RESTORATIVE JUSTICE: ITS EFFECT ON OFFENDERS’ PERCEPTIONS OF HARM AND RESPONSIBILITY

A Project

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by

Rosanna Lynn Perry

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Division of Social Work
Abstract

of

RESTORATIVE JUSTICE: ITS EFFECT ON OFFENDERS’ PERCEPTIONS
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by

Rosanna Lynn Perry

The purpose of this study was to acquire a better understanding of offenders’ perceptions of harm and responsibility. The design of this study is an exploratory, qualitative secondary data analysis. The process of thematic analysis was conducted on five open-ended questions related to harm and responsibility answered by ninety-five offenders from the Insight Prison Project, a restorative justice based program. The findings show that the majority of this sample were serving time for homicide and the impact of the crime on the offender’s victim was limited to pain and/or death. The theme of broken relationships emerged in regards to the impact the crime had on the offender, their family, and their community.

_______________________, Committee Chair
Teiahsha Bankhead, Ph.D., LCSW

_______________________
Date

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ACKNOWLEDGMENTS

I dedicate this work to the people who helped me realize my dreams:

Johanna Perry: You believed in me throughout my long journey to get to this point in my life. You made sacrifices in your own life so I could succeed in reaching the stars. You did this without complaint, blame, or regret. You gave me encouragement and love at every turn and obstacle I faced, pushing me further to accomplish my dreams. You are the strongest, most intelligent woman I know and I am proud to call you my mother.

Mark Perry: You left this world too soon, but in doing so pushed me to start this wonderful journey that you would have been proud to see me complete. I love you dad.

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Francisco “Bubba” Perry: In my moments of stress you gave me an excuse to stop and take a breath to give you love.
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Chapter 1

Introduction

Having a close friend who is constantly in and out of the corrections system can open an individual’s eyes to a world unseen. A pattern of recidivism started when a personal friend went to juvenile hall for the first time at thirteen years old and continued until the age of thirty-three when he received his third strike and received a life sentence without the chance of parole. This researcher was very inquisitive about his experiences in prison, as she was not familiar with prison culture and life.

On one occasion when this friend was not incarcerated, this researcher inquired about his experiences in prison, in particular the help he had received. He replied, “What help?” He further explained that other than Alcoholics Anonymous, Narcotics Anonymous, GED, and technical training, there was not much help for offenders when they were in prison. At the time, this researcher took her friend’s words for truth and felt disappointed in a system that would not help the inmates improve themselves to stop offending.

This researcher was disappointed in society, believing this group was being neglected and left to continuously revolve through the system until they finally ended up permanently locked up. An inquisitive seed was planted in this researcher’s mind that wondered about the validity of her friend’s denial of available help in prison. While obtaining her undergraduate degrees in social work and criminal justice, she listened for any mention of programs or help for inmates. This researcher found a disconnection
between program philosophies about their clients, rehabilitation and retribution and their actual practices.

These philosophies included social work education stressing the importance of understanding a client’s capacity to change with mutual assistance and opportunity compared to criminal justice education emphasizing punishment. Sitting in criminal justice classes, this researcher was surprised by how little attention or time was given to learning or discussing offenders potential to change and what was being done to assist this population in changing their behaviors. Restorative justice was briefly mentioned in one of these classes and this researcher was interested in learning more about this approach.

The chance to learn more about restorative justice was given to this researcher when she was contemplating a thesis topic. This researcher wanted to explore which programs were available for inmates to participate in while serving their time in prison, hoping that the opportunities had improved in the last fifteen years for prisoners since her friend returned to prison. This researcher was invited to study the Insight Prison Project at San Quentin Prison, a restorative justice based program, as her thesis project and enthusiastically undertook the task.

**Background of the Problem**

According to the PEW Center on the States (2011), the United States’ Prison Population increased by 705 percent from 1973 to 2009, with annual state and federal spending on corrections quadrupling in this time to $52 billion in 2008. Corrections is
the second fastest growing budget of all the states. This population increase translates into one in a hundred Americans being incarcerated by 2008. The study also reported that more than four out of ten offenders are re-incarcerated within thirty-six months of their release nationally for either a new crime or a violation of the conditions of their release (PEW Center on the States, 2011).

With this increase in the prison population, the PEW Center on the States argues that the corrections system that was designed to deter people from further criminal behavior is not serving its purpose. The Center further argues that evidence-based strategies to hold offenders accountable for their actions, as well as uphold safety need to be found (PEW Center of the States, 2011).

**Recidivism in the State of California**

The California Department of Corrections and Rehabilitation reported the recidivism rates for California offenders during the fiscal year of 2007-2008 in the Outcome Evaluation Report in 2012 (California Department of Corrections and Rehabilitation, 2012). The findings stated that after three years, 63.7 percent of the 2007-2008 cohorts had recidivated. Of that percentage, 74.5 percent recidivated within the first year of being released. In this cohort, it was found that offenders who were originally convicted for a more serious crime had lower recidivism rates compared to lesser crimes, such as property crime. First-time releases accounted for 57.7 percent and 14.3 percent had 10 or more stays in the California Department of Corrections and Rehabilitation (California Department of Corrections and Rehabilitation, 2012).
Reducing the California Prison Population

The population in the California prisons in 2010 was 162,821 inmates (CDCR, 2011). Those 33 prisons were designed to only hold 80,000 inmates, meaning that the prisons were operating at about 180 percent of design bed capacity (Taylor, 2011).

During 2010, about 595 adult inmates per 100,000 California residents were in a state prison (Public Policy Institute of California, 2012), compared to the national rate of 500 per 100,000 (Guerino, Harrison, & Sabol, 2012). These numbers resulted in California ranking 18th in incarceration rates in the United States (PPIC, 2012).

In 2006, this overcrowding in the prisons lead to lawsuits against the state of California that argued that overcrowding had resulted in inadequate health care for the inmates, which was unconstitutional (Taylor, 2011). A three-judge court ruled in favor of this argument in 2009 and ordered California to reduce its prison population to 137.5 percent of design bed capacity within two years. This ruling was upheld by the Supreme Court in 2011 (Taylor, 2011).

California had to reduce its prison population by about 34,000 inmates by June 27, 2013. This project began in 2011 with steps that included amending state laws so people with nonviolent, nonsexual, or non-serious parole violations could not be sent to prison for that violation; credits for good behavior were increased for inmates; and the dollar amount needed to qualify as a property crime was increased (Taylor, 2011). A shift in statutes provided funding to the counties for these low-level offenders, parole violators, and parolees, who had previously been managed by the state (Taylor, 2011).
Another measure that began before the U.S. Supreme Court ruling was an issue of a proclamation by Governor Schwarzenegger in 2006 that allowed involuntary transfers of inmates to correctional facilities in other states. This practice continued as a measure to reduce overcrowding even though the legislative authorization expired on July 1, 2011. More construction of inmate housing has also been authorized as a measure at $6.5 billion (Taylor, 2011).

By December 2012, the design bed capacity was at 149.6 percent, or 119,327 inmates (Case Nos. 2:90-cv-00520 LKK JFM P & C01-1351 TEH). As of January 7, 2013 the state of California has submitted a motion to either cancel or modify the court order mandating the 137.5 design bed capacity limit for the prisons (Case Nos. 2:90-cv-00520 LKK JFM P & C01-1351 TEH). The state reasoned that the overcrowding had diminished and the health care conditions exceeded what was constitutionally required (Case Nos. 2:90-cv-00520 LKK JFM P & C01-1351 TEH). The state further argued that the prison population could not be reduced further without jeopardizing public safety due to the fact that the order cannot be achieved without the early release of serious or violent felons. The state is waiting for the court to make a decision (Case Nos. 2:90-cv-00520 LKK JFM P & C01-1351 TEH).

**Statement of the Research Problem**

The current research problem is we are unsure if offenders who engage in a restorative justice program are truly able to effectively conceptualize both the harm they committed and the ways to repair that harm. The concepts of harm and repair are important to the restorative justice process. According to Doolin (2007), identifying the
harm resulting from the crime is important to determine an effective way to repair that harm. In the restorative justice process, the offender plays an integral part in this process of reparation.

