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## Restorative Justice Systemic Change: The Washington County Experience

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**PLANNED SYSTEMIC CHANGE** in any organization can be difficult, if not nearly impossible. Correctional systems, often entrenched in ideology, established ways of doing things, and political agendas, are frequently regarded as among those organizations most impervious to substantial change.

Nested within an overall criminal justice response to crime, correctional policies have bent and shifted throughout the past century. Focus has one back and forth among competing purposes: public safety, punishment, deterrence, offender rehabilitation, responding to victim needs, and prevention (Coates, 1989). Large prisons were built, followed by cottage-based institutions and training schools. Group homes and other community-based components were added. Parole and probation were first beefed up to provide services and then stripped to provide surveillance. In some jurisdictions parole was abolished. Offenders were provided with religion, education, training, and treatment—sometimes mandatory, occasionally voluntary. Inmates remained institutionalized until someone determined that they were "fixed." Newer—possibly older—policies set a time to be served, fitting time to the crime.

For much of the past century the plight of victims was largely ignored by the justice system. Victims might have played an important role as witnesses, but beyond that they were often forgotten or thought of as in the way, bringing unwanted emotion to a deliberation of facts and the meting out of justice. Since the 1980s, however, the victim voice has been increasingly heard and states, counties and cities have responded in a variety of ways: victim compensation, victim impact statements, victim services, hotlines, and so on.

To a large extent the desire to involve the victim and to involve local citizens in an overall response to crime has brought about a change in the dialogue concerning the scope and purposes of corrections specifically and criminal justice generally. Part of that dialogue has centered on an evolving paradigm of justice called variously "restorative justice," "community justice," and

"balanced approach to justice" (Morris and Maxwell, 2001).

While many definitions of restorative justice are available, we rely here on one offered recently by Howard Zehr (2002): "Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible." This particular definition makes clear that restorative justice, although typically manifested in specific programs, is a process highlighting the importance of involving all stakeholders "to the extent possible." It similarly qualifies the notion of making things right with the modifier, "as possible."

Numerous programs across the United States and the world have been developed that adopt at least some restorative justice principles (Umbreit, Coates, Vos, 2002). A national survey by the Balanced and Restorative Justice project at Florida Atlantic University found that restorative justice policies and practices were developing in nearly all states. An even more recent survey by Lightfoot and Umbreit (2003) found that legislation in 19 states included reference to use of victim-offender mediation, the most widely used and empirically grounded expression of restorative justice. In the late 1990s there were more than 1,400 victim offender mediation programs in North America and Europe. (Umbreit & Greenwood, 1999).

Frequently, these programs provide significant additional resources for serving offenders and victims and for involving local community members in the justice process. Often, however, such "restorative" programs may be little more than showcase programs with minimal impact on a jurisdiction's total response to crime. Thus there is sharpening interest within the justice arena for documenting efforts of systems, of whatever size, to integrate restorative justice processes into the overall response of a correctional department—hence bringing about significant, planned systematic change.

In Minnesota, Washington County Court Services responsible for community corrections took steps to adapt restorative justice principles as the basis for shaping their responses to crime, involving offenders, victims, and communities. The Center for Restorative Justice and Peacemaking at the University of Minnesota was asked to document this ongoing process; to ferret out the key change elements and the barriers and resistance to change; to outline the immediate impact as perceived by staff, justice officials, and community members; and to address issues surrounding continuing progress toward integrating restorative justice policies and practices into the department's responses to crime.

Washington County stretches from the Minneapolis Saint Paul Metropolitan Area on the west to the Wisconsin border on its east. While bedroom communities are emerging from farmers' fields near the metro area, the county has several long-established communities and has a rural flavor. Although the county has experienced significant growth in recent years, planners suggest it is 10 or more years behind some nearby counties that are reeling under the influx of new populations and fledgling communities. With its older, established communities, Washington County has a relatively stable base from which to develop and experiment with community-based services. On a cusp of even more rapid growth, however, administrators are challenged to stay ahead of the inevitable pressure on resources as population and citizen needs increase.

Data for this study included existing records and extensive in-person interviews with key individuals. Record data including annual reports, program descriptions, and relevant memos were also reviewed. During the summer of 2001, sixteen individuals were interviewed: five community corrections staff/court services, five other justice system staff, and six community members. System players included a judge, the county attorney, the county administrator, a public defender, and the victim witness coordinator from the county attorney's office. Interview length ranged from half an hour to an hour and a half, with most interviews taking fortyfive minutes to an hour.

