maintain authenticity and quality in his/her work, the researcher must disclose their

own feelings and convictions regarding the participant (Lincoln, 1995). In the first chapter, I wrote as honestly as possible about my own feelings and convictions regarding the subject and participants. I also wrote about my background so readers could understand the lens through which this study was seen and interpreted.

Community as Arbiter of Quality – This criteria addressed the role of the broader community in research studies. A requirement of quality research is that it is being done to serve the purposes of the community rather than simply serving the needs of the knowledge producers and policymakers (Lincoln, 1995). In addition to giving fellow researchers a greater understanding of restorative practices and their effect on female juvenile offenders, this research was also meant to help those in communities affected by juvenile crime and justice.

Voice -- This term addresses the requirement that the researcher work diligently to both be involved with the “research subject” and also to change the conditions that seek to silence and marginalize the “research subject” (Lincoln, 1995; Yager, 1999). Asking the participant to talk about her experience and being an active listener were ways I allowed the participant to use her “voice” and to overcome any periods of silence. My research also included word-for-word text excerpts from the interviews with the participant.

Critical Subjectivity – Critical subjectivity is “required to understand one’s psychological and emotional states before, during, and after the research experience” (Lincoln, 1995, p. 283). This includes the fact that I, as the researcher, am changed and affected as I go through the experience of the study (Lincoln, 1995). During this research study, I tried to be honest about my own issues and beliefs including my opinion that

offenders should be held responsible for their actions. I was also worried that I would not get data or be able to identify “themes” from the participant that would be useful in a study. During the interview, I admitted my own anxiety to the participant to make her feel more comfortable. It was also difficult for me to not fall into a “conversation” with the participant and to focus on the questions in front of me. While hearing about the experiences of the participants, I felt compassion as she talked about her restitution plan and what she was able to say during the conference.

Reciprocity – The process of hermeneutics is reciprocal in nature, requiring the researcher and the participant to be in “relation” to one another (Lincoln, 1995, p. 283). The researcher not only gathers information regarding the experience, he/she participates in the gathering process itself (Yager, 1999). During the interview process, I was able to make connections between the experiences of the participant and the theories I found in literature. I believe also that the participant went through a form of self-discovery by just talking about her experience. This gathering of information was a collaboration of effort between the participant and myself.

Sacredness – Hermeneutic research can bring about a “spiritual, or sacred side of science that emerges from a profound concern for human dignity, justice, and interpersonal respect” (Lincoln, 1995, p. 284). Human dignity and respect is shown best in a relationship between the researcher and subject that is based on mutual respect and a “deep appreciation of the human condition” (Lincoln, 1995, p. 284). An important part of my research was to use empathetic listening skills with the participant. In addition, I told the participant that I was appreciative that she chose to take part in my study and to talk about her experience. My intention was to show the participant that she was an equal



partner in the interview and that I respected her decision to participate.

Sharing the Perquisites of Privilege – By nature, interpretive researchers owe much of their success to the participants in their study (Lincoln, 1995). Without a participant or subject, research cannot be done. Consequently, researchers must realize this and acknowledge the part of each participant. In regard to the “success for the research information,” this study does help me fulfill degree requirements for my Masters of Social Work. In addition, my practice as a social worker will improve from the knowledge I gained during this research, and consequently, I hope this knowledge will better society.

#### Data Collection

The first (and only) person to respond to the study was asked to be a participant. I arranged a meeting time and place that was convenient for the participant, and allotted approximately 90 minutes to complete the interview. To begin the meeting, we reviewed and signed the consent form. At that point, a 60-minute interview was conducted. The interview was audiotaped with the permission of the participant for transcription purposes.

#### Data Analysis

Myself and several of my colleagues formed a research team to read and analyze the transcripts from participant interviews. Interpretations were written by the research team to assist the researcher in clarifying the most salient themes. Data was constantly reviewed to identify the areas that stand out as a notable experience. Interpreted themes were supported by text excerpts and expanded by findings in the published literature.

