

AMICUS: restorative justice for girls

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Two threads of innovative thought are quietly weaving themselves together in our country's justice system. First, we are beginning to pay attention to the needs of girls and women in the criminal justice system. We are asking the question: "Is the system set up to rehabilitate girls and women? Or re-victimize them?" Unfortunately, in many cases girls and women are NOT served by the system. Second, we are dealing with crime in a restorative manner. We are treating crime as harm done human-to-human; we are focusing not on punishment but on healing for the victim, offender, and community.

Let's bring these two ideas together. Gender-specific research demonstrates that females, in general, are relationship-oriented. We define ourselves, solve our problems, and find meaning in life primarily through connections to other people. It is a natural step, then, to imagine that restorative justice would have particular benefit to juvenile girls, whose needs are relationship-based and whose crimes and victimizations have de-humanized them, institutionalized them, and estranged them from their families and communities. Insofar as we are able to apply restorative principles to our service to juvenile girls and their victims, we believe the benefits will be far-reaching. To this end, we have started up a restorative justice program for state-committed juvenile girls. We are actively asking the question "What does restorative justice look like for girls who are, among other things, chronic and/or serious offenders?"

Restorative Justice is not new to Minnesota. In the pure sense, it is as old as the Native tribes here. More than once I have been reminded by Native people, "We have always done this. The difference is that now everybody is doing it." However, Restorative Justice takes on its own unique, cultural flavor every time it takes root in a new place. In Minnesota, the defining factor is the spirit of dialogue and healing; this spirit shows itself in a variety of forms. Numerous communities have sprouted mediation programs or circle programs. Counties do "diversion" Conferencing programs for their first-time offending juveniles. The University of Minnesota's Dept. of Social Work contains a Center for Restorative Justice and Peacemaking, which does internationally known mediations with violent offenders and their victims. The Minnesota Dept. of Corrections employs "Restorative Justice Planners" to train and connect people, and provide resources around the state. They also work to make our correctional system more restorative. None of these tasks have been easy, however, and in some ways the "explosion" of restorative justice in our state has its own drawbacks. How do you know if a "restorative" program is being implemented in the right spirit, when "RJ" has become a popular catchword? How can we find each other and work together effectively? What does it mean to mainstream restorative principles, and who should define what they are? Should the state fund restorative justice programs, or will that destroy its grassroots energy? The MRSC, or Minnesota Restorative Services Coalition, was born a few years ago to connect Restorative Service providers to each other, to prevent "reinventing the wheel" with each new initiative, and to provide support for one another. But it is by no means a comprehensive gathering.

In 1999 the Dept. of Corrections Juvenile Female Planner, together with AMICUS, Inc. (a nonprofit organizations that reconnects ex-offenders to their communities through mentorship and restorative justice programs), collaborated with a correctional facility in northern Minnesota called Mesabi Academy to serve serious and chronic juvenile girl offenders in a way that was intended to be innovative, gender-responsive, and restorative.

As with many restoratively based programs, we discover as we go along how to actually "clear the path" for healing to occur. Currently we provide two restorative processes. With each girl, we plan "Circles

of Support” that bring together her family, community, and long-term support people. Using a talking piece and sitting in a circle, participants discuss mutual issues and provide support and accountability. We begin planning the first circle as soon as the girl arrives at the correctional facility and continue them throughout the program and through her probation or furlough.

Circles of Support look at the “big picture” of a girl’s life. She does not exist in a vacuum. She exists in her family, her neighborhood, her culture, her faith community, and her generational era. We bring cultural problems, family problems, education problems, and neighborhood problems right into the circle and deal with them in a setting that is safe and productive. The magic of a circle is that it brings out the best in people by addressing difficult human emotions, and the fact of pain and harm, together with hope and belief in resolution. The girls have harmed others; they have been harmed themselves. They are the focal point of the circle but plenty of other relationships exist in the circle that need healing also. We can never tell what the outcomes of a circle will be. It might be everyone finally getting “on the same page” about the plan for the girl’s future. It might be a treatment counselor and mom making amends. It might be the girl seeing a new side to her probation officer. It might be a social worker re-committing herself to a family after she had lost hope. It often includes tearful apologies for past wrongs. Often the girl is overwhelmed when she arrives; other times she is overwhelmed when she leaves. These are girls who believe that they have burned all their bridges, that at the young age of 17 they are doomed to live essentially alone. They have gray circles under their eyes and deep scars up and down their forearms. They have clearly experienced pain beyond what most of us will ever know. Sometimes the girls cry straight through their circles and express gratitude for the support and fear for the future. Other times they are more active, making commitments and apologies and voicing their upcoming challenges. They are facing their deadliest monsters in the most caring of settings. Often, time stands still.

Thus far, this process has met with positive feedback from participants and girls, almost without exception. The girls are clear that they need this support. Many times it is the first time that everyone has gotten together to talk about these issues in an emotionally safe setting. One girl told me, “Finally we are getting somewhere with my issues.” Relatives and adults who formerly had contact with the girls are honored to be asked to participate in a Circle, and are eager to express their support and concern. We do the Circles in the girl’s hometown to place the emphasis back on the community. Parents express gratitude in realizing that they are not alone in the difficulties they face in parenting. One aunt told me “I have been waiting for this for years.” In the Circle she told the girl about her long struggle with addiction and delinquency and expressed—out loud and in front of all the family—what had gone unsaid for years, that she didn’t believe that the girl should go home. She believed that the girl acquired her destructive patterns from her parents, and said so. To everyone’s surprise, no explosion erupted from the parents, who both listened actively. When it came for the father to talk, he apologized for the chaos in his home and committed himself to being a better dad. No decisions were made, but difficult questions were being asked in a safe space. The door was opened.