Although the reform effort in Washington County described here began in the mid-nineties, it has roots that can be traced back at least into the seventies. It should be clear, then, that this study will not be able to fully describe the rich dynamics of the change process. We interviewed

individuals about events that had transpired years earlier. Often individuals had forgotten important details and there was frequent disagreement between two or more persons about what was recalled. While much of the specific dynamics of the change process can no longer be captured, participants were able to identify those factors and elements that fostered or impeded restorative justice policies and practices, and to describe at least in broad strokes how the system attempted to move forward in the face of enthusiasm and resistance.

We expect that administrators and staff in other jurisdictions, private providers, and community interest groups contemplating this kind of planned systemic change will benefit from the Washington County's experience. The telling of that story here is divided into the following sections: precursors to change, constructing a restorative system, continuing issues, and conclusion.

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## Precursors to Change

The movement toward adopting restorative justice policies and principles in Washington County Court Services evolved over time (Umbreit & Carey, 1995). Unlike many instances of system reform (Miller, Ohlin, and Coates, 1977), participants do not point to a crisis or set of crises that stimulated the reform effort. Rather they point to a shared history of progressive philosophies toward justice dating back to at least the mid-70s. Over the course of 14 years the director of Court Services provided strong leadership and support for these reform efforts. He was seen as one among many leaders within Court Services, the criminal justice system, and the broader community who helped shape and direct this movement toward restorative justice.

Partnership was the key catchword mentioned by almost all of the participants in this study. Partnership among community justice decision-makers, county administrators, and citizens/community groups was seen as necessary for such a change effort to succeed and also as an important byproduct of such change. This commitment to a broad-based partnership was a value and strategy nurtured by the director over many years. Some of the key precursors to restorative justice reform in Washington County included the following.

### *Longstanding Community Corrections Act County*

Washington County chose to participate in the Minnesota Community Corrections Act in 1978. That choice reflected a corrections philosophy oriented toward providing services at the local level and in ways that were as community based as feasible.

In Washington County, the department charged with providing probation and parole services for adults and juveniles, as well as out of home placements, retained the name Court Services; it is also referred to in its own annual reports as the Community Corrections. Much of the department's effort over the years consisted of forging links with community groups and resources that could assist in early intervention efforts within local communities. Early on, the focus of such undertakings was the offender; later, that focus would broaden to include the victim, and even the community, not only as resource, but also as victim.

An immediate and enduring result of Washington County becoming a Community Corrections Act County was the establishment of a Community Corrections Advisory Board, which "actively participates in the formulation of the comprehensive plan for the development, implementation, and operation of the correctional programs and services as prescribed by statute." (Washington County Court Services, 1999.) The Board is currently composed of seven citizen members, seven judges, the County Attorney, the County Sheriff, and representatives from Probation, Community Services, Public Defenders, and Law Enforcement. Ex-officio members include a County Board Commissioner, the district supervisor from the Minnesota State Department of Corrections, and the Director of Washington County Court Services. It continues to provide a place for testing new ideas, assessing ongoing programs, and enlisting support for seeking funds. The Board became one of the natural forums for discussion of restorative justice ideas.

### *Established Community-based Service Providers and Interest Groups.*

Washington County has a long tradition of local communities providing prevention and early intervention services to youth through Youth Service Bureaus. These organizations range in size and scope, but their existence meant not only that there was a core of service providers, but also that these providers tapped into their local communities for volunteers for their own boards, committees, tutors, mentors and so on. They would provide natural settings for dialogue about restorative justice and become potential partners for a broad range of programs.

Other private groups existed and more would emerge during the '90s focused on mental health, domestic abuse and crime victims. Washington County communities and community groups had considerable experience in dealing with justice issues before restorative justice became a popular rallying call for community participation.