### Protection of Human Subjects

To best protect the participants, this study was awarded the approval of Augsburg College's Institutional Review Board (#99-61-3 & amended #2000-08-1). Participation in this study was completely voluntary and the participant signed an informed consent. The participant was informed of the potential risks involved in the research study including the possibility that through the discussion and recollection of her story, painful memories or thoughts could occur. Should this occur, the participant was given a resource that she could utilize for support and counseling. The participant was also notified of the following:

- That she could, at any time, stop the interview without consequence.
- Each interview was audiotaped for transcription purposes
- The transcriptionist will have access to the raw data. However, the transcriptionist did sign a confidentiality form.
- Any identifying information from the interview, including the name, will be removed or altered on the written transcript.
- The transcripts will be shared with the researcher's thesis advisor during the process of writing the thesis.
- All information is confidential. However, the researcher cannot guarantee anonymity due to the small sample size, but every effort will be made to maintain anonymity.
- Raw data, including the audiotapes, will be destroyed no later than August 1st, 2000.

### Summary

This chapter discussed the methodology that was used in this study and included: the research question, philosophical background, research design, participants, criteria for

determining quality research, data collection, data analysis, and the protection of human subjects. In the next chapter, the results of the study are presented.

## CHAPTER FIVE

### FINDINGS AND DISCUSSION

#### Introduction

This chapter will give a brief description of the participant. It will also provide an interpretation of her experience based on one theme, *becoming trustworthy*, with reference to literature on restorative justice, the developmental theory of Gilligan and the strengths perspective.

As the participant talks about her offense and the resulting conference, it is obvious that she is grateful that a judge did not decide her punishment in the current punitive system. Restorative practices such as Victim Offender Mediation (VOM) and group conferencing allow the offender to see the offense more globally and also to participate fully in the process, something that does not usually happen when standing before a judge. Throughout the participant's narrative there are constant references to telling a "story," building (or re-building) relationships, and making amends – all of which help the participant feel that she is *becoming trustworthy*. According to Gilligan (1982), these tasks are central to the development of a female adolescent. Allowing girls to complete these tasks in a safe and non-threatening environment is instrumental in building a solid foundation for "ideal" development of a strong identity.

#### The Participant

The participant, Callie, is an eighteen-year-old, white female. Callie was arrested within the last year for shoplifting from a department store along with her younger sister. It was her first offense. At the time of the arrest, Callie was living with her parents in an upper class, suburban neighborhood. When asked about why she committed the offense,

Callie said that she did not have any money and needed to buy some clothes for an upcoming vacation. Instead of the traditional court hearing in front of a judge, Callie chose to participate in a family group conference. The conference was attended by Callie, her sister, her mother, a police officer who worked for the department store, and a city police officer (a trained facilitator). During the interview, Callie tells an in-depth story about her transformation from an *untrustworthy* child to a *trustworthy* young woman.

#### An Experience of Becoming Trustworthy by Telling Her Story

Callie began her story by explaining how her conference was structured. She told me that her first task was to tell the group about her offense and why she did it in her own words. Throughout the interview Callie struggles to explain her feelings and motivations. She talked vaguely about feelings of “uncomfortableness” and “embarrassment” as she told the others why she chose to shoplift. This inability to articulate is common in adolescent females. Gilligan (1982) emphasizes the importance of allowing young women to use their “voice.” She writes in In a Different Voice (1982) that a female depends “on the process of communication, assuming connection and believing that her voice will be heard.” However, she also adds that these assumptions are often “bellied by the failure of communication” (p. 29). Below is a specific example of Callie’s struggle to tell why she made the decision to shoplift that day.

Because I didn’t really have a specific reason, it was just...we just went out to the store that morning. I needed some things. We were leaving for a vacation that day and I thought I had my money with me and I didn’t. It was just really stupid on my part. We should have just gone back home

and got it. But we didn't. That [telling the group 'why' she did it] was really uncomfortable because it was like, I felt so stupid. I just couldn't believe that I did that. ...it was just something that was a lack of conscience, I guess. I really don't know why I did it. It was just something that I did that was really stupid, and it is something that I am putting in my past.

During the interview Callie used the word "stupid" several times and basically describes herself as untrustworthy. Prior to and during the conference, she appears to feel stuck in an uncomfortable place. Not only were her actions incongruent with her own perceived identity, she believed that the offense would result in her parents and friends having a tainted idea of her "true" identity as well. Callie gave a long list of people who were surprised that she would do something like this. "I was just embarrassed. I felt stupid and embarrassed that I did something like that... I guess it was just something that we tried to get away with." Similar to most adolescents, Callie is struggling to develop an identity that she knows is true of her morals and beliefs. She tries to minimize this evidence of a poor decision by explaining that her behavior was out of the ordinary. According to Gilligan (1982), "the task at this stage is to forge a coherent sense of self, to verify an identity that can span the discontinuity of puberty and make possible the adult capacity to love and work." (p. 11)

I would have felt guilty about it no matter what. I'm not the type of person who doesn't feel guilty about things. I probably wouldn't have even worn the clothes I would have felt so bad. I always feel guilty about things that I do wrong and they [everyone at the conference] know that.

