

# **VIOLENCE, MASS INCARCERATION AND RESTORATIVE JUSTICE: PROMISING POSSIBILITIES**

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## **INTRODUCTION**

Programs based on restorative justice principles “involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible” (Zehr 2002). Increased awareness of the problems associated with mass incarceration and the inability of current criminal justice practices to address victim’s needs have led many to consider restorative justice as an alternative or supplement to the traditional criminal justice process. Yet little is known about exactly how restorative justice ideals are being put into practice around the United States.

Even less is known about how restorative justice can be used to address the harm associated with violence, as most of the programs that exist in the United States exclude cases involving violent crime. This is unfortunate, for several reasons. First, studies show that restorative justice interventions can both reduce violence and facilitate victim healing from violent trauma (Angel et al. 2014; Sherman et al. 2015). Second, people who are convicted of violent crimes have often been a victim of violence (Jaggi et al. 2016; Western 2015). In such cases, addressing the trauma of those who have victimized and cause harm is also crucial. Finally, insofar as the majority of people in state prisons were convicted of a violent crime, programs that entail diversion and include violence have the potential to meaningfully reduce reliance on prisons.

This report draws on archival research and interviews to describe an innovative restorative justice programs currently operating in the United States that specifically includes cases involving violence. Insight Prison Project – is based in Marin County, California, and is now operating restorative justice programs in 14 state prisons, one federal prison, three county jails, several reentry facilities, and one juvenile institution throughout California. We also identify some important lessons learned by stakeholders involved in this program. First, however, we provide a brief overview of the problems restorative justice seeks to address, the primary forms restorative justice programs have taken in the United States and abroad, and some of the limitations to restorative justice as it is generally practiced.

## **THE PROBLEM AND CONTEXT IN THE UNITED STATES**

Restorative justice offers a response to interpersonal harm that can avoid over-reliance on prisons and jails while holding responsible parties accountable and offering harmed parties the opportunity to have their needs addressed. Although rates of crime have fallen in the United States for decades, the risk of violence remains unacceptably high, particularly in poor communities. The rate of violent victimization for people living in poor households is more than double the rate for people living in high-income households (Harrell et al. 2014). Because people of color, and Black and Native people in particular, experience higher rates of poverty

than Whites, rates of violent victimization are highest for Black and Native adolescents and young adults (ibid; Truman, Langston and Planty 2013, Table 7).

Studies also show that adolescents and young adults are most likely to experience interpersonal violence. For example, people aged 12-24 constitute 22 percent of the general population, but 35 percent of all homicide victims and half (49 percent) of the people who experience other serious violent crimes (Perkins 1997; see also Truman and Langston 2015, Table 5). The majority of people who are convicted of serious crimes are also young.

Because violence often has adverse emotional and health consequences, the experience of violence can have a significant impact on the trajectory of young adults. Violent victimization is highly correlated with negative health and social outcomes such as PTSD, socio-emotional distress, lost productivity, and reduced quality of life (Corso et al. 2007; Hanson et al. 2010; Kilpatrick and Acierno 2003; Langton and Truman 2014), presumably as a result of the trauma associated with violent assault. Studies also show that individuals who are exposed to trauma (including violent victimization) are at increased risk for physical illnesses (Flett et al. 2002; Sledjeski, Speisman and Dierker 2008; Ullman and Siegel 1996), and that poor physical and mental health reduces people's ability to engage in education or the labor market (Cutler, Lleras-Muney and Vogl 2011). Moreover, a recent study indicates that the experience of traumatic violence is highly correlated with subsequent arrest and incarceration (Jaggi et al. 2016). Collectively, these studies suggest that the experience of violent victimization may be an important mechanism by which young people's life trajectory is altered and socio-economic inequality is reproduced over time.

It is also clear that current criminal justice practices and policies do not adequately address survivors' needs. Most victims never enjoy their "day in court," either because they do not file a police report or because arrest and prosecution do not occur (Travis 2012). The majority of survivors do not receive the services they need even if they do report their crime (Herman 2010). This is especially true for young, male crime survivors of color (Sered 2014; Stillman 2015). Moreover, many of those who do have contact with the legal system are dissatisfied with the process, and too many experience "re-victimization" that amplifies their psychological distress (Bennett et al. 1999; Fraser and Haney 1996; Orth 2009; Parsons and Bergin 2010). Indeed, some studies find that newly created opportunities for victim participation in the conventional criminal justice process may exacerbate survivors' trauma (Englebrecht et al. 2014).

In short, despite recent drops in crime rates, violence remains a pervasive public health problem, one that causes a good deal of trauma and suffering. Sadly, the conventional criminal

justice response to crime does little to mitigate or ameliorate this suffering. This is especially true for crime survivors who live in communities that are disproportionately impacted by both violence and mass incarceration.