**Purpose of the study.** The purpose of this study is to explore the perceptions of participants in the Insight Prison Project of San Quentin Prison, a restorative justice based program, on the harm those participants committed against their victims, their families, their community, and themselves because of their crime. The study will also examine the participants’ views about how they have taken responsibility for the harm they committed. Through this examination, this researcher hopes to acquire a better understanding of the participants’ understanding of their actions, consequences, and how to repair the harm resulting from their actions.

**Theoretical Framework.** Wheeldon (2009) argues that the restorative justice process might help with moral development in the participants by focusing on collaborative problem solving and communication and the participants taking responsibility for their actions. Through reconciliation and righting the wrongs created by the offenders’ actions, morals might be improved in the offenders. This process can be explained by Kohlberg’s theory of moral development (Wheeldon, 2009). Kohlberg’s theory of moral development argues that through a six-stage process consisting of three levels (Gibbs, Basinger, Grime, & Snarey, 2007), an individual progresses in an undeviating linear manner and develops an increasingly more complex idea of moral understanding (Carpendale, 2000).
The levels of development are the Preconventional, Conventional, and Postconventional (Wheeldon, 2009). The Preconventional Level consists of Stage One: Obedience and Punishment Orientation and Stage Two: Individualism and Exchange. In Stage One, children obey rules without question from authority figures. Morality to the child is seen as what authority says is right to do or what is wrong. Punishment is the ultimate decision maker for the child’s actions (Crain, 1985).

Stage Two consists of the child realizing that there is more than one viewpoint of what is right. Fair exchange between people is important at this stage. The major difference between these stages is how punishment is seen. A child at Stage One sees punishment as proving the wrongfulness of an action compared to someone at stage two who sees punishment as a risk to avoid (Crain, 1985).

The Conventional Level consists of Stage Three: Good Interpersonal Relationships and Stage Four: Maintaining the Social Order. In Stage Three a person believes that good behavior is living in a manner that meets the expectations of the family and community. The person acts in a manner that they believe would be acceptable to their entire community. The person believes that good motives and feelings are needed for good behavior. These emotions could include love, empathy, or trust. In Stage Four the person is concerned with obeying the authority and laws so social order is kept. Social functioning is key due to the assumption that not obeying the laws and authority would lead to chaos. A person at this stage does not obey laws just for fear of punishment, but rather because they understand the function of laws to keep social order (Crain, 1985).
The Postconventional Level consists of Stage Five: Social Contract and Individual Rights and Stage Six: Universal Principles. In Stage Five a person begins to consider what a society should have for rights and values. The person is less concerned about what their society holds as true and what should be upheld to benefit all people in that society. Basics human rights are seen as needing to be protected and democratic procedures to change laws that do not uphold these rights are seen as important for society. In Stage Six the person believes in justice and equal respect for all people. All individuals should be viewed with basic dignity and a person’s decisions are based on these concepts in this level. Rather than being concerned with maintaining an already constructed society, people at these levels are concerned with what makes a more just society (Crain, 1985).

Through these stages, Kohlberg believed moral judgment was a process of reasoning for the purpose of making a decision on how to proceed in a social action (Gibbs et al., 2007). Moral judgment is developed through social interactions where the differing perspectives of other people, groups, and institutions challenge and bring into question the individual’s own viewpoints. This can lead to changes in that individual’s moral understanding. An open and democratic social environment is needed for the best results of moral development (Wheeldon, 2009). When faced with a moral dilemma, individuals do not always use the knowledge gained in the highest stage of moral development that they have accomplished, accounting for less moral actions (Carpendale, 2000).
**Definition of Terms**

**Design Bed Capacity:** the number of beds a facility was designed to originally hold.

**Recidivism:** a measurement of how often an offender recommits a crime and receives criminal sanctions.

**Restorative Justice:** A general process in which all parties involved in a crime, such as the offender, victim, and their families, come together to discuss and attempt to resolve the harm committed by that crime.

**Assumptions.** The assumption of this study is that the Insight Prison Project of San Quentin Prison is based on restorative justice. The basis of restorative justice is that by bringing people together most affected by the crimes to dialogue about the crimes, it is assumed that the participants will be able to develop solutions to resolve the harm resulting from the crimes.

**Justification.** The underlying assumption of restorative justice is that by changing the offender’s perceptions of the harm they have committed they are less likely to reoffend in the future (de Beus & Rodriguez, 2007). If professionals had a general understanding of how offenders interpreted the harm they had committed and the consequences of those actions, then those professionals could use that knowledge to improve the program. Determining if in fact offenders have an immoral concept of the harm they committed could improve the program for future participants in that professionals could attempt to address these misconceptions early on. In this manner, the professionals would be meeting the clients where they are currently in their thinking.
**Study limitations.** This study will consist of secondary data analysis of surveys administered to offenders that participated in the Insight Prison Project at San Quentin Prison to examine their perceptions of the harm their crimes caused and the actions they are taking to repair that harm. This study will not evaluate the effectiveness of restorative justice or the Insight Prison Project. This study is exploratory in nature and is a beginning point in examining the offenders’ perceptions on the conceptions of harm and responsibility. The findings will not give the reader a complete answer to how offenders view these concepts. This is just one step in the process of understanding how offenders view the impact of their crimes and reparation. Having more questions raised about this topic is likely the result of this project rather than definitive answers.

There will be no contact between this researcher, the participants, or the facilitators of the Insight Prison Project. This limits the study in that the specific curriculum presented to the offenders and the content of their discussions are unknown to this researcher. All that is known is that the program is restorative justice based. Clarification about offenders’ answers through interviews will not happen.
Chapter 2

REVIEW OF THE LITERATURE

A Paradigm Shift in the Criminal Justice System

Retributive justice is the current trend in the American criminal justice system. Retributive justice is punitive in nature when addressing criminal behavior (Choi & Gilbert, 2010). The emphasis of this form of justice is punishment for violating societal laws (Gromet & Darley, 2009). The state takes the lead in the process of addressing the crime and the end result tends to be in the form of incarceration (Choi & Severson, 2009). The assumption of retributive justice is that punishment deters future offenses (Bradshaw & Roseborough, 2005).

Retributive justice is individualistic in nature in that the focus is mainly on the offender. The needs of the victim are considered irrelevant (Calhoun & Pelech, 2010). The needs of victim recovery are ignored while the processing of the offender takes precedence (Choi, Green, & Kapp, 2010). After suffering losses from the crime, either material or physical, victims often suffer insensitive treatment in the criminal justice system. Most times restitution is not received and remorse is not heard when the case goes to court in the traditional court setting (Choi & Severson, 2009).

Dissatisfaction and frustration with the current philosophy has resulted in the emergence of restorative justice (Choi, 2011). Dissatisfaction related to the increasing cost of incarceration (Choi, Green, & Gilbert, 2011) and overcrowding in prisons and jails are some of the issues regarding the criminal justice system (Choi, Green, & Gilbert, 2011). According to Presser and Lowenkamp (1999), alternative or supplementary
justice interventions that are gaining acceptance internationally in the criminal justice field are restorative justice programs. In contrast to retributive justice’s assumption that crime is a violation of the law, restorative justice views crime as a violation of people and relationships (Choi, 2011).

Preventing criminal behavior is definitely a state interest, but restorative justice allows those most directly affected by crime to be involved in dealing with the harm caused by offenses (Bradshaw, Roseborough, & Umbreit, 2006). Emphasis is on healing rather than punishment. The healing includes the victim, the offender, and the community (Okimoto, Wenzel, & Feather, 2009). Healing the relationships between the offender and the victim is more important than the criminal sanctions and punishment of the offender (Kuo, Longmire, & Cuvelier, 2010).

Restorative justice needs to be further explored due to researchers and professionals using different definitions. de Beus and Rodriguez (2007) explained that restorative justice is a hard concept to define due to there being no clear definition. Restorative justice is still developing into a clearly agreed upon concept and different people apply the theory in different ways when addressing offenses. This results in restorative justice programs being different from jurisdiction to jurisdiction (de Beus & Rodriguez, 2007).

One definition of restorative justice is the coming together of all parties involved in a crime to resolve the aftermath of the crime and plan for the future (Kuo et al., 2010). In 2004, Zehr defined restorative justice as “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address
harm, needs, and obligations in order to heal and put things as right as possible” (Bradshaw & Roseborough, 2005, p307). Restorative justice assumes that a violation of people and relationships is the result of criminal offenses. Bringing people together that are most affected by a crime in an attempt to heal the harm committed is the goal of restorative justice (Bradshaw & Roseborough, 2005).