The above quote shows how as Callie told her story to the others in the group, she looked to them for validation of her “true” self and identity, thus allowing her to disregard her decision to shoplift as it was “against her nature.”

#### An Experience of Becoming Trustworthy by Re-Building Relationships

One of the most emotional portions of the interview was when Callie talked about how her decision to shoplift affected her family, friends and the community.

...and then my parents, worrying about how they were affected and that they would be embarrassed. If the neighbors found out and how they would react. ... and my mom was really upset. She was really nice about it but she was really hurt by this. But she still treated me with respect.

It appeared that she has a very close relationship with her parents and I interpreted that Callie felt badly about her decision. Gilligan (1982) also discusses the concept of morality, defining it “in a context of relationship and judged by a standard of responsibility and care” (p. 160). I believe that Callie felt that she was lacking both “responsibility” and “care” when she made the decision to shoplift. As a result, Callie regrets her decision because she feared that her “lack of morality” would cause her family to withdraw their love and support, a common feeling among adolescent females (Gilligan, 1982). Callie told me that going through the conference improved relations with her parents because it gave her the opportunity to communicate with them and to “plead her case.”

... it made me feel like I should think about my choices more wisely next time. ... It pretty much made a better relationship with my parents as well. Because we were kind of not really talking all that much before all this

happened. We have kind of had a better relationship after I could be honest with them about what happened. We've been able to talk about it and I could apologize for it --to make it better.

According to Callie, re-building the trust in her relationship with her parents was an integral part of the conference. Now that her untrustworthiness has been exposed, Callie sees the consequences of her decision for other people about whom she cares, and she realizes that her actions have changed their perception of "who she is," of her identity. I felt that it was important to Callie that her parents see her "true" identity. The restorative group conference was the forum that she needed to use her "voice" and to change their perception of her untrustworthiness.

Callie also talked about re-building relationships and trust with others at the conference as well. As mentioned earlier, Callie looks to these relationships to reaffirm her "true" identity.

Well, the one officer, she knew me from before. A couple of my friends have been in trouble and she knew that I was always cooperative and that I never did anything to purposely make them mad. She was really nice and she just couldn't believe that I would have done something like this. ... I have a better relationship with the cop that I worked with. ... If I saw her she would come up and talk to me. We would wave and say "hi". She would ask me how I was doing. So, cause I've seen her since then. Every once and a while the cops drive by to check out the area. She stopped a car for speeding and she walked up to my house to say hello.

When I asked if she felt that the police officer was watching her, waiting for her to



make a mistake, Callie answered:

I don't feel that she is watching over me. She (the police officer) was really surprised to see me in that room. She had no idea. She was a little disappointed. When we got to this conference, she said that she was disappointed but that she understood... I'm sorry I don't know what I'm trying to say. She accepted our apologies and said that we were good kids. I don't think she is watching out for us in a bad way.

Callie added that the conference was a good experience. She felt safe being surrounded by people with whom she feels some connection, some relationship. "It was a welcoming environment. We didn't feel like uncomfortable in their presence," she said. The goal of group conferencing and other restorative practices is to create a non-judgmental environment where the offender can feel safe (along with the other participants) and able to "restore" relationships with the offender, their family and friends, and the community at large (Warner Roberts & Masters, 1999).

Another relationship that was important to Callie was her relationship with the judge handling her case. She told me that she was relieved when she was given the option of having a group conference rather than having a judge decide her fate.

Oh, I feel that this is much better. I think judges can be really intimidating and it could be a bad experience. I was scared at first, but then I felt more comfortable talking in the conference being around people who were nice and who cared for me. Being in front of a judge would just have been terrible.