The U.S. incarceration rate is now five to fifteen times higher than those found in Nordic and Western European countries.<sup>1</sup> Like violence, mass incarceration disproportionately impacts young and poor people, particularly those of color. For example, an estimated one-third of all adult black men have been convicted of a felony offense (Uggen, Manza and Thompson 2006),<sup>2</sup> and nearly 60 percent of young black men without a high school degree have spent time behind prison bars (Pettit and Western 2004). Criminal punishment is also overwhelmingly concentrated in poor urban neighborhoods (Clear 2007).

Research on mass incarceration shows that the expansion of the criminal justice system has had a variety of negative effects. For example, conviction and incarceration reduce the employment prospects and earnings of those with criminal records (Pager 2007; Western 2006; Western and Beckett 1999; Western and Pettit 2005). Further, the federal government and some states have adopted policies that ensure that felony conviction entails additional negative consequences, including the loss of occupational opportunities, eligibility for student loans, public assistance, public housing, the right to reside in the United States, and other civil rights (Uggen, Manza and Thompson 2006, Table 4). Poor people, people of color, and men are more likely to be involved in the criminal justice system and therefore to incur these direct and “collateral” costs. As a result of rapidly rising rates of female incarceration, increasing numbers of women are also experiencing these adverse consequences (Richie 2001).

Yet the negative effects of criminal conviction are not limited to the people who are criminally convicted (Comfort 2007). For example, incarceration worsens health outcomes not only for prisoners, but also for their families and communities (Johnson and Raphael 2006; Massoglia 2008; Massoglia and Schnittker 2009; Sykes and Piquero 2009). Mass incarceration harms families by reducing child well-being, increasing the likelihood of divorce and separation, and reducing family income (Braman 2002; McLanahan 2009; Wakefield and Wildeman 2013). These consequences are not evenly distributed: Black women are disproportionately likely to have family members in prison or jail and to be adversely impacted by the financial and psychological effects of their incarceration (Lee et al. 2014; Wakefield, Lee and Wildeman 2016). Finally, the perennial removal and return of large numbers of young men destabilizes

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<sup>1</sup> International incarceration rate data are available through the World Prison Brief at [http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=All](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All)

communities by exacerbating residential instability and diminishing the well-being and earning power of residents (Clear 2007; Travis 2005).

Policymakers and practitioners increasingly recognize these (and other) problems associated with mass incarceration. At the same time, awareness of the inability of conventional criminal justice policies and practices to address the needs of crime victims (who are also disproportionately poor and of color) is increasing. Indeed, in some states, crime survivors are leading a criminal justice reform movement that seeks to address both the problem of over-incarceration and the harm associated with inter-personal violence and crime (Stillman 2015). For many, restorative justice seems to be a promising means of addressing the harm associated with both violence and mass incarceration.

### **THE GLOBAL MOVEMENT FOR RESTORATIVE JUSTICE**

In the criminal context, restorative justice has developed as a framework for guiding responses to crime at all levels of the justice system. From a restorative justice perspective, crime is a violation of people and relationships – the relationships between the responsible party and his or her family, friends, victims, and the community – as opposed to merely a crime against the state (Zehr 1990). The restorative justice framework rests on three underlying principles: (1) the focus should be on the harm done; (2) wrongs or harms result in obligations; and (3) engagement and participation by all parties is ideal (Zehr 2002). Restorative justice thus entails repairing the harm caused by the wrongdoing (restoration); encourages appropriate responsibility for addressing needs and repairing the harm (accountability); and involves those impacted, including the community, in the resolution (engagement) (ibid). In the process of coming together to restore relationships, the community is also provided with an opportunity to heal through the reintegration of those harmed and those who caused the harm (Llewellyn and Howse 1998). Since harm is the central problem in a restorative framework, restorative justice requires a response that avoids committing further harm.

Restorative justice is thus a philosophy that guides alternative responses to crime rather than a fixed set of practices applied uniformly in all cases. Still, direct interaction between the person who experienced harm and the person who caused it is at the heart of most restorative justice programs (Zehr 2002). These processes provide victims the opportunity to meet the person(s) who harmed them in a safe and structured setting; to tell the person who caused the harm about the crime's physical, emotional, and financial impact; to receive answers to lingering questions about the crime and the factors that led to its commitment; and to be directly involved in developing a restitution or agreement plan going forward.

The core practices that have emerged under this philosophy include victim-offender

mediation/victim-offender dialogue (“VOM” or “VOD”), group conferences, and restorative justice circles. Restorative justice emerged in Western criminal justice systems in the 1970s, with victim-offender reconciliation programs (VORPs) and victim offender mediations (VOMs) in Canada and the Midwestern United States (Daly and Immarigeon 1998). Many programs were operated by faith-based groups working with state agencies, and entailed facilitated meetings between crime victims and responsible parties, usually after sentencing had occurred.