Gaining popularity since the 1970s, restorative justice has increasingly been used to work with minor and serious criminal behaviors in juveniles and adults (Bergseth & Bouffard, 2007). It is a justice approach that gives more rights to victims and provides alternatives to punishment-oriented justice procedures (Choi et al., 2011). Some of those alternatives could include financial compensation, a verbal apology, substance abuse treatment referrals, assistance to the victim or offender to meet their needs, such as finding a job, and/or neighborhood meetings to regain safety (Presser & Van Voorhis, 2002).

The first criminal justice case to utilize a restorative justice program was in 1991 in Elmira, Ontario and called the Victim Offender Reconciliation Program (VORP) (Zehr, 2004). Deinstitutionalization and community-based services were the larger projects that VORP evolved from. Several programs adapted the VORP model and named themselves the Prisoner and Community Together (PACT) (Umbreit, Coates, & Vos, 2007).

Restorative justice was originally used for informal dispute resolution of minor crimes. Often, these crimes involved first-time and young offenders. According to McAlindren (2011) every offense for young offenders except murder and manslaughter
are attempted to be resolved with restorative justice. It has been used with adult offenders who have committed serious crimes ranging from burglary to assault. Sexual assault and domestic violence committed by first-time offenders have also used restorative justice (McAlinden, 2011). In 2001, there were only seven states in the United States with restorative justice programs that addressed serious and violent crimes. This number increased to twenty-four states by 2009 (Urban, Markway, & Crockett, 2011).

**Three Types of Restorative Justice Dialogue Programs**

At present there are three types of restorative justice dialogue programs being used in conjunction within the criminal justice process. These include Family Group Conferencing (FGC), Peacemaking Circles, and Victim-Offender Mediation (VOM) (Bradshaw & Roseborough, 2005).

The most established restorative justice program is the VOM (Bradshaw & Roseborough, 2005). There are more than thirteen hundred programs in eighteen countries offering their method, including the United States (Bradshaw et al., 2006). Juvenile property offenses and minor assaults are the typical crimes that have involved restorative justice. More efforts have been given to include severely violent crimes in this list (Nugent, Umbreit, Wiinaki, & Paddock, 2001). VOM involves voluntary dialogue between the victim and offender so each side can tell their stories of the crime, identify needs, and provide an opportunity for the offender to make things right in the form of restitution (Umbreit et al., 2007).
The victim has the ability to inform the offender of the harm they have committed. After completion of the program, the offender ideally realizes the harm they have caused through their crime and seeks the services they need to not recidivate (Rodriguez, 2007). When a victim does not want to meet face-to-face with the offender, indirect dialogue or written letters are utilized (Albrecht, 2001). The end result of the program is for the victim and offender to create resolution over repairing damages called restitution (Presser & Van Voorhis, 2002).

A report by Umbreit, Coates, and Vos (2004) stated that ninety percent of the VOM meetings ended in a restitution agreement. Of these cases, eighty to ninety percent of the offenders completed the requirements of the restitution agreement (Bradshaw et al, 2006). Other studies have found that the restitution agreement was secondary to the opportunity to talk face-to-face with the perpetrators. Developing offender empathy and emotional healing for the victim are the central concerns for VOM programs (Umbreit, Coates, & Vos, 2004).

The most common second restorative justice program is Family Group Conferencing (FGC) or community conferencing. This type of restorative justice program was designed as a means of stopping juvenile offenders from formal adjudication in New Zealand (Bradshaw & Roseborough, 2005). FGC was based on the Maori people of New Zealand who had this ancient tradition of dealing with crime (Presser & Van Voorhis, 2002). New Zealand made FGC the standard process for juvenile cases in 1989 through legislation (Bradshaw & Roseborough, 2005).
In New Zealand the police conduct the Family Group Conferencing, which brings together all the people affected by the crime. This could include the victim, offender, and both their families and supporters (Bradshaw & Roseborough, 2005). Dialogue between all parties is conducted to discuss the crime, the harm caused, and reparation plans to repair the harm (Presser & Van Voorhis, 2002). Through this conference, it is assumed that the offender will understand the impact of their offense and take responsibility for their actions (Bradshaw & Roseborough, 2005).

The final type of restorative justice program is Peacemaking Circles or Sentencing Circles. They promote accountability, healing, and compassion. Peacemaking Circles are similar to Family Group Conferencing, except there are more representatives from the justice system (Bradshaw & Roseborough, 2005). Peacemaking Circles are also based on dialogue between all parties to determine wrongdoing, interventions to stop it, and reparations (Presser & Van Voorhis, 2002).

These three programs are very similar in that they involve opportunities for the victim and offender. The victim is able to be involved in the resolution, to address the consequences, and receive answers to their questions regarding the crime. The victim is able to express him or herself, create relationships, receive restitution and reach closure. The offender is able to be involved directly in resolving the issue, creating relationships, giving answers to their victim, coming to an understanding of the impact of their actions, and making amends (Choi et al., 2010).

**Restorative justice in the prison setting.** As an alternative to the traditional criminal justice process, restorative justice in all these forms or a combination of them
has been used at all stages of the criminal justice process from pre-charge to post-sentence. It has been viewed as working together with the traditional system. The post-sentence stage would include incarceration. There are few restorative justice programs in prison settings and those that do exist vary from prison to prison in terms of their objectives (Dhami, Mantle, & Fox, 2009).

One restorative justice prison program was the Citizens, Victims, and Offenders Restoring Justice (CVORJ) program that was a pilot project administered at the Washington State Reformatory. The program was constructed from a mixture of the literature available at the time on restorative justice. This pilot project was conducted during the years of 1997 and 1998 and the purpose was to create a restorative justice seminar that involved victims, offenders, and the community that could be implemented in a correctional setting and evaluate the outcomes of the seminar. Some of the goals of the project included creating a safe place where prisoners could discuss remorse for their actions and become accountable for those actions and to facilitate meaningful communication between all participants (Helfgott, Lovell, Lawrence, & Parsonage, 2000).

The process for participant selection consisted of the researchers distributing flyers to the general population at the Washington State Reformatory and victim’s advocacy organizations and local colleges and universities. The twenty-seven inmates were chosen based on their answers to questions ranging from criminal offense and their willingness to discuss past offenses to their ability to work well with others. All victims
and community members who applied were chosen due to low volunteer turn out, which included eighteen victims and fifteen community members (Helfgott et al., 2000).

The demographics of the sample were very diverse. The range in age for the inmates was from 22 to 57 years old and their sentences ranged from 5 years to multiple life sentences. The majority of the inmates (74 percent) were serving time for murder. Other offenses included crimes such as drug offense, robbery, burglary, and rape. There were 15 female and 3 male victims ranging in age from 22 to 78 years old. The crimes they were victims of ranged from rape and domestic violence to burglary. Six participants were family members of homicide or rape victims. Six months to 43 years was the timeframe since they experienced the crime. This sample participated in seminars that lasted ten to twelve weeks. The seminars consisted of discussions about readings related to restorative justice and the participants’ own experiences in offending or victimization. A focus group and a tour of the prison were the last process of the seminar (Helfgott et al., 2000).

The seminar participants were given pre-post questionnaires to determine the effectiveness of the seminars. Offenders (67 percent) reported that the experience was positive, but also reported that they were more uncomfortable discussing their crimes upon seminar completion in comparison to victims who felt comfortable at 72 percent. Helfgott et al. argue that this suggests that the inmates felt comfortable in the seminar setting even though the nature of the story was uncomfortable showing evidence that the goal of creating a safe place was met. Victim participants (66 percent) stated the experience was positive (Helfgott et al., 2000).
Other findings included that 81.5 percent of the offenders reported spending more time thinking about their crimes and their victims after the seminar. At the pretest, all inmates were familiar with accountability and responsibility as terms in legal jargon, but could not explain how they could accomplish these terms beyond serving out their sentences. On the post-test, most inmates were able to articulate concrete ways to repair the harms they had committed through their crimes (Helfgott et al., 2000).

**Core Processes Involved in Restorative Justice**

There are several core processes that distinguish restorative justice interventions from other correctional interventions. All three interventions involve dialogue between all members of the process. What happened, psychological and material harms, moral values, and reparation are discussed. The purpose is to change the people involved and their communities. The intensity of the discussion, the level of participation, and the direction of the dialogue all effect the change that is produced by restorative justice (Presser & Van Voorhis, 2002).