In our current punitive system, the state or criminal justice system controls the definition

of crime (i.e. laws) and the punishment. According to Gilligan (1982), the belief in a punitive system that is generally based on the ruling of one supreme power figure (the judge) resembles only the “male” idea of fairness. Traditional punishment such as incarceration is arbitrary and shows little correlation to the criminal act itself. The current system isolates the offender from both the victim and the community. This type of justice is not generally conducive to the unique needs of females, young and old. Research has shown that adolescent females, like Callie, have expressed a need for a judicial system based on intimate relationships and a supportive environment (Gilligan, 1982; Pranis, 1993).

#### An Experience of Becoming Trustworthy by Making Amends

Callie also expressed a need to make amends for her crime. Her restitution agreement consisted of writing letters of apology to the police officers, the department store, and her parents. Callie also had to pay \$175 to the department store. In the following excerpt, Callie talks about her community service.

And we are also doing 10 hours of community service at my church for daycare during church services. I will probably do more than that because I really like it. So it got me into that as well.

As Callie spoke about her community service, she appeared to feel a sense of relief. I believe that making amends to the community has allowed Callie to forgive herself for her mistake and as a result, to allow her to keep her “true” identity. She is able to be open to relishing and growing in the experience.

According to Callie, writing the letters of apology was cathartic as well. “There were so many things that I wanted to apologize for – to get them all down on paper and to

think of what to say,” she said. Like many adolescent females, Callie felt enormous guilt after she committed the crime and needed to “make things right” with everyone involved (Gilligan, 1982).

Another unique aspect of restorative justice practices like group conferencing is the empowerment of the offender. As part of the conferencing process, Callie was allowed to take part in determining the “restitution” plan or, in other words, her punishment. As Gilligan (1982) notes, it is beneficial for young women to not only use their “voice” but to be surrounded by people who will listen. Being part of the decision-making process also helped foster a feeling of collaboration and resulted in a sense of empowerment for Callie. DeJong & Miller (1995) identified six key concepts behind the strengths perspective including

(1) empowerment, (2) a sense of belonging, (3) regeneration and healing from within, (4) synergy – working together rather than alone, (5) relationship between client and worker begin a collaborative one, and (6) enhancing relationships between clients and their contexts. (DeJong & Miller, 1995, p. 735)

In this excerpt, Callie talks about the decision to allow her to be involved in the decision-making process, and subsequent reinforcement of her trustworthiness.

I felt pretty good that they trusted us to decide. And he made sure that we knew that my parents were responsible for making sure that I was following through. It felt good that they trusted me and my parents.

As research shows, the empowerment of young females can foster a sense of competence and reinforce the ability to make intelligent decisions (Lindgren, 1996).

Lindgren (1996) reinforces this belief as she wrote about the importance of strengthening self image and confidence in girls as they develop their identity, "Choices and options for adolescent females need to be available so they can learn to make wise decisions, become independent, and see a future for themselves" (p. 21). Kay Pranis also wrote about mediation and its role in working with adolescent female offenders.

Because most women are socialized to the value of harmony, women offenders are likely to respond well to victim-offender mediation.

Mediation allows an opportunity to take responsibility in a very personal way. Mediation models a form of communication between parties that is respectful and not based on power, an experience often needed as a first step toward restoration by women caught up in the complexities of victimization and offending (Pranis, 1993, p. 12).

In this excerpt, Callie was finally feeling worthy of their trust and is able to see the "light at the end of the tunnel." Callie liked deciding for herself what was suitable to do to repay those harmed by her actions.

I liked coming up with my own ideas. He told us that our ideas were very good and that made me feel better. I liked the idea that he let us decide how bad we felt the crime was and to decide what we would do about it.... We all came with ideas and had to come to an agreement. We were all pretty much thinking the same things. He asked us what we thought was fair. And asked what my mom thought was fair. The only thing we didn't get to choose was the amount we had to pay back to [the department store]. They wrote a letter stating the amount we owed them [the

department store] decided the amount to pay back. But we got to decide the other things and to decide where we wanted to do community service.

Callie also talked about not comprehending the larger consequences of her actions until she went through the conference. Many shoplifters can rationalize their crime, saying that they only stole from a store and that they did not hurt anyone. When asked if she thought about how her shoplifting affected the department store, Callie said the following:

At the time I thought that I was only harming a “store” not really any one person...I didn’t think about that until I did that (the conference), all the stuff that they had to go through.