After the girl’s first Circle of Support, we insist that she look at the offense or offenses that got her “locked up.” This is proving to be difficult! Many of the girls are so disconnected from their own sense of compassion, or have such intense feelings of shame about themselves and what they have done, that they have great difficulty acknowledging the harm they have caused others. Instead they resort to the familiar—they “act out.” This is why we start with the Circle of Support. Girls who feel they have worth and have hope are much more likely to be able to look at their offense and face the people they have harmed. They write letters or attend mediations or conferences, depending on the needs of the victim and the resources in the community. We bring in victims who have met their offenders and who tell the girls, “We need you in order to heal. We can help you heal as well.” Girls who glide easily through correctional programs struggle intensely when it comes to looking at the harm they have caused someone. It takes them time to adjust to this way of thinking. It is astounding to them that we are serving victims and communities as well, that how

they “repair the harm” will depend on what victims need. Yet, the harder the process for the girl, the more intensely uplifting it is for her afterwards. One girl asked me if the victim’s grandmother could be at the conference. “When she [my victim] was taken to the hospital they called her grandmother. They’ve called my grandmother like that—I felt SO bad.” She wanted to apologize specifically to the grandmother. Moving on” in life has so much more to do with where the heart is than with how much time has yet to be served, or how strict a probation plan is.

We encourage the girls to look also at the harm that has been done to them, and to initiate restorative processes with themselves as victims. This can be an intensely powerful step of healing for girls who are ready. Sometimes this occurs naturally: a mother apologizes to her daughter in Circle for the abuse she lived with at home. Other times the girl initiates a meeting with an abuser. Part of the reason that many ‘offenders’ struggle to acknowledge the harm they have inflicted is because, underneath, they feel themselves to be victims. They know the hurt that has been done to them in their lives and they instinctively sense the lack of resolve. Ironically, it is in taking ownership as an offender that they break the pattern of harm-causing, and also learn to escape their own sense of being a victim. Finally they are doing something about the hurt in their lives.

One of the challenges we face is in working within all the systems that are already set up. The criminal justice system in many ways has taught the girls NOT to look their offenses straight in the eye. Their attorneys urge them to plead so that they will receive the lightest sentence. Their judges impose restraining orders to keep them from having contact with those they have harmed. Correctional programs prohibit them from contacting important people in their lives. And their probation officers send them to facilities that are cheap, or that have a bed open. Girls who have been in the system as long as ours, have seen it all. This is not to say that the criminal justice system doesn’t have its place, or that those who work inside it are all corrupt. Many of those who work in it—judges, probation officers, police officers—see it at its worst and are the most invested in trying restorative measures. One judge’s response to my explanation of restorative justice was, “Well, all I know is that that I see kids cycle in and out of here so fast...it’s not working.” Many probation officers are grateful for the extra attention being paid to their clients. One probation officer wrote that the Circle restored her own hope in the girl. Circles give probation officers a chance to show their support, to stop being “the hammer” for a while, and to give responsibility to the Circle. It gives the girl a chance to see her probation officer as human. One probation officer spoke in Circle by thanking the girl for “being there for me when my dad died a month ago.” The girl she spoke to smiled in surprise and sat up straighter.

It takes time to engage old systems in new methods, new philosophies of accountability. We have found that working in correctional facilities is a challenge. Originally our attempt was to provide seamless, restorative services. The girls would have circles and make amends within the correctional community, just as they do with their families and communities and victims outside. However, we have found we can’t simply overturn old methods, especially if results aren’t immediate. Clear, heart-based understanding of Restorative Justice by leadership and staff, and an innate belief that this process is revolutionary to the system, is essential to initiating or maintaining internal restorative methods of resolution. We can’t “take over” the system so instead we work to influence it. We did hold several circles to resolve issues on the girls’ living unit. In one case, a girl was persistently loud at night, and no type of consequence improved the situation. Isolating her seemed to make it worse (no surprise to anyone who has worked with girls with victimization issues!). With an all-community circle, the girl learned from the other girls how disturbing it was for their sleep to be interrupted. She learned what it was like for the night staff to deal with her constant disruption. And she had a chance to explain that she was lonely, that she felt disliked, and that in short she was missing her connection to others. After the circle, the problem didn’t disappear, but was distinctly less intense, and everyone felt more capable of dealing with it when it did appear.

Unfortunately circles do not create miracles, and correctional facilities have yet to utilize the circle process to the extent I believe it could be used. Mountains move slowly. We are most effective when all the people surrounding the girls actively participate in the process. Encouragingly, the number of programs that use restorative methods of communication and resolution within their staff culture is growing; without question those programs will have an easier time infiltrating restorative methods into their work with juveniles.

Anyone who has worked in social services or criminal justice knows that there are no quick or easy solutions to problems that have taken generations to develop. Restorative Justice is no exception. No circle will ensure sobriety, erase the damage, or make everyone feel peace and joy. No circle takes the place of internal commitment to change. But at the least, it bends the direction. It plants the seed. It puts effort towards resolution. It begins a healing process. At the most, the space created provides miraculous moments that have a permanent effect on the people involved. How can we measure the impact of an apology that was ten years in coming, or of an offender visiting a gravesite, or of a Circle of loving eyes focused on one girl who thought she had no one? However we end up measuring our success rate as it relates to specific outcomes, we all know that a restorative philosophy goes way beyond those outcomes to the healing of our society and the humanization of our culture. That is why we serve.

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