For the dialogue to be successful, all participants need to feel comfortable speaking freely. The victim in particular needs to feel safe discussing their victimization so they can describe how they were affected physically and psychologically (Presser & Van Voorhis, 2002). If one party dominates the dialogue, communication could be blocked. Equal treatment of the victim and offender should happen during the dialogue (Kuo et al., 2010).

Another core process is relationship building, more specifically building of interpersonal relationships. How these relationships are built is through dialogue. These
relationships are between all members of the process (Presser & Van Voorhis, 2002). Family members, friends, and neighbors from the community can be included. By mending these social bonds, the offender could be changed by the implementation of informal social control (Kuo et al., 2010). The here and now is emphasized in the process of relationship building. The facilitators have to create safe environments that build relationships and a sense of safety (Presser & Van Voorhis, 2002).

A core process of restorative justice is to facilitate communication of moral values. According to Presser and Van Voorhis (2002) criminals often have immoral, exploitative values that help them avoid guilt or shame for their actions. The communication of moral values is important to reintegrate the offender into the community and help insure they do not reoffend. As moral values are expressed, it is expected that the offender’s empathy for their victim will increase. These moral values are constructed by the offenders hearing and understanding victim’s perspectives of the crimes committed against them (Kuo et al., 2010). Through sharing behavioral standards that are moral, the offender will hopefully not stray to criminal behaviors (Presser & Van Voorhis, 2002).

**Resolving Harm from a Restorative Justice Perspective**

Identifying what harm was caused by the offense is important to determine an effective way to repair that harm. Restorative justice broadly uses the term harm, which can include material losses, physical and psychological injuries, and relationship problems between the victim, offender and community (Doolin, 2007). Karp (2001) attempted to organize the multiple forms of harm into two variables that included
“material versus personal/relationship harm” and “private versus public harm” (Karp, 2001, p729).

Material harm consisted of lost or damaged property or lost wages from work. Personal/relational harm consisted of physical or emotional harm of the victim and fractured relationships between the victim, offender, and/or community. The variable of private versus public harm further identified whether the harm committed was to a private citizen, business, or organization or to the community in the form of public spaces or places (Karp, 2001).

Harm is defined by victims and offenders voicing their feelings and expressing how the crime affected them (Okimoto et al., 2009). Also discussed is which reparations should be designed to repair the harm that would be acceptable to both parties. This makes the victim’s participation meaningful in that their concerns are heard. When the offender, victim, and community have a say on what reparations the offender will complete, the acts can include specifically directed reparations that relate to the crime or could require a positive act by the offender that is directed toward the community. The offender paying restitution for damages they committed during the crime would be direct reparation. Community service not related to the offense would be a positive act (Karp, 2001)

To further understand these concepts of harm and reparation, Karp conducted a qualitative study on Vermont’s Reparative Probation Program for adults who commit minor offenses. This is a statewide program mandated by state legislation. Karp hypothesized that this program demonstrated the concepts of harm and repair that are the
basis of restorative justice. The study examined 52 videotapes consisting of 29 different community boards in 17 towns in Vermont. There were 16 females offenders and 36 male offenders whose crimes ranged from driving under the influence to assault (Karp, 2001).

There were 52 videotapes collected of reparative board meetings between July 1998 and August 1999. Karp conducted content analysis of these videotapes to determine how harm was repaired in these cases. Data was also collected from paper records from the cases, such as police records, reparative contracts, and notices of discharge from probation. Karp examined what was identified as harm in the police report, during the videotaped board meeting, and the reparative contract to decipher if harm committed during the crime was truly repaired.

The study found that for 85 percent of the cases, the reparative boards required offenders to conduct apologies, restitution, and community service. Thirty-six reparative contracts, or 69 percent required the offender to complete at least one reparative task that was directly related to the identified harm committed during the offense. Twenty-six of those thirty-six contracts required additional tasks that had no relationship to the harm committed, such as community service. Karp argued that restorative justice’s goal of reparation is not only to repair the harm committed by the offense, but also to improve the broader community problems. Of the fifty-two cases, thirty-eight cases were assigned community service. Ninety percent of the cases involved a victim, but only eight percent of the cases had a victim attend the reparative board meetings. Of these cases, thirty-four cases had clauses in the reparative contract requiring letters of apology. In total,
eighty-three percent of the cases resulted in completed contracts and successful offender discharge from the program (Karp, 2001).

**Motivation to participate in a restorative justice program.** The previous study had a large proportion of victims involved in the offenses, but a minimal number of victims that participated in the reparative board meetings (Karp, 2001). A qualitative case study was conducted of a Victim-Offender Mediation Program by Choi, Green, and Kapp (2010). The aim of the study was to understand the experiences of the participants and discover their motives for participating in the program. The researchers conducted thirty-four face-to-face recorded interviews with thirty-seven participants. The researchers also utilized observations of the participants over a one-year period (Choi, Green, & Kapp, 2010).

To recruit participants for this study, the researchers asked VOM program coordinators to provide information about the research project to potential participants. Thirty-seven participants volunteered to participate which included eight juvenile offenders, eight parents, eight adult victims, ten mediators, and three referral sources that comprised four completed VOM cases. The cases consisted of petty theft, vandalism in the community, vandalism of vehicles, and involuntary manslaughter (Choi, Green, & Kapp, 2010).

Victims’ motivations to participate in the VOM program can be summarized as having questions for the offender that were not answered in the court process, wanting an apology and restitution, wanting to express their victimization to the offender, and helping the juvenile offenders to change their behaviors. The juvenile offenders
expressed their motivation to participate as wanting to keep their criminal records clean, expressing to their victims the reasons why they committed the crime, apologizing to their victims, and helping themselves and the victims move on from the crime (Choi, Green, & Kapp, 2010).

The way in which the offender conveyed an apology to their victim was always through a letter of apology. A theme that emerged from the offenders was the difficulty of composing a sincere letter of apology. The offenders’ parents assisted in writing this letter in most of the cases. The offender had to read aloud their letter to the victims and most of the offenders reported feeling better after this process. From the victim’s testimony, many felt these apologies were not sincere due to the offender’s nonverbal expressions not conveying remorse. This included not making eye contact, tone of voice, or not looking remorseful (Choi, Green, & Kapp, 2010).

Sincere apologies by the offenders were acknowledged by the victims to be necessary for the offenders to be held accountable for their actions. Not all victims believed that the offenders were held accountable, because of the insincere apologies. The mediators, offenders, and their parents believed the offenders had been held accountable through their participation in the VOM program, paying restitution, community service, and not reoffending (Choi, Green, & Kapp, 2010).

Restorative justice and its impact on recidivism. Bergseth and Bouffard (2007) stated that there were mixed findings about the efficiency of restorative justice in reducing reoffending, or recidivism of offenders. They conducted a study from 2000 to 2003 that compared an alternative restorative justice program to the traditional juvenile
court processing in a rural, Midwestern community. The purpose of the study was to examine recidivism with special attention directed to examining the number and seriousness of later police contacts and the time until any reoffending was committed. The follow-up period for this study was four years after referral to the program (Bergseth & Bouffard, 2007).

The restorative justice program utilized in this study operated independently of the local juvenile court. The program received referrals from such agencies as victim advocacy groups, schools, law enforcement, the county attorney, and local courts. Once referred, the offender was made aware that the program was voluntary and he or she had to admit to the offense and had to be willing to participate in face-to-face dialogue with their victim. When victim and offender were willing to participate, a restorative justice facilitator would prepare both participants and assist them in the process (Bergseth & Bouffard, 2007).

The sample for this study consisted of 164 offenders referred to the restorative justice program and 166 offenders referred to the traditional court processing. In both samples, the average age was 14.7 years old and seventy-two percent were white. The total sample consisted of seventy-four percent males and twenty-five percent had at least one prior official police contact. Regarding current type of offense for referral, sixty-seven percent of the total sample were convicted of property-related offenses, 18.2 percent were offenses against persons, and 14.8 percent were charged with “other” offenses, such as alcohol/tobacco violations, disorderly conduct or traffic violations (Bergseth & Bouffard, 2007).
In this sample, probation tended to be assigned to juveniles in the traditional court processing. Seventy-nine percent were given supervised probation. Juveniles referred to the restorative justice program included twenty-five percent of the sample that did not go through the whole process due to either the offender being deemed inappropriate for the program or the victim not being willing to participate. The study found that 27.7 percent of those referred to traditional court processing after a six-month period had a new official contact with police compared to 12.8 percent of those referred to the restorative justice processing (Bergseth & Bouffard, 2007).