According to Gresham Sykes & David Matza (1957), this rationalization is considered a “denial of harm,” which is one of five types of rationalizations that juveniles use to “neutralize” responsibility for deviant actions (Hagan, 1990, p. 184). In their article, Techniques of Neutralization, Sykes and Matza (1957) further explain that “the delinquent both has his cake and eats it too, for he remains committed to the dominant normative system and yet so qualifies its imperatives that violations are ‘acceptable’ if not ‘right.’” (p. 668; Hagan, 1990, p. 184-5). These “techniques of neutralization” are also significant in Matza’s book, Delinquency and Drift (1964) and in the resulting theory on delinquent behavior. Matza (1964) would interpret Callie’s decision to shoplift as a mixture of both the result of pressure from outside forces and her individual free will. “Humans are neither entirely constrained nor entirely free,” he said. Matza theorizes that “[t]he delinquent exists in a limbo between convention and crime responding in turn to the demands of each, flirting now with one, now with the other, but postponing

commitment, evading decision.” The development of Callie’s identity is greatly influenced by her future decisions to either 1) act in a manner accepted by conventional moral thinking or 2) to act in a criminal manner. I believe that the group conferencing process allowed and accepted Callie’s delinquent or criminal behavior without labeling her as “a delinquent.” This was significant for Callie so that she could separate her actions from her personality, thus giving her the opportunity to make amends and to mature into the person she wants to be, regardless of her past disgressions.

Establishing a human connection to those who were affected by the crime outside of her immediate friends and family also appeared helpful for Callie to be truly remorseful for her offense.

Because when we were sitting in the room, they had to go through about an hour’s worth of paperwork and I just felt “wheu!” And I was just like, I felt so horrible. The cop[s] had to stop what they were doing to come down there and then I thought about all of the taxpayers --that they ended up paying for what I took.

### An Experience of Becoming Trustworthy

The theme of trustworthiness is evident throughout Callie’s story of her arrest and subsequent group conference. Most importantly, Callie told me the story of her transformation from an untrustworthy teen to a trustworthy young woman. She talked about her transformation in this quote.

At the time, I don’t think they trusted me very much. But after we did our conference and we paid our restitution and we did our community service

with the church, they trusted us a lot more. They give me a lot more freedom because I am doing church activities, etc. They believe that I've learned from my mistakes and that I will never do that again. I feel they trust me more than they used to.

As shown in this quote, it was important for Callie to feel that she was trustworthy in the eyes of her parents and other members of the community. According to Gilligan, in female adolescents, intimacy is built along with identity development. "As the female comes to know herself as she is known, through her relationships with others." (Gilligan, 1982, p. 12) Callie's ability to develop a healthy identity hinges on the presence of a network of supportive and non-judgmental relationships. She needs to feel that she can make mistakes and continue to be loved by others without fear of abandonment. The group conference appears to be the best option for a first-time offender like Callie. After going through the group conferencing process, Callie said that she felt good about herself. She felt confident that she would make better decisions in the future and that she had become trustworthy. Callie ended the interview with this statement about her growth and transformation.

It made me feel like I could get past this. And it made me feel better and to know that I could actually look at these people again and not have them think that 'she is evil' or whatever.

The group conferencing process gave Callie several components needed to become trustworthy again. She was able to tell her story, to re-build relationships, and to make amends.

### Summary

This chapter presented excerpts from the transcribed text from Callie's interview. It included one theme, becoming trustworthy, and the ways it threaded throughout her experience of being a juvenile offender as she went through the restorative practice of group conferencing. The chapter also presented a discussion of the excerpts in relation to literature on restorative justice, Carol Gilligan's developmental theory, and the strengths perspective.



## CHAPTER SIX

### IMPLICATIONS

#### Introduction

This chapter will include discuss strengths and limitations of the study, implications for social work practice and policy, as well as recommendations for future research.

#### Strengths and Limitations of the Study

Since most research so far has focused on the male experience of restorative practices, a strength of this study is that it focuses on the female experience. The hermeneutic interpretive design of this research study allowed greater depth of exploration and understanding of a female juvenile offender's experience of going through group conferencing. Even though Callie is a teenager and was somewhat nervous to tell her story, she became more open and honest about her experience as the interview progressed. In addition, another strength of this study is that the participant was quite "storied" which provided rich material for interpretive research and thus contributed to deeper understanding of the meaning and themes of the participant's experience as a female juvenile offender for this study.

