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# Practicing Restorative Justice: Family Group Conferencing and Juvenile Crime in the Suburban Metro Area

By Mark Umbreit and Claudia Fercello

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**Family Group Conferencing provides a forum for victims of juvenile crimes to meet with offenders in a safe, respectful environment and talk about the incident.**

**R**estorative justice is an approach to crime that emphasizes the ways in which crime hurts relationships between people who live in a community. Whereas the traditional justice system focuses on punishment of the offender, restorative justice focuses on the accountability of the offender, the impact of the crime on the victim and the community, and the ways in which offenders can repair the harm they have done. Crime is seen as an act against another person or the community, rather than an act against the state or the government. It is the offender who takes primary personal responsibility for making things right with the victim and the community, not the state. Dialogue and negotiation are central to restorative justice, and problem solving for the future is seen as more important than simply establishing blame for past behavior. In

restorative justice, repairing the harm and rebuilding relationships replaces punishment for its own sake as the primary goal of criminal justice.

The Center for Restorative Justice & Peacemaking in the University of Minnesota's School of Social Work provides training and support for a wide array of restorative justice programs, such as Family Group Conferencing (FGC). FGC is a restorative justice program designed to provide a forum for the victims of juvenile crimes to meet with offenders in a safe and respectful environment to talk about the incident. Cases are usually referred to FGC by judges and probation officers, although the police and the schools can make referrals as well. FGC offers juvenile offenders an alternative to deeper penetration into the criminal justice system.

Historically, victims have had little or no input into the juvenile justice

process after they have been victimized. They have often felt frustrated and angry because the court system had no provision for victims to process the act committed against them. FGC provides a forum for victims to express their feelings about how they were affected by the crime and to get answers to their questions. In addition, the traditional court system has failed to help juvenile offenders understand the human costs of their actions—the impact of those actions on the victim and the victim's family as well as the offender's own family members, the community, and other individuals who were affected by the crime. The FGC program provides an opportunity for offenders to describe the events that led up to the crime. It also gives them an opportunity to hear, directly from the victim and others who were impacted by the crime, the many ways the crime affected their lives.

FGC utilizes a mediation-type process where a neutral facilitator assists victims, offenders, and other concerned parties in engaging in an open and honest dialogue about the crime and its impact. Facilitators may be representatives from law enforcement, human services, clergy, county staff, community-based volunteers, or other agencies, depending on availability and the needs of the individual FGC program. Conferences are usually held at a neutral site, such as a school or community center. Typically at least one victim and one offender attend the conference, along with a facilitator and support people, such as parents, spouses or partners, business associates, or other interested parties. The role of the facilitator is to ensure a safe environment for participants to discuss openly and honestly the circumstances surrounding the crime and its impact. The facilitator is also responsible for making sure that the conference is controlled and fair for all parties involved.

Most conferences begin with the

facilitator setting down ground rules that allow each party the opportunity to speak. Next, the victim and the offender are asked to describe the events surrounding the crime and its impact on his or her life. The victim is usually offered a choice as to whether he/she would like to speak first or have the offender speak first. After both parties have shared their stories, the support people are given an opportunity to speak. The facilitator then invites the parties to discuss restitution. Restitution is typically financial, although some restitution agreements require the offender to do community service. An important component of FGC is that both the victim and the offender must agree to the restitution before it is finalized. In many cases, conferences end with participants sharing refreshments after the restitution agreement is formalized.

### Client Evaluation of the First Judicial District's FGC Program

The First Judicial District of Minnesota began a multi-site FGC program in July 1996. In January 1997, the Dakota County Corrections Department asked the Center for Restorative Justice & Mediation (now the Center for Restorative Justice & Peacemaking) to conduct an evaluation of the FGC program. Twelve FGC sites in were included in the evaluation: Apple Valley, Cannon Falls/Goodhue/Red Wing, Carver, Chaska, Hutchinson, Inver Grove Heights, Kenwood/Lakeville, LeSueur/New Tomorrows, Nicollet Junior High, Shakopee, South St. Paul, and Woodbury. The evaluation, which began in May 1997 and ended in September 1998, addressed the following questions:

- 1) What is the demographic breakdown of the FGC participants?
- 2) What do victims, offenders, and other persons who are in attendance to support victims and offenders think about the FGC program ?
- 3) Do victim and offender attitudes change after participating in the FGC program?

In order to answer these questions, victims, offenders, and support people involved in the FGC program were interviewed. Of the 132 cases eligible for inclusion in the study, program staff gathered pre-conference data on 61 victims and 56 offenders. Post-conference interviews were completed with 105 victims, 103 offenders, and 130 support persons (100 attending in support of offenders and 30 attending in support

of victims). The low number of support persons for victims may be attributed to the fact that many of the offenses mediated through FGC were committed against businesses. Since most businesses sent only one representative from the organization to attend the conference, that person represented the victim, so there was no one to act as the victim support person.