For more serious offenses, the traditional court-processing group had 15.7 percent of new property-related offenses compared to 14.8 percent for the restorative justice-processing group. A new persons related offense for the traditional court-processing group was 8.6 percent compared to 5.9 percent. As shown, restorative justice referral in many categories showed significantly better outcomes when compared to the traditional court processing. The juveniles referred to the restorative justice program had fewer later contacts and less serious offenses (Bergseth & Bouffard, 2007).

Another study examining recidivism rates for restorative justice participants was conducted by Rodriguez (2007). Data for this study was collected during the period of January 1999 through June 2001 from the Maricopa County Juvenile On-line Tracking System Database. Information was collected on juveniles’ referrals, formal court petitions, and dispositions. A comparison was conducted between two diversion programs of the Juvenile Probation Department of Maricopa County, Arizona. The study examined a standard diversion program compared to a restorative justice program. The
Community Justice Committees (CJCs) was the restorative justice program studied. The CJCs utilized a combination of concepts from Family Group Conferencing and Reparative Boards that consisted of including victims and families, as well as trained community members in the process (Rodriguez, 2007).

Participants in the diversion programs were selected by juvenile probation officers and people from the county attorney’s office. To participate in the CJCs, the juveniles were required to accept responsibility for their crime, as well as have their cases heard in front of committees. Once selected to participate in the CJCs, the juvenile would work with two to four volunteers and a juvenile probation officer. Through collaboration with the juveniles, families, and community, the CJCs attempted to hold the juveniles accountable for their crimes, assist with life skills development, and restore the community (Rodriguez, 2007).

Two questions were asked in this study related to the effectiveness of CJCs on juvenile recidivism and the effect of legal and extralegal variables on recidivism of juveniles participating in CJCs. Extralegal variables were defined as factors that had no connection to criminal justice, such as race, gender, and age. Legal variables that were connected to criminal justice included offense type and criminal history. Recidivism was defined as following program completion, a new petition to the juvenile court system (Rodriguez, 2007).

The majority of cases were first- or second-time offenders. Property offenders equaled sixty-two percent in the restorative justice program compared to sixty-two percent of status offenders in the comparison group. In both groups, the average
participant had at least one prior court referral. The average age in both groups was fourteen years old. The restorative justice program consisted of sixty percent boys, while the comparison group was a fraction lower at fifty-five percent (Rodriguez, 2007).

It was found that after two years, boys in the restorative justice programs recidivated at 29.7 percent compared to boys in the comparison group where the recidivism rate was 34.2 percent. This was also the case for girls. Only 19.5 percent of the girls in the restorative justice program recidivated compared to 29.2 percent of the comparison group. Participants in the restorative justice program with no or one prior offense had lower recidivism rates as well. It was also found for both groups that recidivism was more likely to occur when the number of prior offenses increased. This was even truer for the restorative justice participants, leading to the researcher’s hypothesis that restorative justice might be more effective as an early intervention for less criminally involved offenders (Rodriguez, 2007).

**Conclusion**

Challenges to the assumption of the sufficiency of punishment to address criminal behavior have resulted in the emergence of a restorative justice philosophy to address this issue (Okimoto et al., 2009). Choi and Gilbert (2010) state that restorative justice is increasingly being used in communities and criminal justice settings in North America, Europe, and the South Pacific. Restorative justice allows victims to understand their victimization by having face-to-face dialogue with their offender. Other outcomes could include potential restitution, reparation of harm committed by the offender, and community support of the victim and offender (Dhami & Joy, 2007).
Receiving little attention in the social work literature in the past, restorative justice has recently received attention from social work scholars due to its similarity with social work values. Empowerment of victims and less punitive approaches fit with the values of social work. By using restorative justice, social workers can become more involved in the criminal justice system and the goal of addressing the needs of both the offender and the victim can be met (Choi et al., 2010).

In reviewing the previous studies, the Helfgott et al. (2000) study at the Washington State Reformatory showed that a majority of the participants, victims and offenders, had a positive experience while participating in the restorative justice program. It was also found that offenders had a better understanding of how they could take responsibility for their actions and repair the harm through concrete actions other than serving their sentence (Helfgott et al., 2000).

Taking responsibility for the offender’s actions by reparation is a central theme of restorative justice (Karp, 2001). Wanting restitution or an apology was found to be one of the reasons that victims participated in the Victim Offender Mediation Program studied by Choi et al. (2010). This was not always accomplished in the studies examined in this paper. In Karp’s examination of Vermont’s Reparative Probation Program, it was found that not all of the cases required the offender to complete reparation tasks that were related to the offense. Karp argues that reparation is not just between the offender and victim, but the community as well and can be accomplished through community service (Karp, 2001). Another disappointment found in the study by Choi et al. (2010) was the presentation of the apology letters by the offenders was perceived to be insincere as a
result of their nonverbal actions. Victims believed that for the offender to be held accountable for their actions, their apology had to be sincere and this was not achieved in all cases (Choi et al., 2010).

If taking responsibility for the actions of their crimes, either through restitution or an apology is an important part of the restorative justice process, more definition and time needs to be directed towards these two forms of reparation. The current study hopes to acquire a better understanding of the concept of restitution from the perspective of the offender. Understanding how offenders view restitution could expand how the concept is defined, as well as addressed in future restorative justice programs.
Chapter 3

METHODOLOGY

Study Objectives

According to Bradshaw & Roseborough (2005), the central goals of restorative justice are identifying and addressing the harms that were caused by perpetrators’ actions when they commit their crimes. In this study, harm and responsibility are examined from the perpetrator’s own written reflection. The purpose of this study is to explore the perceptions of participants in a restorative justice program, the Insight Prison Project of San Quentin Prison, on the harm they have caused to their victim(s), families, communities and themselves, as well as to assess the responsibility they are taking to repair that harm. With a better understanding of the participants’ own ideas about how their actions effected others, professionals working with this population could be aware of what misconceptions need to be addressed and worked on in a restorative justice program. This could help stop the continuous rotation of offenders in and out of the criminal justice system.

Study Design

The design of this study is an exploratory, qualitative/quantitative secondary data analysis using data acquired from the Insight Prison Project in the SWK500 class during the spring semester of 2011/12 academic-year at California State University, Sacramento. The aim of this study is to acquire a better understanding of the offenders’ perceptions of the harm they have caused through their crimes and the actions they are taking to repair that harm.
Population

The population in which the sample was selected consisted of inmates participating in the Insight Prison Project at San Quentin Prison in San Rafael, California during December 2011. The Insight Prison Project is a 501(c)(3) organization that offers services in 12 prisons, three jails, and other programs in California. It yearly offers 20 regular core classes to three hundred inmates with the goal of rehabilitation at San Quentin Prison (Welcome to Insight Prison Project, ND). Based on a restorative justice concept, the core components of the IPP are the Victim Offender Education Group (VOEG) and Victim Offender Dialogues (VOD) (Insight Prison Project: History, The Beginning, ND).

Sampling Plan

Surveys were distributed to all IPP classes being conducted in December of 2011 to inmates participating in 4 different Insight Prison Project programs at San Quentin Prison. Ninety-five participants in the four programs consented to participate in the study and completed a survey that was analyzed for this study.

Data Collection

A letter of authorization was acquired from the executive director, Ellen M. Barry, of the Insight Prison Project allowing access to the data gathered in the academic year of 2011. The ninety-five completed surveys were retrieved from Professor Bankhead and photocopied. The original surveys were returned to Professor Bankhead.
**Instrument**

A 108-question survey was used to gather data in the original data collection effort at the Insight Prison Project. The survey consisted of questions regarding the participants’ demographics and criminal background, as well as questions asking the participants to rate how statements described themselves. There were behavioral questions, true or false questions, a vignette with questions asking the participants their opinion of the scenario, three embedded inventories measuring impulsivity, compassion, and aggression, and five open-ended questions that the participants answered in their own words.