VORPs and VOMs focus primarily on restoring “the right relationships” that should exist between two parties (Zehr 1990). The initial impetus for victim offender mediations grew out of a desire to create a more effective approach to dealing with juveniles in the justice system. At times, these mediations result in a consensus agreement about activities the responsible party will undertake to meet the needs or expectations of the victim (Pranis 2004). Victim Offender Dialogues (VODs) involving severe violence grew out of VOM processes and have been primarily victim-driven (Umbreit et al. 2005). That is, VOD is not stipulated by the court, but rather is victim-initiated and often occurs during incarceration.

Another restorative justice practice called Family Group Conferencing (FGC) was introduced to the United States in the mid 1990s. Conferencing is an adaptation of a traditional Maori process for resolving community problems and involves a dialogue between the harmed party, the responsible party, their supporters, and a facilitator. FGCs differ from Victim Offender Reconciliation Programs or Victim Offender Mediations in their inclusion of a broader array of community members into dialogue about the harm (Daly and Immarigeon 1998). The dialogue is meant to explore what happened, the impact of the harm, and what needs to happen to make things as right as possible. Every participant has an opportunity to speak to the issues and to collectively develop an agreement about obligations going forward.

Similarly, circle processes, based on American Indian talking circles, involve the victim and responsible person as well as interested community members in a facilitated dialogue. A talking piece is used among participants who speak only when they are holding the piece. The process often involves “pre-conferencing” or separate circles for the various parties before they are brought together to determine an action plan. Sentencing circles are a consensus process aimed at addressing harm, accountability and healing (Stuart 1997). They involve “a broad holistic framework [that includes] crime victims and their families, an offender’s family members and kin, and community residents in the response to the behavior and the formulation of a sanction which will address the needs of all parties” (Griffiths 1996: 201). Non-Aboriginal groups in Canada and the United States have been experimenting with sentencing circles for some time (Pranis 2004).

Although distinct, each of the practices described above is based on restorative justice principles and involves a face-to-face dialogue between the harmed and responsible party. Many other practices also work toward restoring justice by supporting all involved parties, involving community stakeholders in repairing harm, or increasing the responsible party's awareness of the consequences of their actions, but may not involve this face-to-face dialogue.

### **The Movement for Restorative Justice in the Contemporary United States**

Although systematic information about existing restorative justice programs in the United States is not available, it appears that they vary across at least two dimensions. First, programs vary in terms of their institutional location. Some programs provide an alternative dispute resolution mechanism that essentially replaces the role of the juvenile or criminal courts. Still others are based primarily in jails or prisons and seek to facilitate dialogue between prisoners and victims and, in the process, stimulate a healing process for victims and responsible parties alike and reduce recidivism among people released from jail or prison.

In addition, the origins of existing restorative justice programs vary. Some, such as the Insight Prison Project, have emerged mainly out of community/grass-roots efforts. Others, such as Common Justice, are based in non-profits, justice agencies or government organizations. In the United States, it appears that most restorative justice programs involve juveniles rather than adults, and most exclude cases involving serious violence.

### **RESEARCH ON THE EFFICACY OF RESTORATIVE JUSTICE PROGRAMS**

A growing number of studies evaluate restorative justice programs. Although variation across these programs and the absence of random-assignment to them make such evaluations methodologically tricky, there is a growing body of evidence that programs informed by restorative justice principles hold a great deal of promise.

### **Victim Satisfaction**

When given the option, many crime survivors choose to participate in restorative justice programs. A recent multistate study found that victims who choose to participate in a restorative Victim Offender Mediation (VOM) do so for a variety of reasons: to help the responsible party; to learn why the responsible party committed the crime; to communicate to the responsible party the impact of the crime; and to be sure the responsible party would not re-offend (Umbreit and Armour 2011).

Studies of restorative justice programs generally indicate that all involved parties report high levels of satisfaction (Umbreit 2005). Expression of satisfaction with VOM is consistent for both victims and responsible parties across sites, cultures, and seriousness of offense: typically, eight

or nine out of ten participants report being satisfied with the VOM process (Umbreit 2005). For any given mediation, the victim and the responsible party tend to report the similar levels of satisfaction, regardless of the type of offense or the agreed upon restitution, and victims' satisfaction is likely to correlate more directly to their perception of the process than to the outcome (Beven et al. 2005). In addition, research tracing the impact of restorative justice conferencing on posttraumatic stress symptoms ("PTSS") associated with robbery and burglary found that restorative justice practices reduce the traumatic impact of crime. Specifically, participants in restorative conferences reported a more than 40 percent reduction in PTSS immediately and six months post-VOM (Angel et al. 2014).

Research further suggests that victim satisfaction is bound up with increased feelings of safety. For example, one study found that victims who participated in mediation reported feeling safer than they had not only before the mediation, but also before the offense, whereas victims who went through traditional court processes reported that the experience had substantially *lessened* their sense of safety (Beven et al. 2005). Victim satisfaction also appears to reflect the positive impact of restorative justice processes on perceptions of fairness. A study of burglary victims in Minneapolis, for example, found that 80 percent of victims who went through victim-offender mediation experienced the criminal justice system as fair, compared with only 38 percent who had participated in standard court processes (Umbreit, Coates, and Vos 2006).

