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Restorative Justice:

Is Austin, Texas Ready for an Alternative Approach to Domestic Violence?

by

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What are the practical and theoretical arguments surrounding the application of restorative justice to domestic violence? What are the most critical factors to consider when deciding whether or not to develop, and how to develop, a successful restorative justice initiative for domestic violence cases within a specific community? What are current restorative justice programs in the United States and Canada doing to address these issues? This thesis engages these questions, and, drawing on 18 in-depth interviews with stakeholders and program experts, uses the information gathered as a framework for evaluating the position of the Austin, Texas community to successfully develop, implement, and support a restorative justice initiative for domestic violence.

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CHAPTER ONE: INTRODUCTION

Restorative justice emerged in the 1970s as a social movement aimed at redirecting society's retributive response to crime (Armour, 2006). Crime, in the context of restorative justice, is viewed as a violation of people and relationships rather than an offense against the state (Zehr, 2005). Accordingly,

Restorative justice emphasizes the importance of elevating the role of crime victims and community members, holding offenders directly accountable to the people they have violated, restoring the emotional and material losses of victims, and providing a range of opportunities for dialogue, negotiation, and problem solving, whenever possible, that can lead to a greater sense of community safety, conflict resolution, and closure for all involved. (Umbreit, 2001, p. xxv)

Until fairly recently, restorative justice was only used to address minor offenses such as burglary and other property crimes (Zehr, 2002). However, in the 1990s practitioners began to use restorative justice to address serious, violent crimes like drunk driving, rape, assault, and murder (Zehr, 2002).

Long frustrated by the inability of the criminal justice system to meet the needs of victims and offenders involved in violent relationships, domestic violence advocates were inspired by the success of restorative justice initiatives addressing other violent crimes. Within the past decade, they, along with restorative justice researchers and practitioners, have begun to debate the merits of using restorative justice for domestic violence. Proponents encourage using restorative justice to address domestic violence, claiming it offers more options and benefits to victims, holds offenders directly accountable for their abuse, and stimulates community discussion about domestic violence (Hopkins, Koss &

Bachar, 2004; Pranis, 2002). Opponents, however, claim restorative justice is inherently risky to victims and lacks adequate safety measures (Busch, 2002; Stubbs, 2004).

The potential risks of using restorative justice to address domestic violence have prompted practitioners to think twice about developing and implementing restorative justice initiatives to address domestic violence (Edwards & Haslett, 2003). As a result, the debate over applying restorative justice to domestic violence has remained largely theoretical in scope. Little has been done to delineate the most critical factors to consider for the *practical* development and implementation of a restorative justice initiative for domestic violence. Additionally, few programs exist that actually use restorative justice processes to address domestic violence; of those that do, there is little empirical evidence to indicate their success or failure.

This study attempts to fill these gaps by: a) learning about the concerns stakeholders have regarding the practical implementation of restorative justice for domestic violence, and b) studying the programs that do exist to learn what they are doing to address the concerns expressed by researchers and stakeholders. The information gathered is then used as a framework for evaluating the position of the Austin, Texas community relative to developing, implementing, and supporting a restorative justice initiative for domestic violence. Accordingly, the research questions generated for this study are:

1. What are the practical and theoretical arguments surrounding the application of restorative justice to domestic violence?

2. What are the most critical factors to consider when deciding whether or not to develop, and how to develop and implement, a successful restorative justice initiative for domestic violence cases within a specific community, in this case, Austin, Texas?
3. What current restorative justice programs for domestic violence exist in the United States and Canada? What are those programs doing to address the issues identified in questions one and two?
4. Based on the information gathered in questions one, two, and three, is the Austin community in a position to successfully develop, implement, and support a restorative justice initiative for domestic violence?

Methodological and Contextual Framework

When little is known about certain phenomena, qualitative research methods offer a way to gather and analyze in-depth, detailed, exploratory data about the topics of interest without being restricted by predetermined categories of analysis (Patton, 1990). One way to collect this information is by identifying “information-rich cases” that illustrate the phenomena of interest (Patton, 1990, p .169). Therefore, this study employed content and thematic analyses to evaluate responses from 18 semi-structured interviews conducted with local, national, and international stakeholders and program experts.