**Measurement**

For the quantitative data there are nominal and ordinal levels of measurement. The variable of age is an ordinal variable. The participant’s race/ethnic group, level of education, whether they were abused, had witnessed violence or murder against a person, had witnessed animal cruelty, their current crime of conviction, what strike sentence they are serving, and if they were under the influence of drugs or alcohol at the time they committed the crime are all nominal levels of measurement. All of the qualitative data use open-ended questions.

**Data Analysis**

A thematic analysis of the five open-ended questions that were answered in the participants’ own words was conducted. Question 104, “Describe what you think the victim of your crime experienced physically, emotionally, and spiritually,” was broken down into three separate questions that included physical experience, emotional
experience, and spiritual experience. This same process was used with question 105, “Describe the impact of your crime on yourself, your family, and your community,” so each entity would be analyzed. Once the themes were determined, they were input into SPSS to create frequency distribution tables for each question.

The quantitative questions of race/ethnic group, level of education, whether subjects were abused, had witnessed violence or murder against a person, had witnessed animal cruelty, their current crime of conviction, what strike sentence they are serving, and if they were under the influence of drugs or alcohol at the time they committed the crime were also be input into SPSS to create frequency distribution table for the purpose of acquiring a description of the sample.

**Human Subjects Application**

The researcher’s Human Subjects Application, protocol number 12-13-041 was submitted to the Division of Social Work Human Subjects Review Committee in the spring 2013 semester and was approved as exempt as it is secondary data analysis and uses no human subjects.

**Summary**

Through this qualitative/quantitative secondary data analysis this researcher hopes to acquire a better understanding of the perceptions of the participants in the Insight Prison Project on the effects their actions had on others and the consequences of their negative actions through the crimes they committed. Professionals working with inmates in a restorative justice based program could benefit from this information. Through an understanding of offenders' beliefs about the harm they have committed their crimes and
the reparation they are doing to repair that harm, professionals could specifically address these beliefs and expand on them directly in the restorative justice programs.
Chapter 4

RESULTS

Background

This study consisted of secondary data analysis of ninety-five surveys administered to the male inmates participating in the Insight Prison Project at San Quentin Prison in California in December 2011. The survey consisted of 108 questions and included qualitative and quantitative data.

Overall Findings

The sample for this study consisted of participants ranging in age from twenty-two to sixty-six years of age, with a mean age of 47.6. The racial or ethnic distribution of the sample, as seen in Table 1, shows that participants that identify as black make up a large portion of the sample at 43.2 percent. The second largest ethnic group identified as “other” at 24.2 percent.

<table>
<thead>
<tr>
<th>Racial/Ethnic Group</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>white</td>
<td>22</td>
<td>23.2</td>
<td>23.2</td>
<td>23.2</td>
</tr>
<tr>
<td>black</td>
<td>41</td>
<td>43.2</td>
<td>43.2</td>
<td>66.3</td>
</tr>
<tr>
<td>hispanic</td>
<td>9</td>
<td>9.5</td>
<td>9.5</td>
<td>75.8</td>
</tr>
<tr>
<td>other</td>
<td>23</td>
<td>24.2</td>
<td>24.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>95</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

For educational attainment, shown in Table 2, over twenty percent of the sample had acquired an Associate’s Degree. Less than ten percent had attained a degree higher than an
Associate’s Degree and a large percentage (70.5 percent) of the sample had only achieved a high school diploma, GED, or attended some high school.

Table 2

<table>
<thead>
<tr>
<th>Highest Educational Attainment</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than high school</td>
<td>5</td>
<td>5.3</td>
<td>5.3</td>
<td>5.3</td>
</tr>
<tr>
<td>high school</td>
<td>29</td>
<td>30.5</td>
<td>30.5</td>
<td>35.8</td>
</tr>
<tr>
<td>GED</td>
<td>33</td>
<td>34.7</td>
<td>34.7</td>
<td>70.5</td>
</tr>
<tr>
<td>AA degree</td>
<td>21</td>
<td>22.1</td>
<td>22.1</td>
<td>92.6</td>
</tr>
<tr>
<td>Bachelor degree</td>
<td>4</td>
<td>4.2</td>
<td>4.2</td>
<td>96.8</td>
</tr>
<tr>
<td>Master degree</td>
<td>2</td>
<td>2.1</td>
<td>2.1</td>
<td>98.9</td>
</tr>
<tr>
<td>PhD</td>
<td>1</td>
<td>1.1</td>
<td>1.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>95</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Of the sample, over half (56.8 percent) had reported that they had been sexually, physically, or emotionally abused by someone close to them. A majority of the sample (69.5 percent) reported that as a child, they had witnessed someone murdered or violently attacked and 56.8 percent had witnessed animal cruelty as a child.

The majority of the sample (91.6 percent) is currently serving a life sentence. The most common type of crime currently being served time for is homicide, equaling 65.3 percent of the sample, as shown by Figure 1. Robbery (21.1 percent) and assault and battery (16.8 percent) are the next highest crimes of conviction.
When asked if they were under the influence of drugs or alcohol at the time they committed their crime, 71.6 percent answered in the affirmative. A majority of the sample (83.1 percent) is serving time for a strike, as shown in Table 3. Those serving time for their first strike accounted for a little over half (50.7 percent) of the sample. Those in the sample serving time for a third strike totaled 25.4 percent.
Table 3
*Strikes in Sentencing*

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>.00</td>
<td>12</td>
<td>12.6</td>
<td>16.9</td>
<td>16.9</td>
</tr>
<tr>
<td>1.00</td>
<td>36</td>
<td>37.9</td>
<td>50.7</td>
<td>67.6</td>
</tr>
<tr>
<td>Valid</td>
<td>2.00</td>
<td>5</td>
<td>5.3</td>
<td>7.0</td>
</tr>
<tr>
<td></td>
<td>3.00</td>
<td>18</td>
<td>18.9</td>
<td>25.4</td>
</tr>
<tr>
<td>Total</td>
<td>71</td>
<td>74.7</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>24</td>
<td>25.3</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>95</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Specific Findings**

When asked to describe what their victim experienced physically, over half of the participants (56.7 percent) described pain, shown in Table 4. Death was the second highest word used to describe the victim’s experience at 20.9 percent.

Table 4
*Physical Impact of Crime on Victim*

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>pain</td>
<td>38</td>
<td>40.0</td>
<td>56.7</td>
<td>56.7</td>
</tr>
<tr>
<td>disfigured/damaged</td>
<td>3</td>
<td>3.2</td>
<td>4.5</td>
<td>61.2</td>
</tr>
<tr>
<td>death</td>
<td>14</td>
<td>14.7</td>
<td>20.9</td>
<td>82.1</td>
</tr>
<tr>
<td>other</td>
<td>12</td>
<td>12.6</td>
<td>17.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
<td>70.5</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>28</td>
<td>29.5</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>95</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For the emotional impact of the crime on the victim, fear was the most common word used by the participants at 45.2 percent, as seen in Figure 2. Pain/anguish was also highly used to describe the victim’s emotional experience at 35.7 percent.
When asked to describe the spiritual impact of the crime on their victim, 67.4 percent of the sample did not address this question, illustrated in Table 5. When answered, the most common description was “disconnection” at 25.8 percent. “Questioned/lost faith” was the next most prevalent answer at 19.4 percent.

![Figure 2: Emotional Experience of the Victim](image)

Table 5

<table>
<thead>
<tr>
<th>Spiritual Impact of Crime on Victim</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>disconnection</td>
<td>8</td>
<td>8.4</td>
<td>25.8</td>
<td>25.8</td>
</tr>
<tr>
<td>praying for help</td>
<td>1</td>
<td>1.1</td>
<td>3.2</td>
<td>29.0</td>
</tr>
<tr>
<td>question/lost faith</td>
<td>6</td>
<td>6.3</td>
<td>19.4</td>
<td>48.4</td>
</tr>
<tr>
<td>belief in a higher power increased</td>
<td>2</td>
<td>2.1</td>
<td>6.5</td>
<td>54.8</td>
</tr>
<tr>
<td>other</td>
<td>14</td>
<td>14.7</td>
<td>45.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>31</td>
<td>32.6</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Figure 3 illustrates the participants’ responses to how their crime impacted themselves. The most common answer was “emotional repercussions” at 42.2 percent. Incarceration was the second highest category for the question at 22.9 percent.
Figure 3: Impact of Their Crime on Themselves

Figure 4 shows that “emotional repercussions” was also the largest category for the impact the participant’s crime had on their family at 56.1 percent. “Broken relationships” was the next most prevalent answer at 30.5 percent.

