

The Minnesota Restorative Justice Initiative: A Model Experience

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For the past three years, I have worked for the Minnesota Department of Corrections (DOC) promoting restorative justice throughout the state and providing technical assistance to those Jurisdictions and organizations interested in implementing the principles of restorative justice. It has been a journey of hope and discovery as I have learned about the incredible strength of those who have been victimized, the capacity of many who have caused harm to reclaim their lives and give back to their communities after decades of destruction and despair, and the wisdom of regular folks in the community who are teaching us how to wrap those who have been victimized in arms of loving comfort and protection and wrap those who have offended in arms of loving discipline and limits.

"Restorative justice" "Community justice" "Transformative justice"

"Restorative justice," "community justice," "transformative justice"-whatever term we like best-the vision is one calling us to build a society which honors the individual dignity of every human being and the centrality of relationships which give meaning to our lives. The cycle of despair concerning crime, fed by anger and fear, can become a cycle of hope when we create processes in which every participant is valued and every voice-the victim, the community, the offender-is heard in its pain, anger, fear, remorse, anguish or hope.

Need To Change Our Way of Thinking

As a society, we have been caught in thinking errors similar to those of the typical offender. Offenders will frequently assert that they had no choice, they had to steal something because they needed it, or they had to hit someone because that person had offended them. Offenders often have difficulty identifying other behavioral options.

As a society, we have been thinking that the only choice we have in responding to crime is to get meaner and meaner until we frighten people into behaving as we wish. But that is not the only choice we have for managing behavior, and fear is not the most powerful motivator.

We now know from years of research that positive forces are more powerful motivators than negative forces, that relationships shape behavior more than fear. We have changed the way we raise children and the way we run the workplace based on that research. It is time to apply that knowledge to the way we discipline community members who violate our rules. We have also been assuming that by being mean to offenders we are satisfying the needs of victims. Research on victimization tells us that the primary needs of victims are not met by simply exacting revenge on the offender.

Department of Corrections Restorative Justice Initiative

In 1990 several community groups and a not-for-profit criminal justice agency sponsored a conference on restorative justice and introduced the idea to some key practitioners in Minnesota. Subsequently, the Department of Corrections created an internal committee to study restorative justice and make recommendations to the Commissioner. In late 1992 a statewide conference on restorative justice was held involving key leadership from all parts of the corrections system. As a result of the very positive response to that conference, the Department of

Corrections created a full time position in February 1994, Restorative Justice Planner, to begin exploring the ways that the principles of restorative justice could be applied in corrections, courts, law enforcement, education, and communities.

Purpose of Initiative. The purpose of the DOC Restorative Justice Initiative is to promote and support the use of practices, policies, and programs that focus on repairing the harm of crime and strengthening communities in all jurisdictions around the state. This effort responds to the growing realization that the current system is largely ineffective in meeting the needs of victims, reducing crime or increasing the public sense of safety. The scope of this effort extends beyond the Department of Corrections to include local corrections as well as community groups, policy makers, educators and law enforcement.

How It Works. The Initiative began with a broad education effort about the philosophical framework of restorative justice to engage the interest and enthusiasm of key stakeholders. Then, upon request from those agencies or jurisdictions interested in moving toward a more restorative system, the Initiative provides technical assistance in designing and implementing applications of the restorative justice philosophy. The Initiative also creates networks of professionals and community activists to support one another and share accumulating knowledge regarding new practices.

Education is provided through public speaking, training, an annual conference, distribution of written materials, and publication of a newsletter. Technical assistance is provided through on site and phone consultation, referrals to state and national experts, research, and skills training. Networking is promoted through organized special interest meetings, maintenance of a special interest resource list and phone referrals to interested colleagues.

Results

As a result of the Minnesota DOC Restorative justice initiative, new practices have been implemented in numerous schools, law enforcement agencies, community corrections departments, field services offices, juvenile facilities, adult institutions, and neighborhoods.

In the Schools. The Minnesota Department of Children, Families and Learning published a booklet entitled Restorative Measures which encourages schools to use restorative practices in response to discipline problems, particularly as an alternative to expulsion. Restorative practices in schools include peer mediation, classroom circles to resolve problems, and family group conferencing. All of these practices involve face-to-face resolution in which the multiple impacts of the offending behavior are identified and addressed. Those people most affected by the behavior play an important role in resolving the incident.

In Enforcement. The major new restorative practice in law enforcement, piloted by about a dozen police departments in Minnesota, is the use of family group conferencing as a diversion process for juveniles.

In Community Corrections. Community corrections departments and DOC Field Services offices have implemented victim-offender meeting programs, family group conferencing, a crime repair crew of supervised offenders, increased emphasis on paying restitution, community panels which meet with offenders, multi-disciplinary case management with juveniles and their families, and victim awareness education for staff.

In over 80 counties the Sentencing to Service program involves offenders in paying back the community through supervised work on projects valued by the community in lieu of days in jail.

In Prisons. Several adult institutions have begun to apply restorative principles in the institution. The women's correctional facility has increased the involvement of inmates in constructive community service, implemented a victim empathy curriculum for all new inmates entering the facility and encourages extensive community volunteer involvement in the facility. One correctional facility for men sends out supervised work crews for constructive community service, collaborates with the Youth Service Bureau in designing a repeat juvenile offender program with the help of inmates, and incorporates victim empathy in the treatment programs.