### Results of the Evaluation

#### Who are the participants in FGC?

Nine out of ten participants in all three study groups are Caucasian, closely reflecting the population within the respective communities housing the programs. The gender distribution is similar across the three groups—over 60 percent male. Approximately 60 percent of the crimes were committed against businesses, principally shoplifting. About 40 percent of the crimes were committed against persons. These crimes were principally minor assaults, such as school fights. Forty percent of the victims and of the offenders knew each other before the crime occurred. Almost 70 percent of victims had been a victim of a crime prior to the incident that precipitated the conference.

Victims and offenders were asked why they chose to participate in FGC. The primary reasons reported by victims were to “let the offender know how they felt about the crime” (29 percent) and to “receive answers to their questions” (19 percent). Offenders reported that the primary reasons they participated in the conference were to offer the victim an apology (30 percent) and to take responsibility—to make things right (26 percent). Both victims and offenders were asked whether they felt their participation in FGC was voluntary. Ninety-seven percent of victims and 86

percent of offenders reported that their participation in FGC was voluntary.

**What do participants think about the FGC facilitator?** The victims, offenders, and support persons were asked to describe their impressions of the FGC facilitators and the facilitator's role at the conference. As shown in Table 1, victims, offenders, and support persons all gave high marks to the facilitators and to the facilitator's role in the conference.

The majority of victims and offenders felt that their facilitator sufficiently prepared them for the conference. When asked to describe how the facilitator was helpful in preparing them for the conference, 65 percent of victims and 50 percent of offenders felt that receiving information about how the conferences work and what to expect was the most helpful. Victims found it helpful having someone whom they could contact if they had questions or concerns about the conference, receiving assistance in facing the reality of the crime through a review of the incident, and having a contact person at the Department of Corrections. A few offenders mentioned that they did not receive enough information about the conference. They said they would have liked someone to spend more time with them to answer their questions and to talk to them about their own involvement in the conference.

Nearly all of the victims, offenders, and support persons felt that the facilitator was fair in the way he/she conducted the conference. In addition, 95 percent of participants in each group felt that the facilitator remained neutral during the negotiation of the restitution agreement. Over 94 percent of each group reported that they were satisfied or very satisfied with the facilitator.

Victims, offenders, and support persons were asked to rate several tasks

**Table 1. Facilitator's Responsibilities (in percents)**

Question	Response	Victim N = 105	Offender N = 103	Support Person N = 130
Did the facilitator sufficiently prepare participants?	Yes	96.2	85.4	NA
Was the facilitator fair?	Yes	100	98.1	96.9
How satisfied were you with the facilitator?	Very Satisfied /Satisfied	99.1	94.2	96.1
Was the facilitator neutral during the restitution agreement?	Yes	97.9	94.9	97.5

of the facilitator. All three groups felt that the facilitator's most important task was to "be a good listener." Offenders and support persons also rated "helping to formulate a restitution agreement" as important. Victims believed it was important for facilitators to ensure that "all participants have a chance to talk" and that facilitators "make the conference comfortable" for all parties. All three groups agreed that the least important role of the facilitator was to "take charge of the conference and do most of the talking."

**What do participants think about the restitution?** All three groups of participants were asked several questions about the restitution agreement and their satisfaction with the agreement (Table 2). Fewer victims reported that a restitution agreement was negotiated during their conference than did offenders and support persons. However, both victims and offenders agreed that the agreement was fair to both parties. Approximately 80 percent of offenders said they had input in the restitution agreement.

Participant satisfaction with the justice system went up for both victims and offenders after the conference; the increase was greater for the offenders (up more than 14 percentage points). The support persons' post-conference rating of their satisfaction with the justice system was over 90 percent (satisfied/very satisfied) as was the victims' and the offenders' post-conference rating of the juvenile justice system.

**What was most and least helpful in the FGC?** Victims reported that talking to the offender—explaining how the crime affected them and hearing the offender's explanation about what happened and why—was most valuable to them. Victims also thought that hearing from the other party's family members, receiving an apology from the offender, and having input in the restitution agreement were helpful. Over 90 percent of victims reported that FGC was effective in holding offenders accountable.

Offenders said that meeting face-to-face with the victims, having an opportunity to tell their side of the story, and

Support persons stated that having all of the parties meet together to talk about the crime and work out the restitution agreement was the most important contribution of the program. They also reported that having a fair and neutral facilitator to assist in the process contributed to the success of the conferences.

Victims found the negative attitudes of offenders' parents least helpful. Offenders were most troubled when there were multiple offenders in an incident and some of the other offenders didn't come to the conference. Support persons stated that some of the conferences were too long and too time-consuming. They were also disappointed when the offender(s) did not attend the conference.