There are, however, several limitations to this project. The first limitation is the sample size of one. Originally, I had intended to interview three participants for this study. However, due to the small number of females who have gone through the restorative conferencing/mediation process (VOM and group conferencing have been used mainly with male offenders) and also the need for confidentiality among participants, I was only able to interview one participant. Even before I realized the

difficulty in finding participants for my study, I made several attempts to increase the number of girls I could interview. Before I submitted my IRB application, I spoke with a contact at a restorative justice conferencing program and he felt that he could easily find participants of any age for my study. Subsequently, my original IRB application stipulated that I interview only female participants who were over the age of 18 even though a requirement of my study was that they took part in the conference as an adolescent. I received only one response. After waiting several months, I submitted another application to the IRB. In addition to the required information, the application cataloged my previous attempts to find participants who were over the age of 18, and asked for permission to interview girls from the age of 14-17 in hopes of improving my chances. The application was approved. Unfortunately, these efforts were not beneficial and the number of my participants remained at one. As a result, this study is only a hermeneutic “experience” rather than a hermeneutic “study.” Nevertheless, my findings cannot be generalized to the larger population regardless of whether I had one or three participants. However, the findings might have captured even more of the common experience if I had interviewed additional participants.

The second limitation of my study is the lack of diversity among my subjects. The participant was Caucasian and from an affluent, suburban household. Since people of different ethnic backgrounds view community and relationships in a different way, this lack of diversity is important to note. Also, as I interviewed Callie, I felt that she may have been a perfectionist and, therefore, too concerned with what others may think about her and her family. This perfectionist thinking may be the reason she took so well to the group conferencing process and answered the questions like she did.

The third limitation of the project is that I am a novice researcher. It takes a remarkable skill to phrase each question so that it elicits meaningful information. In creating my research questions for the interview, I found it helpful to work with several colleagues who are familiar with the hermeneutic method. Their advice was invaluable in helping me gain greater depth of responses from my participant during the interview. However, due to my lack of skill at using this method, there were points during my interview where I could have attempted to probe further, thereby eliciting a greater depth of meaning of the participant's experience.

Knowing what I now know about the hermeneutic method, I might have chosen to do things differently. Most importantly, I would have spent more time researching whether or not I could get the number of participants I had wanted. I would have also tried to prepare more for the interviews by practicing with a colleague first. After I completed the interview with my participant, I thought of several additional questions and had to call Callie to re-interview her via telephone. This forced me to transcribe the additional responses as she spoke over the phone (the tape recorder doesn't work on the phone). Due to my lack of typing skills, I cannot help but feel that I may have missed some important quotes.

#### Implications for Social Work Practice and Policy

As I read the transcripts over and over again, I challenged myself to seek a deeper understanding and exploration of Callie's experience as a female juvenile offender. My interpretation of her story can be useful in giving social work practitioners the ability to see the world through Callie's eyes. As a result, social work practitioners can learn techniques to better serve both adolescent female offenders on both a micro and macro

level. In addition, much of these findings can be generalized to work with teenage girls whether they have committed a crime or not.

On a micro level, social work professionals can broaden their knowledge base by receiving training in both restorative justice and female-specific development. For instance, practitioners can use this information to aid in conflict mediation in middle and high schools. In groupwork, this data can be helpful in creating an environment that is beneficial to girls. For example, in most groups, participants are asked to leave if they act out. However, according to these findings, facilitators should spend more energy keeping girls as part of the group, to give them support and a sense of belonging. Therapists could also use this data in their work with families who are having difficulty adjusting as their daughter goes through adolescence. Educating parents to what is developmentally appropriate for this age is beneficial as well as giving them helpful interventions to help during the stressful teenage years.

In addition, looking for commonalities between restorative practices and the unique needs of adolescent female offenders, social workers can be better prepared to make planned decisions in regards to programming and interventions. Data can help in gaining a better understanding of the unique experiences of female adolescent offenders and to enlist professionals to consider group conferencing and VOM as alternatives to the current hierarchical, punitive system. As a result, this information could aid in the development of gender-specific programming in the fields of juvenile corrections & restorative justice.

On a macro level, governmental and community policies can allocate funds for relationship-based programs (conferencing and mentorship) that address the needs of

female teenagers. Governmental policy can also expand the community's role in crime and punishment, and it can take a more proactive role in the safety of the community.