Figure 4: Impact of Crime on Family

The most common description for the impact of their crime on the community used by the sample was “fear” at 36.4 percent, as shown in Figure 5. “Broken relationships” was the second most common answer at 13 percent. Being a financial burden on society was given by 10.4 percent of the sample.
A common theme that was found for the participants when asked how their crime impacted themselves, their family, and their community was the answer of “broken relationships,” as shown in Figure 6. “Broken relationships” was 30.5 percent for the category of family compared to 13 percent for the community. There are no corresponding answers in the question of how respondents take responsibility for repairing those broken relationships.

“Emotional repercussions” was the largest category for the impact that the crime had on the offender with 42.2 percent of the sample indicating this. When asked how the participant shows remorse for their crime, 25.9 percent stated they express their feelings. As shown in Tables 6 and 7, through a chi-square analysis, there is no significant correlation between these two variables. The p value is greater than .05 at .447.
When asked, “how do you show that you take responsibility for the crime you are currently serving time for,” the majority of the sample gave multiple examples. Eight variables were constructed from their answers that included education, clean and sober, admitting guilt, remembering victim, helping others, do no harm, personal improvement, and other. Only 9.4 percent of the sample stated that they would “do no harm.”

The highest percentage was “personal improvement” with 55.3 percent indicating so, as shown in Figure 7. “Education” through programs and self-help groups was the second highest form of how participants take responsibility for their crimes, equaling 41.2 percent. “Remembering victim” was a surprising answer given by 5.9 percent of the sample.
“Education” through programs and self-help groups was the second highest form of how participants take responsibility for their crimes, equaling 41.2 percent. One participant articulated why it was important for him to participate in programs by writing, “I can never bring back a life, but I am always looking for ways to better myself through education and self-help programs. The more I know myself and realize the damage I’ve done the chances are less likely I will act out in violence again.”

“Remembering victim” was a surprising answer given by 5.9 percent of the sample in regards to how the participants take responsibility for their crime. One participant stated, “I try to live my life in a manner that gives some type of honor to my victim. Because I took his life, I am now responsible for his life, the legacy he would have left.” This answer was a combination of “personal improvement” and “remembering their victim.”

Only 7.1 percent of the sample stated that they stay clean and sober in an effort to take responsibility for their crimes, while 71.6 percent of the sample stated that they were under the influence of drugs or alcohol at the time of the crime. Through a chi-square
comparison of the two variables, shown in Tables 8 and 9, there was no significant correlation due to the p value equaling .11.

Table 8
*Under the Influence & Clean & Sober*

<table>
<thead>
<tr>
<th></th>
<th>clean and sober</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>under the influence of drugs</td>
<td>yes</td>
<td>6</td>
</tr>
<tr>
<td>or alcohol during crime</td>
<td>no</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>79</td>
</tr>
</tbody>
</table>

Table 9
*Chi-Square Tests for Under the Influence & Clean & Sober*

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
<th>Exact Sig. (2-sided)</th>
<th>Exact Sig. (1-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>2.540⁸</td>
<td>1</td>
<td>.111</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuity Correction</td>
<td>1.262</td>
<td>1</td>
<td>.261</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likelihood Ratio</td>
<td>4.158</td>
<td>1</td>
<td>.041</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisher's Exact Test</td>
<td></td>
<td></td>
<td></td>
<td>.178</td>
<td>.127</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>2.510</td>
<td>1</td>
<td>.113</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>85</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Summary**

The mean age for the sample of this study was 47.5591. The largest ethnic group was black and attaining a GED was the highest educational attainment for over 34 percent of the sample. More than half of the sample has been sexually, physically, or emotionally abused by someone close to him. A large portion of the sample has witnessed someone murdered or violently attacked as a child and witnessed animal cruelty.
Over 90 percent of the sample is serving a life sentence with homicide as the most common type of crime of conviction. A majority of the sample is serving time for a “strike”. Over 70 percent of the sample was under the influence of drugs or alcohol when they committed their crime, but no correlation was found between being under the influence at the time they committed their crime and staying clean and sober.

When asked to describe the physical experience of their victim, pain was the most common description. Fear was the most common description given for the victim’s emotional experience. The majority of the sample did not address the spiritual experience of the victim. An emotional impact was the most common response for how their crime impacted themselves, their family, and the community. Even though a majority of the sample was emotionally impacted by their crime, they were not more prone to express their feelings. Personal improvement and education were the most common responses for how the sample was taking responsibility for their crimes.
Chapter 5

DISCUSSION

This study consisted of secondary data analysis of ninety-five surveys administered to the male inmates participating in the Insight Prison Project at San Quentin Prison in California in December 2011. A thematic analysis was conducted on the qualitative data that consisted of five open-ended questions in this survey and input into SPSS to determine the frequencies of the respondents’ answers. Also input into SPSS was the quantitative data. Through this study, some of the findings included the offenders having a difficult time describing the physical impact of their crime on their victim, as well as the spiritual impact on their victim. The respondents did not state that they were repairing the relationships that were broken by their crimes, but did respond that broken relationships was a consequence of their crimes.

Harm of the Victim

Of the sample, over 65 percent are serving a sentence for homicide. This may make it difficult for the offenders to empathize with their victim and imagine how they felt during the crime. Death (20.7 percent) and pain (56.7 percent) were the most common responses for the category of physical experience. Several of the offenders make it apparent that it was difficult or impossible for them to think past the demise of their victim. Two of the offenders, both serving a sentence for homicide, responded to this question with “nothing” or “none.” Another offender responded with “the victim died very fast so I don’t think he had time to experience anything.”
Without the ability to further question these offenders, the reasoning for their answers can only be surmised. They either are incapable at this time of empathizing with their victim or they do not want to imagine the experience of their victim due to the severity of it. A simpler answer is that they truly do not feel that their victim experienced anything, as the death was quick. One offender implied this in his disturbing statement of “I think the victim physically didn’t have enough time with me.”

Seven offenders, who were serving time for homicide were also unable to conceptualize what their victim experienced, but were able to think past just the victim and include the victim’s family in their response to how the victim experienced the crime. These answers were input as “other,” equaling 17.9 percent. One offender stated, “I will never know or be able to describe what my victim experienced since my victim died. But I can imagine the pain the family was and is feeling.” Another offender stated, “I think his children will always wonder what their father was like. His children’s mother will often experience the pain of the loss.” These seven offenders are still unable to articulate what the victim experienced, but were able to look past the death of their victim and see the consequences of their actions as they effected the victim’s family.

With the death of their victim, offenders have to rely on the testimony of other offenders’ victims and family members of victims. It seems that through this form of surrogacy, the offenders are not able to truly conceptualize the effects of their actions of homicide on the victims themselves, but some are able to extend their ideas of harm to the victim’s family. Death is such an unknown experience and it takes a great amount of empathy and imagination to feel how the victim felt in his or her last moments of life.
No surrogate victim or family member could truly explain how death is experienced by the victim. Empathized surmises are the best to be hoped for in these cases. People in general might not believe the “guesses” that are presented to them about how their victim experienced the crime, resulting in their inability to answer the question.

**Broken Relationships**

According to Bradshaw and Roseborough (2005), criminal offenses violate relationships and restorative justice attempts to bring those most affected by the crime together to heal this rift. This was illustrated in the sample’s response to “describe the impact of your crime on yourself, your family, and your community.” For themselves, 21.7 percent of the sample identified broken relationships as a consequence. For their family, the number was 30.5 percent and their community was 13 percent. Simple statements of “separated me from my wife and children” and “missing father, husband, brother, uncle” illustrate this concept.

Only one offender discussed repairing the relationships that had been broken in how he takes responsibility for his crime. He states simply, “restore the relationships that I have ruined.” He does not give examples of how he intends to do this in his answer. Being incarcerated makes it difficult to repair the bonds that were broken because of a crime. If family members or friends do not want to visit the offenders in prison or read their letters, there is not much else they can do to fix what was broken until they are released, which will not be the case for a long time if ever due to serving life sentences.