### **Recidivism**

The efficacy of any form of criminal justice intervention is often measured in terms of its capacity to reduce recidivism. Although there are significant methodological challenges associated with these evaluations, many studies find that restorative justice programs reduce recidivism (Vos, Coates, and Lightfoot 2005). A recent and exhaustive meta-analysis, for example, found that restorative justice conferences cause a "modest but highly cost-effective reduction in the frequency of repeat offending by the consenting incarcerated/formerly incarcerated individuals randomly assigned to participate in such a conference" (Sherman et al. 2015: 1). Another recent meta-analysis of a sample of 11,950 juveniles found that restorative justice programs generated a 34 percent reduction in recidivism (Bradshaw and Roseborough 2005; see also Umbreit et al. 2005). Importantly, most of these studies evaluate programs that mainly involve facilitation of victim offender dialogue; the trauma of those who have caused harm is often not addressed in these programs.

In addition, some studies find that when former participants did re-offend, their crimes were less serious than those committed by others who had not gone through restorative justice processes (Umbreit et al. 2005). Although less is known about diversion programs based on restorative justice principles, an evaluation of a restorative program that was designed to divert

defendants from incarceration found that recidivism rates were significantly lower for program participants than for comparison groups (Umbreit et al. 2006).

### **Reducing the Harm Associated with Violence**

Although most restorative justice programs do not include cases that involve violence, research suggests that restorative justice mediation may be most effective in such cases. For example, one Canadian study found no significant results for individuals convicted of low-level offenses, but did report a 38 percent reduction in recidivism for people who committed violent crimes (Sherman et al. 2015). Another study found a direct and positive correlation between the long-term success of the program and the seriousness of the offense (McCold and Wachtel 1998). The implication of these findings is that restorative justice programs may have the most potential to improve victim healing and reduce recidivism if programs include cases that involve inter-personal violence (see also Sered 2006).

### **LIMITATIONS OF (MANY) RESTORATIVE JUSTICE PROGRAMS**

Restorative justice programs have a number of limitations, although many of these are arguably remediable. The first has to do with the limited access to restorative justice that results when programs entail dialogue between crime survivors and *the specific person* who harmed them. Victim participation in restorative processes is strictly voluntary (Umbreit 1995). In many instances, the process is also victim-initiated. As a result, the benefits of restorative justice processes have been unavailable to a large number of responsible parties. Similarly, the process relies on responsible parties' willingness and ability to take full accountability and engage in a dialogue without further victimizing the survivor(s). With the exception of those participating in the Insight Prison Project's VOEG program, survivors who wish to participate in a restorative justice process have been unable to do so when these conditions do not exist. Additionally, if person who caused the initial harm is never arrested and convicted, then the victims in those cases also typically unable to benefit from many restorative justice programs. This is an important limitation, as the majority of responsible parties are never arrested. In short, although dialogue between survivors and their assailants appears to be quite powerful, it is simply not an option in many cases.

Second, although participation in some restorative justice programs may serve as a substitute for, or part of, a defendant's court sentence, most are not designed as an alternative to traditional court sentences and, consequently, are not designed to reduce the number of defendants sentenced to jail or prison (Bloch 2010). To the extent that this is the case, the potential of restorative justice to help ameliorate the harm associated with mass incarceration is limited.

Third, many restorative justice programs, particularly those offering an alternative to traditional court processes and incarceration, are available only to juveniles or to adults charged with low level offenses (Greenwood and Umbreit 2000; Center for Health and Justice 2014). The application of classic restorative justice approaches to adults charged with or convicted of serious criminal offenses, especially violent crimes, has been more controversial, although support for their application appears to be growing (Bloch 2010). The paucity of programs that include cases involving violence is unfortunate, as emerging evidence suggests that the positive impact of restorative justice may be greatest when the harm caused is comparatively serious (McCold and Wachtel 1998; Sherman et al. 2015).

Finally, cultural differences, prejudice, and racism cast a shadow over attempts to build restorative justice programs that benefit everyone. For example, a recent study found that schools with more Black students were less likely to employ restorative justice techniques than schools with fewer Black students (Payne and Welch 2013). The risk of maintaining or exacerbating preexisting racial disparities in the criminal justice system is heightened when restorative justice programs are not intentionally race-conscious.

#### **CLOSE UP: THE INSIGHT PRISON PROJECT**

Below, we describe a distinctive restorative justice program currently operating in the United States: the Insight Prison Project (IPP). Information about IPP was obtained through documents available on their websites and/or provided to us by organization leaders. We also conducted a site visit and interviewed a variety of stakeholders. These included: IPP leadership and staff, restorative justice program facilitators (some of whom served as inside facilitators while incarcerated), formerly incarcerated participants, survivor participants, and IPP board members.