### *Key Staff Interest in Community-based Corrections and System Change*

Washington County administrators saw themselves as striving to be progressive in carrying out criminal justice responsibilities. The Director of Court Services had been in that position for fourteen years and with the department for nearly thirty years. He claimed that "the department had a strong social work emphasis, much into change, helping people change, so that foundation was there before I became director." In the '70s and '80s the department, enabled in part by outside grants, developed restitution programs. The department wrote a grant with the five Youth Service Bureaus to develop and strengthen restitution programs, community service, and victim-offender mediation. After the three-year federal grant ended in the early '90s, victim-offender mediation was the first program to be cut because of the small number of persons benefiting from this service. Four of the six key staff supported under that grant remained with the department and supported a change in departmental philosophy and direction; they would later embrace restorative justice principles and practices.

Key staff already had much experience working with community groups. Natural alliances had already emerged in the '70s and '80s and a degree of trust had been established. The new reform would offer additional opportunities for collaboration. Some strain would develop, however, as community providers also would have to reconsider how their service delivery fit restorative principles. And new community players would step forward offering more programmatic options while at times calling into question the system's commitment to restorative justice and community collaboration.

Thus Court Services in Washington County had a long tradition of desiring to do what was best to help offenders and thereby enhance community safety. It had a very long commitment to involving local community groups able to provide community-based service and support to offenders. And it had a long-standing interest in systemic change that evolved over time. With these interests, it seems quite reasonable that the department with its community partners would be more than willing to explore the implications of restorative justice principles.

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### **Constructing a Restorative System**

At least for the purposes of this study, it was important to establish a time in the change process that participants could agree upon as the pivot point for adopting restorative justice policies and practices in a significant way. Without exception, participants saw the department's decision to hire a person to develop and coordinate a victim-offender mediation/conferencing program in 1994 as that turning point, because it was that program's training and outreach effort that became the primary vehicle for bringing additional community members into the operation of the agency.

The Director of Court Services clarified that the movement toward restorative justice in Washington County was not a process that he or his department controlled: "We do not claim ownership. We provide technical support and information without trying to control the outcome."

Such an effort at broad systemic change is necessarily fluid and interactive. Just as the department attempted to influence the direction of the reform, so did other players such as community groups, judges, county attorneys, public defenders, and other interested parties. Given the focus and scope of this study, we looked at the movement toward restorative justice primarily through the lens of the department: its role and how it attempted to marshal forces to facilitate adoption of restorative justice principles.

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## Change Strategies

A variety of change strategies were adopted that were directed and involved members of three distinct groups: 1) department staff, 2) criminal justice system decision-makers, and 3) community members. Many strategies directed at and within these groups took place concurrently. Others fed upon each other.

**1. Department staff.** "One of the things we didn't do," said the director, "when we started going down this path was jump right back and change the mission statement. I just allowed things to more evolve and then let people become comfortable and begin to let the change process unfold. Then about three years ago (1998) I said, 'You know what, what we're doing doesn't fit with our mission statements. It's time to go back and look at revising it to match and guide what we're doing.'"

An overarching strategy for working with staff was that of maximizing the options and choices staff had for their own personal growth as well as for working with their clients. "We wanted these restorative changes to be as non-threatening to probation staff as possible," said the director. "We gave them opportunities to grow; we planted seeds." Staff were invited to educational and training seminars. They were asked how they might best incorporate victim sensitivity training into their daily routines. They were invited, along with community volunteers, to take part in victim-offender conferencing training so they would have a better understanding of this option for victims and offenders. They were asked how they would measure the department's effectiveness. Not all staff responded. But many did. And many of these individuals began to regard restorative justice as a framework that "helped make sense of what they were doing."

There was a strong belief among those interviewed that staff were engaged in probation work because they wanted to help offenders change their behaviors. If one can identify how working on victim needs and broader community issues helps the offender, then even those who initially believe that expanding their workload to include the victim and community is a drain on limited resources will likely be responsive to adopting restorative frameworks.

The department was committed to learning about restorative justice and sharing information with staff regarding victim sensitivity. The place of victims within the probation response had begun to emerge as a concern in the late '80s and became the focus of a number of training efforts from 1993 onward. Outside monies were also sought for starting up victim-oriented projects within the department and in the community.

By 1995, administrative staff were committed to working with departmental staff on developing ongoing and new interventions with best practice research in mind. Many administrative and line staff had been trained in an era of crime and delinquency when the "nothing works" slogan rang supreme. It guided policy and practice. By the mid-'90s, however, staff were influenced by Canadian research that suggested that some things actually do work in the short run and over time. This commitment to best practice resulted in staff staying abreast of the latest research, including that emerging on restorative justice practices, and in staff considering ways for evaluating their own work.