In determining a project for my thesis, two things were very important to me. I wanted to do something that could directly benefit the community in which I reside and I wanted to focus on something new that had the potential to address the needs of victims

and offenders and fundamentally change the way domestic violence – as a crime and as a social problem – is viewed and approached.

The domestic violence movement has been largely successful in raising public awareness about the prevalence of abuse and expanding the legal responses and options available to victims. Despite these successes, domestic violence remains a significant problem. Unfortunately, many of the solutions developed thus far have resulted in unintended emotional and economic consequences that have worsened the plight of many victims and offenders and failed to significantly stem the use of violence. Many domestic violence experts are understandably frustrated that their efforts over the last 30 years have not resulted in greater successes, and several have expressed a need to seek out new approaches to resolving domestic violence. Yet, little has been done to explore in depth new and innovative responses that do not rely on the tools of the patriarchy.

As a feminist researcher and domestic violence advocate, I have seen firsthand the need for more holistic responses. Through coursework in law, women's and gender studies, sociology, and social work, I have learned that crime is embedded in the community in terms of both harms and responsibility (Pranis, 2002). Responses that focus solely on the crimes committed ignore the effects of violence and abuse which extend far beyond the victim and the offender. They also ignore the complex causes of violence and the ways in which community norms and institutions tacitly support the use of violence in intimate relationships. Through practical experience working in the field of domestic violence, I have learned the extent to which victims' needs are not being met and the importance of victim agency in determining what solutions or responses best

address individual situations. I have also come to realize that we need to do much more to understand and address the needs of offenders who perpetrate abuse against their partners. If this component is ignored, effective solutions will continue to elude us.

In seeking a project for my thesis, I met with several Austin-area domestic violence service providers to learn what they thought needed to be done to better address the needs of the victims and offenders they serve. Several ideas were suggested, but what caught my attention was that they all shared a common theme: a profound dissatisfaction with current approaches to domestic violence, particularly criminal justice responses. Thus, when one service provider commented that a group of people in Austin were exploring restorative justice as a potentially viable alternative, my interest was immediately piqued. At the time, I did not know anything about restorative justice, but as I learned more about it through subsequent reading and coursework, I became increasingly intrigued by its potential to address domestic violence. I found particularly compelling the emphasis placed on the role of the community and the argument that restorative processes must be built from the ground up (Behrendt, 2002) and tailored specifically to the needs of the community. In a society which does not always share a majority view of domestic violence as a serious crime worthy of public condemnation, this type of community-based approach offers the potential to challenge the social context and transform community norms (Pranis, 2002).

However, for a restorative justice initiative to be successful, especially in cases of domestic violence, a community must be willing to invest the time and resources necessary to support the process (Stubbs, 2002). As a progressive and socially conscious

community, Austin has traditionally been willing to think outside the box and explore new approaches to addressing social needs. Since domestic violence advocates and other community members had already indicated an interest in using restorative justice to address domestic violence, it was clear that, by examining the intersection of restorative justice and domestic violence through viable programs in other parts of the country, I would be able to contribute information that was useful and relevant to the community. Furthermore, by focusing on restorative justice, I would be studying a new, more holistic approach that has the potential to change the way the Austin community views domestic violence.

Other Considerations

One of the difficulties I encountered while conducting my research and writing this paper was determining the appropriate terminology to use when referring to abused men and women. The domestic violence movement generally opposes the use of the term victim because it defines the abused person in terms of what has been done to her or him (thereby implying that she or he is passive, powerless, or defeated) rather than acknowledging the actions the individual has taken to survive and/or end the abuse. Instead, advocates promote the use of the term survivor, which they feel empowers abused individuals and more adequately reflects the agency they exhibit in managing, overcoming, or surviving the violence.

Restorative justice, on the other hand, uses the term victim to describe anyone who has been affected by crime. After careful consideration, I decided to go with the term victim for two reasons. First, the participants I interviewed for this study, almost

without exception, referred to abused women and men as victims – even the domestic violence advocates. Second, one of the participants interviewed commented that the process of restorative justice, with its emphasis on addressing harms and healing victims, has the potential to help people move from self-identifying as victims to self-identifying as survivors. Because I found this statement compelling and because I wished to accurately represent the overall tone of the interviews, I have stayed with the term victim throughout.