Before turning our attention to IPP, we note that there is also an alternative-to-incarceration and restorative justice program currently operating in the United States: Common Justice. Common Justice develops and advances solutions to violence aimed at transforming the lives of those harmed and fostering racial equity without relying on incarceration. According to its website, “Common Justice is a victim service and alternative-to-incarceration program based on restorative justice principles. Based in the Vera Institute, and located in Brooklyn, New York, the program works with young people, 16 to 24 years old, who commit violent felonies, and those they harm. Common Justice aims to reduce violence, facilitate the well-being of those harmed, and transform the criminal justice system’s response to serious crime.” This program is thus quite unique in that it includes (young) adults, targets people who experience and commit violence, and provides an alternative to incarceration in these cases.<sup>3</sup> Common Justice provides

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<sup>3</sup> For more information, see <http://www.vera.org/project/common-justice>

a compelling model of how restorative justice might be coupled with a commitment to serving violence survivors and providing alternatives to incarceration for defendants in such cases.

### **Insight Prison Project**

Insight Prison Project (IPP) is based in Marin, California, and was founded in 1997 with one class for 14 prisoners at San Quentin State Prison. IPP has grown significantly since that time: according to its website, “IPP offers unique and effective restorative justice programs for men, women, and youth at 14 state prisons, one federal prison, three county jails, several reentry facilities, and one juvenile institution. Insight Prison Project offers a certified violence prevention class, critical thinking courses, professional crisis-intervention training, a therapeutic artistic ensemble, and pre-parole training.<sup>4</sup> IPP works collaboratively with the California Department of Corrections and Rehabilitation (CDCR) to facilitate this programming, although the development and implementation of its curricula are entirely independent of CDCR and IPP has sole control over admissions to the program. Recently, in recognition of the success of IPP, CDCR has itself become a funder of IPP’s expansion and replication efforts.

One of IPP’s core programs is the Victim Offender Education Group (VOEG), which includes a 52+ week curriculum that was designed by licensed mental health therapists in collaboration with survivors of violent crimes and incarcerated participants. The goal of the curriculum is to unearth and explore the root causes of harmful behavior and to deepen understanding of the impact of harmful behavior on survivors, the community, and on the responsible party. The process utilizes a restorative justice philosophy, a trauma-healing approach, and a holistic psychosocial model of health. VOEG programs have proliferated in recent years, and sometimes target distinct groups. For example, one VOEG program operates in Spanish; another specifically includes LGBTQ prisoners. Despite on-going program expansion, the waiting lists for these programs are significant. The waiting list for the general VOEG program at San Quentin, for example, is four years long; for the Spanish language VOEG it is seven years long.

The VOEG curriculum is divided into three parts, with each unit building on the next. The first unit focuses on accountability and the impact of crime. VOEG is oriented toward trauma healing and accountability, so the arc of the curriculum begins with a Crime Impact Essay, in which participants share details of their crime, describe who they harmed, and discuss how their victim and their community were impacted by the crime. The next unit explores self-trauma. In this section, responsible parties consider how their own traumas affected their life and ways of being in order to uncover the causative factors that led to harmful behavior. The goal in focusing on unresolved harmful life experiences is not to draw attention to deficits, but to build understanding and insight that facilitates accountability. Once participants explore these

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<sup>4</sup> For more information, see <http://www.insightprisonproject.org/>

harmful early life experiences, they are able to connect the dots of their lives that led to the crime they committed, which leads to accountability and the choice not to harm again.

In the third unit, Victim Impact, incarcerated participants investigate the impact of their behavior on victims and the community through a final set of exercises, which explore remorse, empathy, and forgiveness. In their concluding work, participants explore how to break the cycle of violence and each participant prepares a Personal Declaration of Support and Accountability. During this last stage – after participants have spent approximately a year working towards accountability – a panel of surrogate victims who experienced crimes similar to those committed by VOEG participants share the impact of their victimization directly with the incarcerated program participants.

The surrogate panels are a unique and critical element of IPP, as the panels provide the space for responsible parties to be accountable directly to survivors of violent crime. These surrogate panels also allow survivors the rare and often healing opportunity to see and hear accountability, remorse, and empathy directly from responsible parties. The fact that panels include “surrogate” victims means that imprisoned people can participate even if “their victim” is unavailable or uninterested in participating. Similarly, these panels afford victims whose assailants are never arrested or are otherwise unavailable the opportunity to participate in a restorative justice process. IPP provides highly trained facilitators and creates a space within VOEG that allows survivors and prisoners this unique opportunity to learn from and work with each other.

Although participation in IPP programs is thus not limited to responsible parties who have an available and interested survivor, when such pairings exist, IPP also works with the Office of Victim Services and facilitates dialogue between the affected parties. These Victim Offender Dialogues (VODs) offer individuals the opportunity to have a structured face-to-face meeting with the person that harmed them in a secure, safe, and mediated environment.