It was believed that a best practice orientation would not only lead to better services to clients, but also provide a sound basis for presenting results-based evidence for new directions to staff

and criminal justice decision-makers who remained skeptical about the shift toward restorative justice policies and practices.

Many participants in this study cited developing and maintaining quality relationships as being at the core of making or allowing restorative justice processes to work. That was seen as true not only for relationships with community members/groups and criminal justice decision-makers. It was seen as equally true for relationships among staff within the department. An administrator stated, "I used to laugh when I asked people why they chose to work here. Invariably the response was: 'I want to help people.'" There was a belief, if not an expectation, that the ways of dealing with individuals, even those who disagree, needed to be restorative—peaceful rather than heavy handed. As one staff person said, "Restorative practice begins with how we deal with one another."

Administrators placed a premium on hiring employees from outside the department's boundaries to diversify and strengthen the department's response to its clientele. This was not done to diminish long-term employees and what they brought to their clients, but was an acknowledgement that it would strengthen the department's ability to work with victims and victim-oriented groups to move beyond the normal ways of managing corrections.

**2. Criminal Justice Decision-makers.** While there was no "grand strategy" for getting all the criminal justice decision-makers "on board" before initiating restorative justice programs, there was a genuine desire to collaborate wherever and whenever possible. Individual judges and county attorneys became, over time, strong proponents of restorative justice practices because they felt such practices were handling unmet needs of persons coming through the system, particularly victims, and that these programs underscored offender accountability to the victim and to the community as a whole.

Each decision-maker had an understanding of his or her own legal or statutory responsibilities *vis-à-vis* an offender and a victim. Those understandings at times clashed, making collaboration shaky. Department staff were aware that they must be able to respond and interpret restorative justice practices in clear ways that would invite further questions and participation from their criminal justice partners. Staff were determined to listen to the personal and professional conflicts that ensued for other decision-makers because of changes within community corrections and where possible to find common ground. That is, they attempted to handle such inevitable professional conflicts restoratively.

Beyond the formal and informal avenues for communicating with criminal justice decision-makers about restorative justice principles and planning, the department saw itself as bearing some responsibility for offering training and educational seminars that included other decision-makers. Sometimes these training efforts were tailored to a specific group such as the judiciary. At other times, persons system-wide, including individuals from the community, were invited to attend.

**3. Community Members/Groups.** "I believe very much," stated the director, "that systemic change doesn't happen because the system looks up one day and decides it needs a change. It happens because of outside forces. In this case the outside forces are in the community. It's the community piece that has some in the system reacting to restorative justice with resistance."

The department's track record of working with private community-based providers established a set of pre-existing relationships upon which to foster support for restorative justice approaches. Many private providers were already doing some things that were restorative in nature. "We have to have an organization that leaves space for more input and ideas from the outside," offered a court services administrator. "It's important to acknowledge that we don't have all the answers."

Relationships with community members developed and deepened as local citizens were invited to participate on ad hoc committees. Again, a model for this kind of interaction was often traced back to the long-standing representation of local communities on the Corrections Advisory Board. Shared committee responsibilities ranged from focusing on how a specific program

approach such as victim-offender conferencing or peacemaking circles might play out in a particular locality to putting on restorative justice related conferences.

Communication, relationship building and trust were cited repeatedly by department staff and by community members as keys for creating the kinds of partnerships required to adapt a restorative justice philosophy and turn that philosophy into concrete ways of working with victims, offenders and communities. In addition to nurturing ongoing relationships with groups and citizens already known to the department, staff saw the offering of training and education to a broad range of the department's employees, criminal justice system decision-makers and the community at large as a means for advancing the notions of restorative justice: "for planting seeds that might lead to a new invested stakeholder."

Another staff member cited the importance of ongoing training: "You have to have a lot of training in how restorative processes play out. It is true as so many say, 'you have to trust the process,' but you have to know what the process is before you can trust it."

As specific restorative programs began to emerge, such as victim-offender conferencing and, later, community justice circles, there was a concerted effort to recruit volunteers from the community and from the department to do conferencing and/or participate in circles. Two examples are cited here to illustrate how the department reached out into the community not only to strengthen its commitment to restorative justice but to strengthen its capacity for linking with community groups and nurturing community volunteers. After the administration determined, in 1994, that it wanted to make a concerted effort to incorporate victim-offender mediation it hired an individual who had extensive experience working with victim-offender mediation at the community level with the Minnesota Citizens Council. Likewise, when a deputy director was hired, the person chosen had formerly been the state director of MADD, was well connected with victims groups, and also had a strong community focus, having worked previously with the United Way.