**Final general impressions of FGC.** Participants of all three groups were asked some questions that provide insight into the participants' final impressions of FGC. Table 4 compares the responses to those questions among the participants of all three groups. It shows that, after the FGC, victims and offenders were still a bit uncomfortable with each other, with more than 30 percent of each group feeling less than positive about the other. However, over 90 percent of victims, offenders, and support persons were satisfied with the outcome of the conference and would recommend it to others who found themselves in similar situations. Moreover, 90 percent or more would themselves choose to participate in FGC again.

### Conclusions

The data that emerged from this study indicates a consistently high level of client satisfaction with the Family Group Conferencing process. Nine out of ten victims and offenders were satisfied with how the juvenile justice system handled their case. Nine out of ten victims and eight out of ten offenders felt sufficiently prepared for the conference. Nearly all victims and offenders, as well as support people, felt the facilitator of the conference was fair. Nine out of ten victims

**Table 2. Restitution Questions (in percents)**

Question	Response	Victim N = 105	Offender N = 103	Support Person N = 130
Was an agreement negotiated?	Yes	79.2	91.9	90.7
Was the agreement fair to you?	Yes	94.6	89.3	NA
Was the agreement fair to the other party?	Yes	97.8	92.6	NA

**Do victim and offender attitudes change after participating in FGC?** As mentioned above, pre- and post-conference data were collected on 61 victims and 56 offenders participating in FGC. The same questions were asked prior to the conference and after the conference in an attempt to learn if attitudes changed as a result of the conference. Pre- and post-conference data on participant satisfaction with the way the justice system handled the case was collected from victims and offenders; however, post-conference data was only collected from support persons. Table 3 identifies the combined satisfied/very satisfied responses as reported by the victims, offenders, and support persons.

apologizing to the victim were the most valuable aspects of FGC. Offenders also reported that not having a record and avoiding the court were important to them. Over 96 percent of the offenders reported that it was helpful or somewhat helpful to meet the victim. In addition, over 95 percent of offenders said they felt better after meeting the victim.

**Table 3. Satisfaction with the FGC Referral (in percents)**

Participant Satisfaction	Victim N = 56	Offender N = 61	Support Person N = 130
Pre-Conference	86.6	80.0	Not Reported
Post-Conference	93.3	94.2	92.2



**A neutral facilitator works with victims, offenders, and other concerned parties. Personal interchanges and a fair restitution agreement are key outcomes for all parties.**

and offenders felt the negotiated restitution agreement was fair to them. Nine out of ten victims, offenders, and support people were satisfied with the outcome of the conference and would recommend conferencing to others. These positive findings of client satisfaction with the Family Group Conferencing process are consistent with other studies of FGC in the United States.

Due to the exploratory nature of this study and the lack of random selection of cases or use of a comparison group,

the findings that emerged cannot be broadly generalized. At best, they are suggestive. These findings do, however, indicate strong and consistent support for the Family Group Conferencing process by those participating in it—victims, offenders, family members, and other support people.

Family Group Conferencing and other restorative justice programs center the justice process in the community rather than in the state. In traditional justice systems, the victim is often left

angry and fearful, while the offender is punished but is not required to take responsibility for his/her actions. Such practices break down community. In contrast, restorative justice brings all concerned parties together with the purpose of repairing damage to individuals and to the community. Although the traditional justice system is deeply entrenched, a number of jurisdictions nationwide are engaged in redesigning their justice systems to be far more balanced and restorative. Other jurisdictions, like Minnesota's First Judicial District, use restorative justice alongside the traditional system. Minnesota policymakers should take note of the community-building potential of Family Group Conferencing and other restorative practices.

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**Table 4. Post-Conference Impressions (in percents)**

Question	Response	Victim N = 105	Offender N = 103	Support Person N = 130
What is your attitude toward the other party?	Positive/ Very Positive	59.2	71.9	NA
How satisfied were you with the outcome?	Satisfied/ Very Satisfied	95.2	95.1	93.9
Would you recommend FGC?	Yes	98.1	94.2	99.2
Would you choose to participate again?	Yes	93.3	89.2	96.1

#### Credits

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# Project Awards

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To keep our readers up to date with CURA projects, we feature recent awards in each issue of the *CURA Reporter*. These projects will begin this summer.

## **FACULTY RESEARCH AWARDS**

Each year CURA, in cooperation with the Vice President for Research, supports the work of faculty on projects that address key issues in Minnesota; faculty members are expected to interact with key public officials in the course of their work. Competition for these awards is quite strong. Each project is year-long and results will be published the *CURA Reporter*.

**Environmental Review Practice in Minnesota.** (Terence Cooper, Professor of Soil, Water, and Climate) The study will examine environmental assessment worksheets (EAWs), a widely used tool, to see whether they adequately describe environmental issues and how well they serve to protect the environment. Interaction will occur with Environmental Quality Board staff and selected local governmental units.

