

Restorative justice interventions

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Restorative justice is a concept that seeks to repair and reduce harm caused by criminal offending or wrongdoing. Essentially, restorative justice principles suggest that probation, imprisonment, and other types of typical reparations for criminal behavior strengthen by holding the offender accountable while developing a better understanding of the implications of their crime on the victim and survivor, their family and the community. Experts propose that the enhanced accountability subsequently decreases the likelihood of recidivism by placing the focus on the offender reintegrating as a productive member of society. While restorative justice is not a new term or practice, these concepts and applications are continually being refined and adapted.¹

Restorative justice interventions

In order to instill a restorative justice mindset among offender populations, researchers and practitioners developed and implemented restorative justice approaches through a variety of interventions, known as Restorative Justice Interventions (RJIs). Traditional methods employ RJIs through face-to-face victim mediation meetings between the victim and the offender. The goal of these meetings are to repair the harm caused by criminal offending.² These meetings primarily target the victim's perspective with a focus on helping the victim benefit and heal through the process.³ Research shows that such meetings produce high rates of victim satisfaction.⁴ However, questions remain about the degree to which these meetings affect offenders as well, and if so, how and why?⁵ Theoretically, offenders who discuss a victim's perspective may develop empathy for the victim and this empathy may alter criminogenic behavior in the future. Consistent with these questions, some evidence supports the assumption that RJIs substantively reduce recidivism over a 12- to 18-month period following the intervention.^{6,7} Although not measured, researchers postulated that empathy formulation was a necessary for the documented

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recidivism reduction and that there is a need to continue to examine the mechanisms of change.

Offenders often do not naturally develop insight into the harms caused by their criminal activity and experts historically asserted that greater understanding and empathy development by offenders for their victims and the harm they caused produce emotional and behavioral changes that directly translate to a lower re-offense rate.^{8,9} They further imply that empathy enhancement is the key mechanism to enact change among offenders and that it is imperative to engage offenders in activities aimed at increasing empathy. RJIs provide a venue to enact empathic change, in turn, leading to reduced criminal recidivism among many within the justice system. Practitioners should be cautious about using RJIs universally because empathy training for some offenders (i.e., sex offenders) produces adverse effects, for they often use empathy to manipulate their victims for personal gain.⁹

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In addition to understanding the components of RJIs that produce positive changes in offenders, it is of interest to understand how to implement these interventions in cost-effective ways to reach the greatest number of people. Within this article, the authors highlight one particular agency whose mission was to develop a relatively brief, one-session intervention that was:

- 1) Based on restorative justice principles;
- 2) Reduced the demand on the staff who implemented the intervention;
- 3) Increased the numbers of offenders who received the intervention; And
- 4) Offered at less cost.

While research exists on the best procedures for reducing the cost of these programs, finding ways to reach the most individuals while decreasing the number of staff necessary to implement these interventions is certainly important for the viability of these programs.

Community Justice Center — Lincoln, NE

James Jones, a former offender himself, founded the Community Justice Center (CJC), a non-profit restorative justice organization based in Lincoln, Nebraska, in 2001. The CJC's Brief Restorative Justice Intervention (brief RJI) burgeoned from Jones' youth program work with another agency in the mid-1990s. Juvenile offenders physically recreated offenses by others (e.g., vandalism, burglary, robbery, etc.) and then discussed the impact of these incidents and the effects of crimes with victim surrogates. Treatment staff recognized anecdotal enhancement of empathy for the victim by the young offenders because of their work with the victims. In particular, juvenile offenders would comment about the victims' statements and how the crime affected their lives across multiple domains resonated with them. This program was the beginning of discovering an approach that appeared to enhance empathy among a criminogenic population.

As such, the youth program approach became the foundational cornerstone that started the CJC restorative justice efforts with adults. More specifically, the CJC developed the brief RJI around the concept that increasing an offender's understanding of how the crime influenced the victim through the words of a *surrogate* victim catalyzed restorative justice knowledge, enhanced empathy and potentially improved outcomes beyond expectations. The CJC transferred this approach to adult offenders via recorded victim impact statements embedded within a brief, one session format. This format was one of the first to address empathy enhancement within restorative justice education while reducing costs via a brief one-session RJI.

Since then, the CJC has collaborated with a number of agencies in order to reduce the burden of the criminal justice system, while integrating restorative justice concepts into their programming. The CJC has served almost 10,000 justice-involved individuals through evidence-based programming and forensic peer support in all Nebraska Correctional Institutions, Douglas and

Lancaster County Jails, Nebraska Probation Reporting Centers, servicing offenders, both in prison and on probation, victims, survivors, impacted families along with other collaborators, within the state and nationally, to implement these restorative justice practices.

The CJC's mission includes:

- 1) Offering resources and restorative justice practices for all harmed by crime — victims, offenders, and the community;
- 2) Reducing prison and probation populations by advancing their skills in "Emotional Hygiene," accountability and responsibility; And
- 3) Reintegrating individuals back into their communities safely.

To achieve these goals, the CJC created an 8-hour brief RJJ entitled "Crime Victims Impact/Emotional Hygiene Life Skills Class." This brief RJJ teaches inmates about the principles and values of restorative justice via the lenses of surrogate crime victims' perspectives. In each session, 8-12 offenders, incarcerated or on probation, work to address denial and minimization of responsibility often associated with criminal activity. Peer and other

trained facilitators assist offenders to learn about the "true" impact of their crimes (or harms) on their victims and survivors, their families, and their community.