#### Future Research Studies

Further research could expand on the effectiveness of restorative justice, VOM and group conferencing in working with juvenile female offenders. Since my project had a sample size of only one, I would be interested in seeing qualitative data for a larger sample possibly with broader demographics (ethnicity, income, education, etc.).

Not only have studies shown that victims are more satisfied after participating in the program, but initial research has shown that offenders have lower rates of recidivism. This directly contrasts with the results of participants in the traditional criminal justice system which shows a higher rate of recidivism (Pranis, 1998b). Future quantitative studies could focus on adolescent females or could compare factors such as recidivism and satisfaction to those of adolescent boys.

In addition, future research could explore the affect of alternatives to the current punitive system within the community itself. Currently, the community has minimal involvement and responsibility when crimes occur.

## APPENDIX A

## Definition of Terms

Restorative Justice: With Restorative Justice, the current criminal justice and corrections systems are transformed to make victims central to the process in which crimes are resolved and how damage from the crime is repaired. Community involvement includes preventing crime, improving neighborhoods, and strengthening the bonds among community members results in community protection. Offenders are made accountable for their criminal behavior--which means taking personal responsibility for their actions and becoming a positive part of the community (Center for Restorative Justice & Mediation, 1998a, p. 6).

Care Perspective: An ethic of caring for others in relationships as opposed to the justice perspective (rules and hierarchy of how decisions are made).

Voice: The ability to say what one knows, thinks and feels without worry of abandonment or loss of the relationship (Gilligan, 1982).

There are four terms that are central to Heidegger's philosophy: background, pre-understandings, co-constitution and interpretation.

Background—A person's background is everything that happens to from birth to now; it is their culture and their way of viewing and understanding the world. Heidegger says that a person's background method of understanding cannot be made completely explicit (Koch, 1995).

Pre-understanding—This term describes the “meaning and organization of a culture which are already in the world before we understand” (Koch, 1995, p. 831). Heidegger believes that each time a person encounters a new event in their life, they bring to the event their own pre-understanding. Because pre-understanding is the structure for our “being-in-the-world,” it cannot be eliminated (Yager, 1999).

Co-constitution—This term defines the relationship between the person and their world (Yager, 1999). “People are being constructed by the world in which we live and at the same time constructing this world from our own experience and background” (Koch, 1995, p. 831; Yager, 1999). Heidegger says that we cannot separate the person from their world because “from the beginning the person is amongst it all, being in it, coping with it” (Koch, 1995, p. 831; Yager, 1999).

Interpretation—Heidegger says that all human beings are interpretive by nature and “declares nothing can be encountered without reference to the person’s background understanding, and every encounter entails an interpretation based on the person’s background, in its historically” (Koch, 1995; Yager, 1999).

## APPENDIX B

## CONSENT FORM

**A Hermeneutic Study of Female Juvenile Offenders  
who have gone Through the Restorative Justice Practice of  
Victim-Offender Mediation or Family Conferencing**

*You are invited to participate in my research study designed to look at the restorative justice practice of victim-offender mediation (or family conferencing), specifically, the experience of female juvenile offenders as they go through the process. We ask that you read this form and ask any questions you have before agreeing to be involved in this study. Your participation is completely voluntary. This research study is being conducted by Leslie A. Houghtaling in partial fulfillment of the Master of Social Work thesis requirement at Augsburg College.*

What will happen during the study?

The study consists of one audiotaped interview lasting about 60 minutes. A Master of Social Work student who is working on her thesis will conduct the interview. You will be asked to relate stories about your experience as a juvenile offender going through victim-offender mediation (or family conferencing). After the interview is complete, I will listen to the audiotapes and write an interpretation. I will then contact you once again and ask that you read over my interpretation of your interview. Changes may be made to the written interpretation to reflect your comments.

Are there any risks?

It is possible that through the discussion and recollection of your story, painful memories or thoughts could occur. If at any point during the interview you feel too uncomfortable to go on, you may stop the interview without consequence. After the interview, the following 24-hour counseling referrals are available for you to contact should the need arise:

Hennepin County/Minneapolis Area	<b>Crisis Intervention Center</b> (612) 347-3161
Ramsey County/St. Paul Area	<b>Regions Hospital</b> (651) 221-8922
7 County Metro Area	<b>Crisis Connection</b> (612) 379-6363

Are there any benefits?

It is possible that you could experience an enhanced sense of well being or satisfaction as a result of telling your story. Also, participants will receive an honorarium worth \$15.00 after the study.