Organization of the Thesis

The following chapters review the literature relevant to my queries, outline the methodology guiding my investigation, present my findings, and draw conclusions based on those findings. Chapter Two briefly defines restorative justice and its principles before giving an overview of the intersection of restorative justice and domestic violence. Next, the theoretical arguments for and against the use of restorative justice for domestic violence are presented and the role of the community in ensuring the success of a restorative justice initiative is described. Chapter Three presents my research questions and explains in detail the qualitative methodology used to obtain my results, which are delineated in Chapters Four and Five. Chapter Four focuses on the major concerns stakeholders expressed about implementing restorative justice for domestic violence. Chapter Five include detailed descriptions of each of the programs I studied as well as a section comparing and contrasting them based on the following themes: Background, Development and Implementation, Challenges, and Community Reaction. Chapter Six discusses how the programs studied are addressing stakeholder concerns, outlines the role

the Austin community might play in developing a restorative justice initiative, and draws conclusions about whether or not Austin is in a position to successfully develop, implement, and support a restorative justice initiative to address domestic violence.

CHAPTER TWO: LITERATURE REVIEW

This chapter reviews the current literature on the intersection of restorative justice and domestic violence. It also answers my first research question: What are the practical and theoretical arguments surrounding the use of restorative justice for domestic violence?

In the first section, I briefly describe the principles of restorative justice and the three models most commonly used in its practice. In the second section, I delve into why practitioners and advocates are hesitant to use restorative justice for domestic violence. I also discuss the limitations of the criminal justice system for addressing the harms caused by domestic violence and note the strengths and limitations of feminist explanations for domestic violence. Next, I present the main theoretical arguments for and against the use of restorative justice for domestic violence and discuss the one point on which proponents and opponents agree: the importance of the community's role in developing and implementing a successful restorative justice initiative. I conclude by briefly summarizing the strengths and weaknesses of the current debate and elucidating the importance of the current study for filling in the gaps.

Restorative Justice

Restorative justice is a philosophy and a practice that emphasizes three basic principles: 1) crime is a violation of people and interpersonal relationships; 2) violations create obligations; 3) the central obligation is to put right (to the extent reasonably possible) the harms inflicted (Zehr, 2005). In other words:

Restorative justice is a victim-centered response to crime that provides opportunities for those most directly affected by crime – the victim, the offender, their families, and representatives of the community – to be directly involved in responding to the harm caused by the crime. (Umbreit, 1999, n.p.)

Restorative justice seeks to repair and restore the relationships that have been broken by the crime – relationships between victims and offenders, between victims, offenders and their families, and between victims, offenders and their communities. Restoration, in the context of restorative justice, does not mean a return to the relationship that existed prior to the offense (Leung, 1999). In cases where the victim and offender are strangers, no such relationship existed. In other situations, such as domestic or sexual violence, a return to the relationship may not be desired, and would place the victim and offender back into the set of circumstances which precipitated the violence (Edwards & Haslett, 2003).

Instead, restoration means different things to those involved in the process (Leung, 1999). For victims, it can mean gaining back control over their lives, expressing anger over what happened, and having all of their questions answered. For offenders, restoration means accepting responsibility for and acknowledging the harms committed as well as taking actions to repair those harms. For the community, restoration includes demonstrating support for the victim, addressing the root causes of the crime committed (including, in some instances, the community's complicity with, or overt failure to prevent, the crime), and reintegrating the victim and the offender back into the community.