Inviting and welcoming outside participation in any organization is likely to bring not only fresh ideas and new resources, but at times tension around conflicting ideas or use of resources. In the Washington County experience, some community advocates for restorative justice thought the department was not moving fast enough. Others felt that staff were moving too fast or were directly or indirectly critical of what community-based providers had been doing for years. Some expected the department to smooth out any difficulties community groups have with other parts of the justice system, such as county attorneys or with judges. Departmental staff entered this process expecting such divergence of view and hoped to be able to handle the inevitable conflicts in respectful, restorative ways.

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## **Impact, Policies, and Programs**

**1. Department.** The movement within the department toward restorative justice practices served to expand the range of options available to individual probation staff as they responded to offender needs. The emphasis upon the accountability of the offender to the victim led to efforts to explore the offender's empathy for the victim, to understand the impact of his/her actions on the victim and the larger community, and to make accountability a personal matter. This enlargement of the probation lens was resisted by some and embraced with passion by others. One participant noted that those who resist do so passively: "I'm so busy." "I'm just trying to get through the day." It was clear that there remained pockets of folks throughout the system who regarded restorative approaches as "not punitive enough."

Study participants pointed to four primary examples of how a restorative justice framework has increased options available to staff and the department. First, an old program, the Sentence to Service program, which focused on community service and restitution, was retooled. Rather than simply assigning an adult offender with a number of hours, more thought was given to the nature of service to be carried out and its appropriateness to the offender's crime. A key question

became how the service could be tied back in meaningfully as a way for the offender to pay back to the victim and community rather than simply having the offender work so many hours because the system ordered it! In 1998, 1,487 adult offenders participated in the Sentence to Service project.

The second example was victim-offender conferencing, a process which typically involves the victim and offender meeting face to face so the victim has an opportunity to ask questions about the crime, the offender can answer questions and talk about his or her experience, and both are afforded the possibility of working out arrangements for some kind of restoration plan. While these conferences are often small, including a volunteer or staff mediator, a victim, and an offender, they can involve additional family and support members. And, on occasion, depending upon the nature of the case, they can be huge, involving neighbors or other community members.

In Washington County, offender participants were fairly evenly split among juveniles and adults. Fifty-eight volunteers are currently involved in this program and many more have one through the victim-offender mediation training. In 1998, one hundred and ninety-six offenders completed Victim Offender Conferencing, resulting in \$16,218 of restitution and six hundred and twentyfive hours of community work.

Third, Community Justice Circles or Peacemaking Circles were highlighted as among the restorative options available to the department. Circles are the result of a distinctively community partnership or collaboration. Individual cases may be referred by probation officers or other criminal justice decision-makers to a community circle. The circle will hold an application circle to determine whether it will accept the case. If so, additional circles are held, usually but not always involving both victim and offender. These may include healing circles, support circles, and sentencing circles. Although the number of offenders referred by the system to community circles is very small, the typical case referred to a circle is an adult offender who has been repeatedly in trouble and expresses a genuine desire to change.

At least one community is becoming involved in using circles in domestic abuse situations. Some community groups are also looking at the possibility of providing support circles for helping reintegrate individuals returning from institutions.

The fourth example was an ongoing effort to frame the day to day casework of probation officers within a restorative justice philosophy. Study participants constantly pointed out that restorative justice is more than a program—it is a way of being, thinking, and doing. The director acknowledged that: "We have a long way to go to integrate restorative justice into our day to day work, but we're making progress." For example, some supervisors were requiring that case plans clearly identify, in addition to offender needs, how the offender described the harm done to the victim and or community and how he or she planned to repair the harm.

The revised mission statement for the department was visibly present in offices and appeared in the *Washington County Court Services 2000–2001 Comprehensive Plan*. This mission statement was derived late in the reform process by asking, "How is what we're doing reflected in our mission statement?" By the time of our study it provided a valuable restorative, community-oriented framework for inspiring and shaping new restorative processes and programs as well as forming a basis upon which to hold staff and others accountable for implementing restorative principles.