Finally, offenders are encouraged to learn and apply emotional hygiene skills and to eliminate rationalization and justification for their behaviors to become responsible for their own actions. The CJC accomplishes these goals through a variety of activities, including "My Circle of Victims," which focuses on identifying both direct and indirect victims of their criminal activity; "Daily Harm and Damage Reports," which focuses on analyzing the harm identified in surrogate victim impact statements;¹⁰ and "Harm Letters," where offenders must be able to identify their victims, all the harms and ways to repair that harm i.e. reparation and restitution. The CJC developed Harm Letters as a self-reflection exercise for the offender's own edification and not to go beyond self-reflection. Finally, individuals are introduced to a technique called "The Gift – Your Million Dollar Check" whereby participants learn how to maintain their "Emotional Hygiene." This technique assists offenders in unlocking their sources of anger as well as how to process the six core emotions guiding them in making better decisions.



Initial evidence supporting CJC's brief RJJ

In order to more fully understand the impact of the brief RJJ classes, the CJC has partnered with Dr. Dennis McChargue, an associate psychology professor and substance use expert at the University of Nebraska–Lincoln, and Dr. Sandra Pavelka, a professor and internationally known restorative justice expert at Florida Gulf Coast University. Collaborating with researchers and experts in the field led to the initial mixed-method investigation that tested the degree to which the CJC's brief RJJ delivered within probation would reduce recidivism across six years more so for those attending the brief RJJ as compared with a group of individuals receiving treatment as usual. This peer-reviewed work showed that probationers

receiving treatment as usual ($n=130$) were twice as likely to recidivate as probationers who attended the brief RJJ ($n=383$).¹⁰ Furthermore, among those who recidivated, brief RJJ class members had significantly lower number of subsequent offenses than the treatment as usual group. Finally, researchers examined the content of satisfaction surveys that asked open-ended questions about what probationers learned from the class. Qualitative analyses showed that over 50% of brief RJJ class participants spontaneously reported empathic understanding regarding harm to their victims as well as restorative justice concepts. Sixty percent of the participants also described themselves as engaged and motivated to live a more productive life.¹⁰

The evolution of the CJC's restorative justice mission builds from these early and current contracts from Nebraska Department of Correctional Services and funding support from location foundations. Funding allows the CJC to reach all Nebraska prisons and to test the effectiveness of the brief RJJ among this prison population. The CJC has also begun implementing an online version of the brief RJJ classes in order to reach distal populations, to improve cost-effectiveness efforts, to make available to a greater number of people, and to enhance overall global accessibility. This work has created an opportunity for wider dissemination of the brief RJJ classes, the information they provide, and the influence they have on offenders, victims, survivors, families, and communities to those who would otherwise be unable to access these services. Moreover, individuals may access the online version at a reduced fee (compared with incarceration costs), which expands coverage to individuals in need.

Brief RJJ implications

The use of brief RJJ's show promising effects with offenders in terms of reduced recidivism, increased victim empathy and improved communities, while offering a direct benefit of being cost-effective on an overburdened criminal justice system. Following its core mission, the CJC will continue to work to positively affect the community through implementation of brief RJJ's with offenders and will seek to substantiate the best practices as they relate to these interventions. Future research must continue to examine and validate the mechanisms associated with

offender change in brief RJJ's (i.e., reduced recidivism, increased empathy, etc.) while maintaining cost effectiveness and ease of delivery of these programs. Together, practitioners and researchers have the ability to continue to increase the established effectiveness of RJJ's within our communities as well as to improve the quality of life for all involved.

For more information visit <https://communityjusticecenter.org> or contact Executive Director James Jones at the Community Justice Center by emailing jim.jones@communityjusticecenter.org or by calling (402) 429-1050.

ENDNOTES

¹ Pavelka, S. & Thomas, D. (2019). The evolution of balanced and restorative justice. *Juvenile and Family Court Journal*, 70(1), 37-58.

² Marshall, T. (1999). Restorative Justice: An Overview. Occasional Paper. London: Home Office.

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⁴ Bradshaw, W. & Umbreit, M. (1998). Crime victims meet juvenile offenders: Contributing factors to victim satisfaction with mediated dialogue," *Juvenile and Family Court Journal*, 49(3), 17-25.

⁵ Roche, D. (2001). The evolving definition of restorative justice. *Contemporary Justice Review*, 4(3 4), 341-353.

⁶ Bergseth, K. J. & Bouffard, J. A. (2012). Examining the effectiveness of a restorative justice program for various types of juvenile offenders. *International Journal of Offender Therapy and Comparative Criminology*, 57, 1-22.

⁷ Forgays, D. K. & DeMilio, L. (2005). Is teen court effective for repeat offenders? A test of the restorative justice approach. *International Journal of Offender Therapy and Comparative Criminology*, 49(1), 107-118.

⁸ Marshall, L. E. & Marshall, W. L. (2011). Empathy and antisocial behavior. *The Journal of Psychiatry & Psychology*, 22(5), 742-759.

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¹⁰ Kennedy, J. D., Tuliao, A. P., Flower, K. N., Tibbs, J. J. & McChargue, D. E. (2019). Long-term effectiveness of a brief restorative justice intervention. *International Journal of Offender Therapy and Comparative Criminology*, 63(1), 3-17.

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