When and where will the interview be done?

The interview will be scheduled at a time and place that are convenient for you. Interviews will be done in person.

Who will have access to the interview material?

The audiotaped interviews will be transcribed by a trained transcriptionist and then destroyed. The trained transcriptionist will be required to sign a confidentiality form to ensure your privacy. Any identifying information from the interview, including your name, will be removed or altered on the written transcript. The transcripts will be shared with the researcher's thesis advisor during the process of writing the thesis and several members of a research team who will be reading, interpreting, and reflecting on the transcripts. All information is confidential. However, the researcher cannot guarantee anonymity due to the small sample size, but I will make every effort to maintain anonymity. Transcripts will be identified with numbered codes only, and no names or identifiable information will be used in this study. Raw data, including the audiotapes, will be destroyed no later than August 1st, 2000.

What if you change your mind?

You are free to withdraw from this study or refuse permission for the use of your interview or transcript at any time and the \$15.00 honorarium will be yours to keep. Your decision whether or not to participate will not affect your current or future relationship with Augsburg College.



Before you sign this form, please ask any questions on aspects of the study that are unclear. I will attempt to answer any questions you may have prior to, during, or following the study. If I am unable to answer any of your questions to your satisfaction, you may also call my thesis advisor, Maria Dinis at (612) 330-1704.

**Authorization:**

I, \_\_\_\_\_, have read this consent form and decide to participate in the research project described above. My signature indicates that I give my permission for information I provide during the interview to be used for a thesis research project. I will be given a copy of this form for my records.

\* If participant is under the age of 18, a signature of the parent or guardian is required.

\_\_\_\_\_  
*Signature of Participant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*\*Signature of Parent or Guardian*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Complete Address (for purpose of re-contacting you to verify my interpretation of your experience)*

\_\_\_\_\_  
*Telephone number (for purpose of re-contacting you to verify my interpretation of your experience)*

**In addition:**

2) I consent to audiotaped.

\_\_\_\_\_  
*Signature of Participant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*\*Signature of Parent or Guardian*

\_\_\_\_\_  
*Date*

3) I consent to the use of direct quotes from my interview.

\_\_\_\_\_  
*Signature of Participant*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*\*Signature of Parent or Guardian*

\_\_\_\_\_  
*Date*

If you have any questions or concerns you may reach me at:

Leslie Houghtaling  
Augsburg College, MSW Student  
Phone: (612) 818-9443

Or if you need further information, you may contact my thesis advisor:

Maria Dinis, Ph.D.  
c/o Augsburg College  
Business Phone: (612) 330-1704

APPENDIX C  
CONFIDENTIALITY FORM

This research study includes sensitive and confidential information about study participants. This information is shared with you confidentially for the purpose of being transcribed. By signing this form you are agreeing to not reveal names, identifying information or any off the content of the interviews.

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Name of Transcriptionist

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Participant Signature

---

Date

---

Parent or Guardian Signature

---

Date

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MEMO

December 1, 1999

TO: Ms. Leslie Houghtaling

FROM: Dr. Lucie Ferrell, IRB Chair

RE: Your IRB Application

Thank you for your prompt response to IRB concerns and issues concerning your research. Your study, "A Hermeneutic Study of Female Juvenile Offenders and their Experience with the Restorative Justice Practice," is approved, IRB approval number 99-61-3. Please use this number on all official correspondence and written materials relative to your study. To obtain a college voice mailbox number, please take a copy of this approval letter to Associate Dean Stuart Anderson in Information Technology, Lindell Library 225A (612-330-1012). He will then issue you a number and provide instructions for its use.

Your research should provide much useful insight into an issue of concern in social work. We wish you every success.

LF:lmn

C: Dr. Maria Dinis, Advisor

AUGSBURG



C•O•L•L•E•G•E

MEMO

2 June 2000

To: Ms. Leslie Houghtaling

From: Dr. Sharon Patten, IRB Chair SKP  
Phone: 612-330-1723

RE: Your IRB Application

Thank you for your response to IRB issues and questions. As we discussed over the phone earlier this year, your study was approved (IRB approval number 2000-08-1). Please use this number on all official correspondence and written materials relative to your study.

Your research should prove valuable and provide important insight into an issue in social work practice, planning, and policy. We wish you every success!

SKP:ka

cc: Dr. Mike Schock, Thesis Advisor