"I think the director very thoughtfully did planning, implementation and mission in that order so we wouldn't get hung up or bogged down on abstract arguments over mission," noted a department staff person. "Later, after staff had experience with trying to implement restorative justice principles and they had some understanding of his vision, he got the staff together and they hashed out a very thoughtful vision, mission and values statement." At the time our study, staff were engaged in (and had been for two years) the ongoing critical and painstaking task of reviewing policy and procedures with this restorative mission in mind.

In 1996, an ad hoc committee of the Community Advisory Board was gathered to identify

desired outcomes and measures. "We had citizen members of the board, plus victim representation from the community and staff. I don't think we realized that what we were doing was the beginning of working on measurements and outcomes that had a restorative focus," remembered a staff participant. "The director saw the first document and said, 'Wow, this is really good. It has all three components: victim, offender, and community. It has a real balanced approach to it.' So we were off and running."

A judge commented on the importance of having the assessment tools available in Washington County: "We now have assessment tools that improve our capacity for assessing people when they come into the system. Once we assess the risk of the individual, then we can apply the restorative justice principles and processes as to what that person needs specifically."

It should be noted that at times there was a perceived conflict between best practices language and that of restorative justice. First, best practices language was viewed as "very offender focused." "So we're telling probation officers that best practices is a new way of doing business with offenders," said a staff person, "and oh, by the way we're intending to place a greater value on the work you do with victims. A time crunch is often the result." Second, there was the question of how best to measure the impact of such programs as victim-offender conferencing and peacemaking circles. Is it victim/offender satisfaction? Is it recidivism? And some community participants were resistant to the notion of any effort to evaluate processes that from their perspective could not be adequately "measured" and were inherently positive anyway.

"If we're going to do restorative justice, then it needs to be a process that's restorative," according to the director. There is little doubt that the process of reform in Washington County not only sparked resonant chords with individuals within the department who were eager to try a different way of balancing needs of victims, offenders and communities; it also caused feelings of "being unappreciated," "unheard," and "misunderstood." Tensions arose among staff members as debate was carried out regarding next steps, accountability measures, and the role of the department *vis-à-vis* the community and other justice system components.

**2. Criminal Justice Decision-makers.** Collaborative efforts with other criminal justice decision-makers occurred both formally and informally. For instance, some of the initial system-wide discussions regarding victim-offender mediation in the early '90s took place within the context of the Community Advisory Board. As one department administrator pointed out, presenting program options at the Board "is one of the ways in which we try to generate support for new ideas. The Board had been active with restitution and supported it and supported the victim-offender mediation, in part, because it could help with restitution. I'm not sure everyone was really talking about systemic change at that point."

A county administrator saw the Board as a central place where the various players from across the system could come together to explore new directions as well as voice their concerns. "It is where I started hearing about restorative justice and the movement toward the increased concerns for the victims of crime and also of ways of offenders becoming reintegrated into the community in positive ways."

For example, at times ad hoc committees emerged within the judiciary and probation staff participation was invited. In another instance, the department was evaluating a possible modification in a risk assessment tool and invited judicial input or response from the County Attorney's Office. Such collaboration was ongoing and offered opportunities for establishing working relationships that could be drawn upon in times of philosophical or practical disagreement.

Judges tended to be supportive of restorative programs. "They all use victim-offender conferencing and they all use Sentence to Service across the board. Those two parts of restorative justice are most widely accepted and most widely used." While an individual judge or two were strong advocates for circle sentencing, "others," indicated a judge, "view circles as kind of unimportant, because we can do only eight to ten cases a year, maybe. So they see it as marginally of any value because of the numbers." Pre-sentence investigation was an area

identified for possible further development. This might involve explicitly incorporating restorative principles in the investigation report, such as potential impact on victim, offender, and community, or it might include some kind of victim-offender conferencing.

County attorneys were also reported as being favorably disposed toward victim-offender conferencing and Sentence to Service. One concern raised by a representative of this office was whether funding going into community justice circles was draining resources from victim-offender conferencing.

Referrals to victim-offender conferencing were slowed in 2000 as the system dealt with legal concerns raised by the Public Defender's Office. The issue was that victim-offender conferencing, which was supposedly a voluntary process for offenders, ought not to generate additional sanctions or consequences for the offender beyond what the court imposed. It was agreed the offender could write a letter of apology, but the conference could not result in increased restitution or community work hours. Any additional hours that the offender agreed to would be considered part of a "good faith" agreement that could not be enforced by the court.