One young woman we interviewed was able to participate in a dialogue with the man that killed her father in a drunk driving accident when she was seven years old. At eighteen, Siobhan sat face-to-face with Mike, described the impact of losing her father to him, and asked him questions about that fateful day. In our interview, Siobhan told us that she felt that Mike answered her questions honestly and completely. Here, she explains why this encounter was important to her:

*I really just wanted to hear it from his perspective, not from any second-hand source. Just imagine that. You've messed up in your life and now you have to sit*

*across from the child of the person whose life you are responsible for ending and describe that mistake to them in detail. That is hard stuff. That's one of the reasons restorative justice is so damn powerful. You can't run away from the responsibility.*

Mike told Siobhan that doing restorative justice work provided inspiration that is often hard to come by in prison. Mike also said that he was motivated by the dialogue with Siobhan and her mother to share his own story of alcoholism and his road to sobriety and accountability in order to help others. Mike is now sober, out of prison, and has sponsored twenty people through Alcoholics Anonymous.

### **Unique and Important Features of the Insight Prison Project's VOEGs**

The facilitation of dialogue between harmed and responsible parties is a defining feature of restorative justice. As noted previously, one limitation this creates is that only cases involving available and willing "pairings" are eligible to participate in many restorative justice programs, but many people in prison would like to experience restorative justice even if their specific victim is unavailable, and many survivors of crime don't have the opportunity to meet the person responsible for their loss.

In such cases, a program like VOEG is instrumental for responsible parties and survivors alike. Ayoola Mitchell, IPP's Community and Survivor Outreach Specialist, became involved with IPP in 2009, when she participated in VOEG's Survivor Speaker Panel inside San Quentin. Earlier that year, Ayoola's eldest son was shot 17 times. He survived, but just a year later, her younger son was shot and killed by a stranger following a verbal altercation. Neither assailant was ever arrested. In reflecting on her experiences on the panel, Ayoola said,

*What I found was the more I spoke the more I healed. The more I was able to see and hear other people understand how much harm is done, not just to me, the "victim," but to the entire family, the more I understood that sharing my story was important. Ironically, sharing my story with those that have caused harm has been the most cathartic. I have spoken to a Senate subcommittee and service providers for crime survivors but there is something about sharing my story with those who have caused harm when they get it. That's really when change is going to occur in terms of having a less violent community.*

Another survivor, Harriet, lost her 47-year-old daughter, a Harvard graduate, to a stray bullet during a gang shootout in California. Her daughter had been walking down the street shortly after having lunch with her mother. When Harriet got home, she had voicemails from the police

department on her phone. Here, she describes the aftermath of hearing the news of her daughter's death:

*We went through all the things a family goes through. In addition, we went through a 6-week trial because it was gang-related. They charged all the things they could, and enhancements so they could get the longest time for Jorge. He was charged with four murders. He was acquitted of one and was convicted of the murder of my daughter and two others... He was given two life sentences without parole plus 90 years. From the beginning I just wondered who is this person and what was he doing in a gang?*

Harriet has not had the opportunity to have a Victim Offender Dialogue directly with Jorge, but she has gotten answers to some of those questions through letter-writing with his family that IPP has helped to facilitate. She was also given the opportunity to share her story on an IPP Survivor Panel inside San Quentin. This has been quite impactful for her:

*In VOEG the first time, I was amazed at my treatment by the men. One of the men said, "I've learned so much from this lady. I felt as though we had an angel in the room." It was like a lightning of my grief. After the trial, there was no closure - you really don't ever get closure of something like this. But I do get some kind of working along with my grief with VOEG. Participation in VOEG has served me well in that it helps me carry my grief.*

Harriet went on to describe how her continued work with IPP as a Survivor Panelist and a facilitator has assisted her in coping with her loss:

*I figure if I can have my grief engaged and alive in some way that is constructive then we are going down the road together. I am carrying my grief and my grief has some kind of activity on its own. It's better than having my feet glued to the ground with my grief just weighing me down as dead weight.*

Similarly, VOEG creates an opportunity for incarcerated program participants to still take accountability, hear from people impacted by similar crimes, and make "living amends" even when survivors are unable to have a dialogue with them. Dave, an IPP VOEG graduate and inside facilitator, was sentenced to 25 years to life for killing his brother's wife. He served the first 17 years of his sentence denying his guilt to family, cellmates, parole board members, and even to himself. However, after getting clean and sober, graduating from VOEG, and participating in a Victim Offender Dialogue with his niece, the daughter of the woman he killed,

Dave has taken full accountability and turned his life around. He attributes his success to the opportunity he had to facilitate VOEGs:

*This was straight up cops and robbers for 17 years. Just denials and appeals. I lived in a world of denial until I got into VOEG - because none of this was addressed in any of the other work I was doing. It was just scratching the surface. VOEG was my first step to taking true accountability and beginning to make real amends.*

Another program participant, Troy, who could not meet with his specific victims echoed this theme, and noted that the panel provided insight onto his own trauma as well:

*Before VOEG, I couldn't understand what the victims of my crime had gone through. When people said, well you caused them to be in fear of their lives. I thought, well, I've feared for my life my whole life. I've been in fear so long that I'm pretty numb to it. So what does that mean for them to be afraid? But it wasn't until a victim impact panel came in and I sat in front of a woman and saw how traumatized and paralyzed her life had been as a result of her being a victim of a robbery. That's when I was able to see how my life had been paralyzed by fear. The only difference was that I responded by acting out and she, instead, withdrew.*

Several VOEG program participants also reported that hearing from survivors enabled them to better appreciate the impact that their harmful behavior had on the community as a whole. As one graduate said,

*When I witnessed the victim panel, the veil was lifted. And I realized that my actions impacted a lot of people, the community being one. I reflected back that there were other murders that same year in my community. People started putting bars on their windows and keeping their homes locked down. So my actions reverberated and affected the whole community.*

Operating VOEGs has meant that issues of race have been at the forefront for IPP, which is making a concerted effort to ensure that participant groups, facilitators, and impact panels reflect the demographics of crime victimization in the United States. For complicated reasons, this is not always easy to accomplish, but IPP is engaged in difficult and on-going conversation about how to conduct trainings for facilitators that include and center awareness of the impact that power and privilege have on ones' facilitation of restorative justice. This is also important

because, as one IPP survivor panelist of color said, “It’s more impactful for the participants to see people who look like them or their victims. Some of them have lost siblings so I was not just their surrogate victim but also their surrogate mom.” In addition, in diversifying their survivor panels, IPP has made a conscious effort to provide victim services to communities that are otherwise under-served.

### **Inside Facilitators Living Amends, Building Leadership Skills**

The opportunity for VOEG graduates to become inside facilitators for VOEGs is another important and unique component of IPP’s work. As Billie Mizell, IPP’s Executive Director, explained, the training and on-going work of the inside facilitators in the prisons is a crucial component of IPP’s programming:

*The fact that we have prisoner facilitators – for every single group, one or two “inside facilitators” – makes us different. I think that’s a huge, huge piece of what makes this work. The inside facilitator is going to stay there when we leave. The outside facilitator is there maybe two hours a week. The inside facilitator is at the prison 24-7, so there’s somebody there that, if someone in the group’s having a really hard time with something, they have someone they can go talk to, to process with. And it’s somebody who’s highly, highly-trained, who’s graduated from the program, and also been through Next Step, and been through our facilitator training. That level of leadership training and facilitation training for the inside facilitators is critical. And I think the idea started with an understanding that we’re not going in to save anybody; we’re going in to offer this program and we have a job to do when we go in there, and we have much to learn while we’re in there, too.*

Training incarcerated VOEG graduates to be “inside-facilitators” who work alongside “outside facilitators” has several positive effects. First, it creates an opportunity for people who caused serious harm to “live amends” during as well as after their incarceration. For example, Leonard organized restorative justice conferences in San Quentin, and participated in violence prevention programs and VOEG as an inside facilitator for years. Since his release, he has continued this work in the community. He said,

*I had a choice. I could allow both of our lives to be wasted that day or I could do everything I could to live my life in order to honor hers. So that’s what I try to do.*

Second, many inside facilitators report that doing this work is quite transformative. For example, Dave told us that,

*With lifers, most of us, if we could, we would try to seek out and apologize. Because we know we did something very wrong. We've had those moments where we've dropped to our knees and just been wrecked by what we had done... My work at San Quentin as a facilitator was an indirect way of making amends in honor of Tony's life. Now, coming out here and doing the things that I do is my living amends because I will never pay the price. All I can do is just live my life in her honor. I do a lot of volunteering with reentry, doing IPP restorative justice things, going into juvenile hall to talk to kids, going to talk to students. I try to stay connected somehow and keep a sense of purpose.*

Inside-facilitators also developed important skills and leadership capacity. Another of our interviewees, Troy, spent twenty-five years in California prisons for an armed robbery. He spent six of those years working through and later facilitating the VOEG curriculum. He described the admiration he felt for inside facilitators as a program participant:

*The facilitators were people who walked their walk. They were about what they said they were about. There's an art to knowing when to push on something, when to let go and when to give feedback and if you haven't done your own work, you won't be able to distinguish those things.*

Dave described having acquired a number of useful skills that he is now using on the outside:

*I believe it all comes from me developing and maturing as a man through the principles and skills I learned through VOEG - I don't see it any other way. That was the cornerstone for everything to unfold in my life. I'm very grateful ... The work never ends and I just feel very grateful to be in this position to be able to give back to my loved ones and all those who I have harmed.*

### **Participation in IPP is Largely Unrestricted**

Another unique feature of IPP's VOEGs is that access to the program is not limited based on age, crime, or length of sentence. Indeed, the majority of participants in California have been lifers. Ensuring that people serving life sentences have access to the program is important on both human rights grounds and because long termers and lifers play an important role in shaping the prison community (Kazemian and Travis 2015). Nor does the program exclude people based on their motivation for signing up for the program. The reason stakeholders give for this openness is that they trust the efficacy of the process. For example, if a person is "working the system" and merely wants to participate in VOEG because it will look good when

they go before the parole board, the peer group will often find healthy ways to determine what to do, whether that's helping the person through the process, or, very infrequently, asking them to leave the group until they are ready to engage in the process from a more authentic place. If and when this is done, the door is open for that person to participate in another group at a later date.