Helping those in San Quentin Prison could be seen as one way they are rebuilding relationships in their constrained environment. Many of the offenders used the word
community when discussing San Quentin Prison and described lives in which they previously were not productive in their community, but destructive through their crimes. In their current setting, many of the offenders described being an asset to their fellow offenders by helping them. Over a quarter of the sample stated that helping others was how they take responsibility for their crimes. This is an example of relationship building in a community constructed by offenders behind prison walls.

When answering how he takes responsibility for his crime, one offender states, “helping other people who are less fortunate and need help in areas of their lives that I feel I can assist them with…in the community that I live in.” Another offender states, “giving back to the San Quentin community by being of service to others.” Both offenders identify living in a community, even though it is a prison setting and feel the need to give back to that community. This might be something that they did not do in their previous communities.

Helping others includes teaching others in their community about their life in an attempt to prevent others from doing the same thing they did, resulting in long prison terms. One offender states, “doing everything I can to help prevent others from going down the same path I have.” Taking on the task to educate others in an attempt to prevent crime and imprisonment is not only relationship building for the community of San Quentin, but also for the community that the inmate will be paroled to in the future. Through education of the severe consequences by a peer, hopefully the inmate will become a better citizen in the community when paroled to avoid those consequences.
Responsibility Taken by the Offender

Personal improvement was the most common answer given for how offenders take responsibility for their crimes at 55.3 percent. The examples of this variable included simple statement such as, “by living a healthy life” to a more in-depth answer of “by changing the condition of my mind and heart and living different from the way I use to live.” These offenders realize that they were wrong and they need to change themselves to take responsibility for those actions.

A surprising finding was that only 9.4 percent of the sample stated that they “do no harm” or re-offend as a separate example of how they take responsibility for their crime. Such statements as “living a healthier life” or “living different from the way I use to live” could imply that they mean to not re-offend or hurt others, because these are old behaviors that are not healthy.

Education through programs and self-help groups was the second highest form of how participants take responsibility for their crimes, equaling 41.2 percent. One participant articulated why it was important for him to participate in programs by writing, “I can never bring back a life, but I am always looking for ways to better myself through education and self-help programs. The more I know myself and realize the damage I’ve done the chances are less likely I will act out in violence again.” This statement closely resembles personal improvement, but since the offender is specifically referring to education and the reasons he participates in groups.

A reason several of the offenders gave for participating in education and self-help groups was to learn how to take responsibility for their crime. One offender illustrates
this through his statement of, “by choosing to go to programs that will help me learn
more about who I really am and that can teach me what taking responsibility is all about.”
Another offender simply states, “I am learning how to do that now by taking VOEG (an
Insight Prison Project program).” Being incarcerated makes it difficult to take
responsibility for their crimes other than being in prison and these offenders are looking
for help in creating ways to accomplish this task.

“Remembering victim” was a surprising answer given by 5.9 percent of the sample
in regards to how the participants take responsibility for their crime. One participant
stated, “I try to live my life in a manner that gives some type of honor to my victim.
Because I took his life, I am now responsible for his life, the legacy he would have left.”
This answer was a combination of “personal improvement” and “remembering victim.”
This offender believes that he has to improve himself to give some meaning to his victim’s
murder.

**Summary of Study**

In this sample, there was a high percentage of offenders who were serving time for
homicide. This may be related to their difficulty conceptualizing how their crime
impacted the victim. The majority of the answers were limited to death and pain for the
victim’s physical experience. For the impact the crime had on the offender, their family,
and the community the theme of broken relationships emerged, but there was usually no
direct action that was done by the respondents to repair those broken relationships.
Personal improvement and education are the major ways in which the respondents take
responsibility for their crimes. Helping others was also given as an response for this question.

**Implications for Social Work**

The restorative justice approach is a good fit for social workers that want to work in the criminal justice system. The focus is on restoring relationships and resolving the harm resulting from the crime, rather than just being punitive (Bradshaw & Roseborough, 2005). Taking the opportunity to work with offenders in a prison setting who might never get out of prison might seem futile to many people, but through this study it was found that over a quarter of the subjects sampled helped others in the prison setting by teaching them what they have learned and trying to prevent them from making the same mistakes. Creating ambassadors of change in a prison setting could be an effective way to get the message of restorative justice to the larger population.

**Recommendations**

In future restorative justice programs in prison settings, more time designated to discussing how the participants could repair the harm of their crimes would be recommended due to the fact that offenders mainly focused on improving themselves and helping other offenders as ways that they took responsibility for their crimes. Reparation through restitution and apology letters could be discussed more. A focus on death due to a large portion of the sample serving time for homicide would be beneficial. With a focus on the impacts of death on their victim, respondents might be able to articulate what their victims experienced while dying. Another focus could be spirituality. A majority of the respondents did not respond to how their victims experienced the crime spiritually. By
addressing spirituality, the participants could have a better understanding of the victim’s overall experience.

For future researchers, it is recommended that for questions that the participants respond to in their own written response be single questions, rather than several parts in one question. It was difficult to decipher what component the participant was responding to when answering the question. A direction question of “how do you repair the harm committed by your crime” would be beneficial to further this specific data for future restorative justice research. No answer was given that addresses this specific question. Different answers might have been given if repair was used instead of “take responsibility.”

Including a question regarding the effects of their crime on the victim’s family seems to be needed due to several of the offenders addressing this question on their own. It could be effective in helping the offender think about how their actions affect more people than just the victim, themselves, their family, and the community.

**Limitations**

This study contained a nonprobability sample, resulting in the study not being generalizable to other restorative justice programs. The study was exploratory in design and was not meant to evaluate the effectiveness of the Insight Prison Project or restorative justice. The purpose of this study was to acquire a better understanding of offenders’ perceptions of harm and responsibility.

The process of thematic analysis was conducted on qualitative data in which offenders from the Insight Prison Project attempted to answer questions related to harm
and responsibility. This process was conducted by one researcher who attempted to condense complex answers into simple variables for the purpose of SPSS data entry. Through this process the offender’s meaning to a question could have been lost or misinterpreted by the researcher. This researcher used quotes from the offenders’ answers in an attempt to avoid these limitations.

**Conclusion**

According to Bradshaw and Roseborough (2005) restorative justice is a process undertaken by all parties of a crime to attempt to identify and address the harms caused by a crime. The current study explores offenders’ beliefs about how they identify harm resulting from their crime and how they address it to acquire a better understanding of the offenders’ perceptions on these concepts. The research consisted of secondary data analysis of both qualitative and quantitative data collected from male inmates participating in programs offered by the Insight Prison Project at San Quentin Prison, a restorative justice based program.

Through this study, some of the findings included the offenders having a difficult time describing the physical impact of their crime on their victim, as well as the spiritual impact on their victim. The respondents did not state that they were repairing the relationships that were broken by their crimes, but did respond that broken relationships was a consequence of their crimes. These findings suggest that there is a need for restorative justice programs to designate more time to discuss such topics as the experience of victim’s of homicide, spirituality, and repairing broken relationships while
incarcerated when working with a population of imprisoned offenders serving long sentences for homicide.
Appendix A

Human Subjects Approval Letter

CALIFORNIA STATE UNIVERSITY, SACRAMENTO
DIVISION OF SOCIAL WORK

To: Rosanna Perry
From: Committee for the Protection of Human Subjects

RE: YOUR RECENT HUMAN SUBJECTS APPLICATION

We are writing on behalf of the Committee for the Protection of Human Subjects from the Division of Social Work. Your proposed study, “Restorative Justice: Its Effect on Offender’s Perceptions of Harm & Responsibility.”

_X_ approved as    _X_ EXEMPT    ___ MINIMAL RISK

Your human subjects approval number is: 12-13-041. Please use this number in all official correspondence and written materials relative to your study. Your approval expires one year from this date. Approval carries with it that you will inform the Committee promptly should an adverse reaction occur, and that you will make no modification in the protocol without prior approval of the Committee.

The committee wishes you the best in your research.
Professors: Maria Dinis, Jude Antonyappan, Teahsha Bankhead, Serge Lee, Kisun Nam, Maura O’Keefe, Dale Russell, Francis Yuen

Cc: Bankhead
References


California Department of Corrections and Rehabilitation (2011). Corrections: Year at a Glance. Retrieved from

www.cdcr.ca.gov/News/docs/2011_Annual_Report_FINAL.pdf


Insight Prison Project. (ND). Welcome to Insight Prison Project. Retrieved from 
[http://insightprisonproject.org/](http://insightprisonproject.org/)