In Neighborhoods. The Restorative Justice Initiative is also assisting several city neighborhood groups in developing ways for neighborhoods to be involved in holding offenders accountable and reintegrating offenders into the community fabric to avoid future offenses.

Role Of The State: Though Restorative Justice Must Be Designed And Implemented Locally, State Must Provide Leadership

Applications of restorative justice principles must ultimately be locally designed in a process which involves all stakeholders. There is no blueprint for a restorative response to crime. Each community must create its own vision and its own array of responses that take advantage of its unique resources and circumstances and are guided by restorative values.

Though the hard work of designing and implementing restorative programs and practices occurs at the local level, there is a very important role for the state. The experience in Minnesota indicates that the state can provide critical leadership in articulating a vision and giving legitimacy to that vision. The Restorative Justice Initiative uses the visibility and influence of a state agency to engage community members and professionals in a discussion of underlying values which guide our response to crime. The foundation for lasting change needs to build on a broadly shared vision. The state is in the best position to lead the process of creating and communicating a statewide vision.

The Initiative, by its example, is demonstrating a new relationship between the state and local communities. The Initiative promotes system- and community-wide change in our response to crime without the use of formal authority or statutory power by engaging all stakeholders in a voluntary, respectful process of examining an alternate vision and allowing local control over the decisions to make change, the specific path of change, and the pace of change.

Another important role for the state is that of facilitator-providing education, assisting local jurisdictions in identifying helpful resources, connecting people with common interests and encouraging new ideas.

As state and local communities work in partnership toward a more restorative response to crime, it is the state's role to keep the theory in view, to stay referenced to the principles of restorative justice, while communities raise the issues encountered in practice as both work jointly toward refinements in the theoretical understandings and practice.

The state also bears responsibility for ensuring that community processes are fair and appropriate. For example, the community is not allowed to tacitly condone domestic abuse by putting pressure on a victim to accept a resolution which does not clearly condemn the behavior. The state must hold the community accountable to larger society norms and to the welfare of all its members, including both victims and offenders.

Pointers in Promoting and Implementing Restorative Justice

Some key points about how to effectively advance a restorative vision have emerged from our experience in promoting restorative justice:

- It is very important to be patient and to listen to the objections being raised, especially concerns expressed by victims.
- All restorative Justice practitioners should become knowledgeable about victimization.
- Energy is most effectively expended supporting those who are interested, not in trying to convince those who aren't. Watch for opportunities; remain flexible.
- There is no single path to restorative outcomes.
- A positive vision appealing to humane values is very powerful.
- Make your process safe for dissent. Listen, listen, listen.
- Return regularly to a discussion of underlying values and philosophy.

Engaging the Community

Several of the models arising from the exploration of more restorative responses to crime involve community members in the process of supporting victims and deciding the terms of accountability for those who have violated the community norms. Community panels for juveniles, family group conferencing, community intervention teams and sentencing circles consistently demonstrate the capacity of community members to call themselves and their offending members to a higher level of moral behavior.

Working With Offenders. In these processes community members are skillful at separating the behavior from the individual. They are able to confront the behavior and communicate anger and disapproval, while still holding out a hand to assist the offender in finding a new path. Community members repeatedly design unique forms of responsibility that fit the particular case and give specific meaning to the obligations placed on the offender. In these processes community members are using the same skills which characterize good parenting.

The experience with sentencing circles in the Yukon teaches us that serious chronic offenders who are deeply entrenched in chemical dependency and a criminal lifestyle can change their behavior if the community provides sufficient support and monitoring. That experience also teaches us that communities can change and can become active guardians of the welfare of every member, including victims and offenders.

Response to Crime Must Build Community Strength. The most effective responses to crime are those which build community strength. Every criminal justice intervention should answer the question: Is the community stronger after the intervention than it was before the crime happened? Constructive conflict resolution is a building block of strong relationships. Criminal events provide opportunities for communities to experience constructive collective action, which builds new relationships and strengthens existing ones.

For example, the circle sentencing project on the Mille Lacs Reservation in Minnesota is building the community's capacity to work with its members in changing behavior and is providing a way for the community to affirm its norms and assist victims in their healing process. Two new circle sentencing pilot projects, one in the African-American community in Minneapolis and one in a suburban county, are in the planning stages.

It is hard work to prepare communities to take on this responsibility and to support them, but the results are beyond any which the system can achieve without the community.

In Designing A System All Stakeholders Should Be Included

The process of designing new system responses to crime should be grassroots and democratic in nature, including all stakeholders. Likewise, the resolution of individual criminal events should be democratic. To ensure that community processes are not advancing the interests of particular subgroups, especially those with power, it is critical that we create new ways to include the voices which are usually absent-those without power.

Traditional framing of democracy as majority decision making will not protect the invisible or the powerless in a community. Consensus building models provide more protection to individuals who lack constituencies. In the case of criminal events the powerless might be either the offender or the victim, or both. Processes such as family group conferencing and circle sentencing are based on finding consensus and involving all stakeholders. Those processes consciously include all voices and give them power to find constructive resolutions.

Restorative Justice Provides A Positive Vision

Restorative justice is calling us to a higher level of functioning-as individuals and communities. Our experience indicates that many in our communities are ready to reach for a positive vision of our future-a vision in which safety is related more to harmony than to hardware. We are limited only by the scope of our vision and our belief in our own capacity to care about others.

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