Often, the group simply allows the process to do the work. Troy, for example, admitted that he originally signed up for VOEG to find language to take into his parole hearing. But when he joined, he found something more:

*It gave language to things that I intuitively knew but didn't have words for. That resonated with me.... It took me beyond learning the language of accountability, or just a glance at what happened, to a real reflective and in-depth understanding of why. I've had someone point an AK47 at me. But I was more afraid of taking the journey inward that VOEG requires than I was when I was at the other end, facing the barrel of that AK47. Because I wasn't afraid of death... It's not the darkness but the light that we are afraid of. It changes you.*

### **VOEG as a Holistic Response to Harm and a Positive Influence on Prison Life**

Many of our respondents described the positive impact that IPP programs have had in San Quentin and other institutions in which IPP operates. One former inside facilitator now living outside of prison explained it this way:

*So often the guys in the program are using the skills they are developing: they're out in the yard, they're mentoring people who are on the waiting list. But they're also ... taking that curriculum on the phone with these kids who are in high school and college, and going through parts of it with the boys who are in the neighborhood and facing so many of the same challenges he faced. And this has given him a toolset to discuss it with them.*

Karena H. Montag, a licensed marriage and family therapist who serves as IPP's Programs Director and Clinical Supervisor, also reflected on the ways that IPP – with its emphasis on trauma-healing and accountability – impacts prison life and culture:

*What we're doing, the accountability, is ... not just counterintuitive, but counter-institution. Just stepping into that is a huge change for so many of the men and women who were in VOEG. So that's one part. But digging into the actual work of un-rooting really deep trauma is really against the grain and the culture of prison, of a lot of the familial culture where people are coming from, and this is*

*something that we're talking about, something that we're sharing mixed-ethnic groups, in mixed-racial groups. So there's so many things that are being challenged by being in VOEG. The people who are choosing to come in are challenging things on so many different levels.*

The positive impact of VOEGs inside the prison – and the transformative impact of IPP and VOEG – were similarly emphasized by Correctional Lt. Palmer of the California Institute for men in a letter of commendation he wrote to IPP program staff:

*I have had the opportunity to talk with many of the Inmates currently attending VOEG and others that have gone through the course; the feedback has always been positive. Many of the inmates have stated... that it is/was not until they attend/attended VOEG and got a better understanding of the triggers and catalysts that cause them to behave the way they do, that they truly understood how to apply the NA and AA classes to their lives.*

*With all this occurring, it made me wonder about what impact VOEG truly has had on the Inmates here on Facility C. After checking around I was surprised to find out that nearly all of the clerks and workers working in the Facility C Administration Building have attended or are attending VOEG. They have all remained disciplinary free for numerous years and attribute their success to VOEG.*

*With close to 15 years' experience as a Lieutenant, I do not know of any program that has this type of impact on people's lives. I would like to take this time to express my sincere appreciation to your tireless effort and dedication to improving people's lives. Just so you know, you are making a difference.*

## **CONCLUSION**

The twin problems of mass violence and mass incarceration have devastating effects on poor communities across the country, and communities of color have been especially hard hit. Sadly, current criminal justice practices and policies neither improve public safety (Travis, Western and Redburn 2014) nor meaningfully address victims' needs (Herman 2010). In this context, interest in restorative justice programs is growing.

With its emphasis on ameliorating harm, restorative justice is a promising alternative to conventional criminal justice practices, especially when paired with programming that addresses the trauma that people who cause harm have also experienced. Yet as currently practiced, restorative justice has limited reach, mainly because most programs limit

participation to cases in which all directly involved persons are available and willing to participate. In addition, the exclusion of cases involving adults and/or violence severely limits the potential impact of many existing restorative justice programs. But restorative justice may be most effective in cases involving violence. For example, recent studies show that victim offender mediation effectively reduces recidivism among people convicted of violence (Angel et al. 2014; Sherman et al. 2015). There is also evidence that most victims are far more satisfied when the criminal justice process is supplemented by victim offender mediation (VOM) (Umbreit 2005). Our interviews with IPP program participants suggest that these positive results may be even more dramatic if the trauma of people who commit harmful acts were also addressed.

Based on these findings, we believe that the systematic adoption of restorative justice programs and practices in the Pacific Northwest and beyond is overdue. Ideally, these programs would include adults and cases involving violence. In the short term, offering Victim Offender Education Groups based on the IPP curriculum would provide a means of expanding the opportunity to participate in restorative justice programming for harmed and responsible parties alike. In the longer term, developing the institutional capacity to operate alternative-to-incarceration programs that target violence and survivors of color would provide an effective way to ameliorate the harm associated with both violence and mass incarceration.

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