**3. Community Members/Groups.** The department continued to work with community-based youth and family oriented agencies to develop services, to establish referral guidelines, and to assess to what extent services were restorative. Likewise, representatives of such groups were often included in ad hoc committees within the department that were raising similar issues and questions. Representatives of community groups reported they often looked to the department as a technical support resource.

An example of an ongoing partnership was the department's involvement with the community justice circles. The department had worked with representatives from three communities in Washington County—Cottage Grove, Stillwater, and Woodbury—to establish a Community Circles Council and find funding to support a full-time Coordinator. The Council consisted of representatives from the three communities and from other systems such as Court Services, the judiciary, law enforcement, and the Family Violence Network. The Coordinator was housed in the offices of Court Services, was accountable to the Council and was supervised by Court Services.

A community participant summed up the essence of restorative justice partnership in this way: "It takes time to establish an effective process. It takes a lot of time to establish relationships because the most effective restorative justice is a partnership and doesn't come from the top down. Nor does it come from the bottom up. It kind of grows together between community members and court services and everyone else."

Typically, community members were invited to ongoing conferences and training seminars sponsored by the department. Often community representatives helped to organize the training efforts and sometimes served as trainers. Most of the community members who participated in this study had one through the victim-offender conferencing training sponsored by the department. This training was highly regarded and trainees often recommend it to others. The exchange of information through educational conferences and training seminars was regarded by participants as an important way to form and nurture relationships across the various interest groups of community, department staff, and other criminal justice personnel.

The volunteer pool available to the department and community providers had been expanded. Finding, training and keeping volunteers was an unending challenge for any group or organization dependent upon volunteers. "We have a motto," said a community volunteer, "'that is, each one teach one.' It really is community involvement." Representatives of programs often went out along with department staff to local civic groups to talk about what they do, about restorative justice, and about opportunities for individuals to volunteer.

Wherever there is an attempt at building relationship, there will be points of tension and conflict. That remained the case in this effort to bring a restorative justice philosophy to Washington County. Repeatedly, participants in this study from every sector pointed out that maintaining

ongoing partnerships depended upon trust and relationship-building skills. Some community participants regarded themselves as restorative justice advocates. "It's very easy for system folks to talk the talk; we want to make sure they walk it," said a community volunteer.

There was also recognition on the part of at least some community members of just how much was being asked of system decision-makers to try some of the restorative justice measures. A community participant suggested, "It took a lot of time to do relationship building with system players and to justify referring a case to the circle. I'm impressed and grateful for the prosecutor being willing to take that risk."

One of the director's hopes early on was that restorative justice would be owned by the community and the system. It seemed clear that such hope had been realized to a significant extent. As one community commentator reflected, "A purpose of restorative justice is also community-based; this belongs to everybody."

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## **Continuing Issues**

### *Developing and Maintaining a Continuum of Community-based Options*

Remaining open to new ideas, to continuing to consider where restorative justice principles might lead in practice remained a challenge. Reform efforts of any kind can suffer from trying to institutionalize outcomes. A number of study participants worried that some individuals felt they had found the "one true model," be it circles or victim-offender conferencing or some other approach. "It's been rather discouraging, but I suppose part of the human condition," said a supervisor. "There is a continuum here which expands the resources we have to work with victims and offenders."

A youth service provider comments on the importance of "thinking outside the box:" "I think that people need to look at restorative justice as a philosophy and principles rather than starting out by looking at it as a packaged program. Because when we first heard about restorative justice we heard about victim-offender mediation and we would say, 'We can't do that.' Our agency is not equipped to be able to do that for three hundred kids a year! And so we set the idea aside, but once we started to think of restorative justice as a philosophy and how we can make that philosophy match and shape our programming, then it started to make a lot more sense."

And according to the director, "We will always need more seed planters. This is an evolving process. We cannot afford to get locked into one way of thinking or doing things."