**Future of the Sales Tax.** (Robert Kudrle, Professor of Public Affairs) Increasing sales on the Internet and the narrow base of Minnesota's sales tax make our reliance on this source of revenue problematic. This study will examine initiatives and experiences around the country to help inform Minnesota's efforts at tax reform. Interaction will occur with Revenue Department officials.

**Financing College for High School Graduates.** (James Hearn, Professor and Chair of Educational Policy and Administration) State policies, financial and otherwise, affect decisions about college for high school graduates, especially for those from

lower income families. This study will see whether Minnesota remains a national leader in supporting educational opportunity. Interaction will occur with the Minnesota Higher Education Services Office.

**Quality Improvement in Nursing Homes.** (Sandra Potthoff, Associate Professor of Healthcare Management) The Minnesota Department of Human Services offers an alternative payment system (APS) to nursing homes that is intended to reduce regulation and lead to improvements for residents. This project extends a study funded by the National Science Foundation to assist provider organizations in meeting these goals. Interaction will occur with three major providers.

## **STATE AGENCY INTERNSHIPS**

Three projects proposed by state agencies were awarded a 75-percent-time student intern for the summer. These projects were evaluated in an open competition. Project funding is split evenly between CURA and the agency.

**Use of GIS (geographic information systems) for Analysis of Tax Data.** Awarded to the Department of Revenue, Tax Research Division.

**Multi-state Research on Important Industries and Occupations.** Awarded to the Department of Economic Security, Research and Statistics Office.

**Analysis of the Effectiveness of Various State Programs, Policies, and Practices.** Awarded to the Office of the Legislative Auditor.

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# New CURA Publication

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***The Fragile Early Years: Assessing the Mental Health of Infants and Toddlers.*** Edited by Esther Wattenberg. 2000. CURA and the Center for Advanced Studies in Child Welfare. CURA 00-1. 30 pp. Free.

This publication is a summary of proceedings of a symposium held on September 30, 1999 at the Earl Brown Continuing Education Center, University of Minnesota. It focuses on

the safety and well-being of infants and toddlers living in high risk families. The proceedings of the symposium highlight attachment research, observation skills for assessing infant and toddler mental health, and policy implications for the child welfare system in paying attention to the very young years of vulnerable children. This publication is available on-line at [ssw.che.umn.edu/cascw/](http://ssw.che.umn.edu/cascw/).

# Community Assistantship Program Moves to CURA

Rural communities have a new avenue for accessing applied research skills from the University of Minnesota. The Community Assistantship Program (CAP), piloted in south-east Minnesota in 1999, has now expanded statewide and moved to a new home in CURA.

The CAP program matches students to community-designed projects. The goals of CAP are to: 1) enhance the capacity of rural community-based groups to achieve their objectives by providing relevant applied research that supports community projects; and 2) provide students and faculty with increased opportunities for completing useful community-driven applied research projects.

The CAP program began in the University of Minnesota's Rural Development Council. In partnership, a number of entities have now committed resources to expand the CAP program. The University's Central Administration is providing funding for the program staff. The McKnight Foundation and the Southeast and South Central Initiative Funds are providing support for student stipends. From within the University, funds for student support are coming from the Experiment in Rural Cooperation, the Northeast Region Sustainable Development Partnership, the College of Human Ecology, the College of Education and Human Development,

the Center for Urban and Regional Affairs, the College of Natural Resources, and the Minnesota Institute for Sustainable Agriculture. In-kind support is being provided by additional University units.

For more information on the CAP program contact Jan Joannides, 651-293-0782, joann001@tc.umn.edu, or 612-625-7537.

## Sustainable Lakes Project Workbook Available

The results of the CURA/Minnesota Lakes Association (MLA) Sustainable Lakes Project are now available in a workbook format. The workbook contains detailed descriptions of the model process for lake management planning, including instructions on conducting a lakeshore property owners' survey, color watershed maps and information on how to obtain twenty-one watershed maps, the five pilot lake management plans, a data assessment manual, and a series of articles on land use impacts on water quality. The workbook is produced in a flexible loose-leaf format that can be added to as other lakes utilize the Sustainable Lakes model. The workbook will be posted on the MLA website ([www.mnlakesassn.org](http://www.mnlakesassn.org)). A printed copy may be purchased from MLA for \$25, including shipping. (P.O. Box 321, Brainerd, MN 56401, phone: 218-825-1909 or 800-515-LAKE, fax: 218-829-0635)



## REPORTER

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CURA helps:

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- students strengthen their education through practical experience,
- government agencies and community organizations get the assistance they request,
- and the University of Minnesota fulfill its land grant and urban missions.

The *CURA Reporter* is published quarterly to provide information about what CURA projects are doing. This publication is available in alternative formats upon request.

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