### *Integration of Restorative Justice Principles Across the Department*

Court Services administrators acknowledged that integration of restorative justice principles across the department's response to offenders and victims was an ongoing undertaking. The director pointed out that from the beginning he and his administrative staff wanted to be "non-threatening" and "invitational." He also indicated that some supervisors were making more progress than others. The work on policy and procedures had been onerous but helpful. A supervisor noted that handling a couple hundred cases through victim offender conferencing, while important, "doesn't mean that's it."

It is the pre-sentence investigation, casework and supervision that is the bulk of the probation effort and it is there where restorative principles must have a positive impact if restorative justice is to be more than "special programs." Progress was being made within some probation units as supervisors and staff sorted out how to build the three components of offender, victim, and community into case plans in explicit, concrete ways.

Others pointed out that integration of restorative justice principles has to be tied closely to performance measures and staff incentives, that is, to career advancement and salary increases.

## *Leadership Transition*

As in any organization, individuals in Court Services will retire or move to other positions. The question of what is likely to happen when key leaders leave is a question we typically ask when studying organizational or system change. Initially, we did not realize that the director was planning to retire in the near future. His departure and his replacement will no doubt impact the network of relationships that shape restorative justice in Washington County. It should be clear that the same would be said if other key department staff were retiring or otherwise leaving, or if key judicial or county attorney supporters retired, or if key community members moved on to other locations. No single individual is indispensable in this reform effort, yet the departure of any key player will alter the dynamics of the undertaking.

The director remained confident that the support across the various restorative justice interest groups was significantly strong to absorb his retirement. "If you can't leave, then you're doing something wrong," he claimed. He believed that the years of community involvement and collaboration with others working in the system plus the continuous efforts at training would make the transition manageable.

Others worried a bit about leadership transition, but were confident that commitment to restorative justice principles would not flag. "I think restorative justice has worked its way into the consciousness in Washington County to a certain degree," said a community volunteer, "if the restorative focus gets neutralized someone will step up to the plate and sell it."

A staff person didn't doubt "that the department will do wonderful things in the future," but was also keenly aware of the political dynamics of reform. If an individual were to attempt to take the department in a nonrestorative direction, "there would be enough resistance in the department to be proactive to educate and help him or her come on board to be in tune with restorative justice. I think there are enough folks here, throughout the system, and in the community who have taken it and internalized it to make that happen." Another staff member pointed out that the restorative justice change effort was a "marathon, not a sprint" and believed that inevitable leadership transitions, at whatever level within the system, would involve "passing the baton to committed runners."

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## **Conclusion**

Without a major precipitating crisis and without the classic charismatic leader, Washington County Court Services has demonstrated the ability to institute long-term, durable change. Building off a long-established commitment to community-based services and working closely with community groups as well as with decision-makers within criminal justice, community corrections administrators orchestrated a fairly elaborate systemic change effort aimed at adopting restorative justice policies and practices with a tripartite focus on needs of the offender, victim, and community.

By using strategies of "partnering" and collaboration; providing stake for community programs and volunteers; maximizing staff and other criminal justice personnel choices and options for working with offenders; maintaining a commitment to assessment and evaluation of services provided; and relying on restorative justice principles of respect, expanding the number of stakeholders, and using dialogue to work through inevitable conflict and resistance, the department played a pivotal role in bringing restorative justice practices to Washington County.

This organizational change effort did not begin with a lengthy review of the department's mission. Rather it began with focusing on what needed to be done and could be done to help meet the needs of offenders, victims and communities. After a time of experience with some restorative justice practices, a visionary mission statement was fleshed out by all staff who desired to participate over an 18-month period reflecting restorative justice philosophies and principles.

New programs have emerged. New partnerships have emerged with community groups and with other criminal justice professionals. Yet, those interviewed for this study acknowledged that the movement toward adopting restorative justice policies and practices is hardly finished. The change process was seen as ongoing and drew on support from within the department, the broader justice system, and the local communities. Depending upon the moment, support may appear to be strengthening in places and wavering in others. That is to be expected in any reform effort. The question remains whether coalitions supportive of restorative justice will be able to manage the cross-currents of limited resources, political tussles, leadership transitions, and competing interests of those within the coalitions.

We hold no crystal ball regarding this question. That Washington County has been able to maintain restorative justice reform efforts over a good number of years already suggests that the staying power of such coalitions is strong. We suspect that in the long run the "successful" implementation of restorative justice policies and practices rests as much upon how the change effort is managed and how inevitable conflicts are resolved as on a widely shared philosophy.

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