In practice, restorative justice traditionally uses one of three models: victim-offender mediation (VOM; also called victim offender mediated dialogue or victim offender conferencing), family group conferencing (FGC), or circle approaches. All three typically involve the victim, the offender, and a facilitator; family group conferencing and circles also include family, friends, community members, and representatives from the criminal justice system or social service agencies (Zehr, 2002). Each process consists of some form of face-to-face encounter that enables participants to talk about the crime, describe its impact on their lives, and ask the offender questions (Zehr, 2002). In most cases a binding agreement is reached detailing how the offender will repair the harms he or she inflicted on the participants. Agreements are often linked to sentencing or probation conditions and are usually monitored by community members who participated in the process (Frederick & Lizdas, 2003). All restorative justice processes are voluntary and require the offender to take full responsibility for the crimes committed (Zehr, 2002). If victims do not wish to participate directly, most models provide alternative options for communicating with the offender, such as writing a letter or having a trusted friend or family member speak on the victim's behalf.

According to Umbreit (1999), restorative justice models typically result in lower levels of fear among victims, greater participant satisfaction with process and outcomes, increased likelihood of offenders completing agreement requirements, and reduced probability of offenders committing the same crime in the future.

Restorative Justice and Domestic Violence¹

Building largely on the success of VOM, FGC, and circles for non-violent and violent offenses, researchers and practitioners during the past decade began to explore the possibility of using restorative justice to address domestic violence. Their efforts resulted in a fairly extensive body of research devoted to the theoretical application of restorative justice to domestic violence. Some proponents encourage using restorative justice to address domestic violence, claiming it offers more options and benefits to victims and is often more effective than the current criminal justice response (Hopkins, Koss & Bachar, 2004; Pranis, 2002). Other proponents argue strongly against using restorative justice for domestic violence, claiming it is inherently risky to victims and lacks adequate safety measures (Busch, 2002; Stubbs, 2004). Despite these diverging viewpoints, researchers and practitioners agree that, while it is theoretically possible to use restorative justice to address domestic violence, it should be pursued practically with extreme caution (e.g., Strang & Braithwaite, 2002; see also Edwards & Haslett, 2003; Stubbs, 2004). Indeed, very few restorative justice programs have been implemented that are designed exclusively to address domestic violence.

There are a couple of reasons why prospective restorative justice practitioners might refrain from engaging in this work or wait to emulate programs that have already

¹ In this thesis, domestic violence is defined as any form of physical, emotional, sexual, economic, or spiritual abuse that occurs between two people who share an intimate relationship. Because domestic violence is neither limited to heterosexual couples nor exclusively perpetrated by men, I have made every attempt to remain gender-neutral when referring to victims and offenders. However, many of the researchers cited throughout this review rely on the traditional male offender/female victim dichotomy; thus, to accurately represent their work, I must also at times revert to gendered terms. This is not intended to discount or minimize same-sex abuse or female-to-male abuse; however, caution should be exercised in applying the information cited to domestic violence situations which do not involve heterosexual, male-to-female abuse.

proven themselves to be successful (Edwards & Haslett, 2003). They are likely to be aware of the risks involved and, even if they are willing to accept domestic violence cases, might avoid doing so because they lack the resources to effectively address those risks. Practitioners may also encounter considerable resistance from others who see more harm than good resulting from using restorative justice to address domestic violence.

Domestic violence advocates in particular have expressed strong reservations about using restorative justice to address domestic violence (Edwards & Haslett, 2003). These women and men have fought long and hard to ensure that domestic violence is viewed as a serious crime worthy of public response and censure rather than a private family matter (Frederick & Lizdas, 2003). Their efforts in this area have been largely successful; accordingly, any perceived attempt to remove domestic violence cases from the public view (i.e., the criminal justice system) and divert them to processes perceived as private (e.g., restorative justice) has been met with great and justifiable resistance (Frederick & Lizdas, 2003).

However, despite continued efforts to improve criminal responses to domestic violence, many domestic violence advocates acknowledge that the criminal justice system offers few options for handling cases, is ineffective at keeping victims safe, and often results in further harm to victims (Frederick & Lizdas, 2003). Herman (2005) reflects on the experiences of domestic violence victims moving through the traditional criminal justice system:

The wishes of and needs of victims are often diametrically opposed to the requirements of legal proceedings. Victims need social acknowledgement and support; the court requires them to endure a public challenge to their credibility. Victims need to establish a sense of power

and control over their lives; the court requires them to submit to a complex set of rules and bureaucratic procedures that they may not understand and over which they have no control. Victims need an opportunity to tell their stories in their own way, in a setting of their choice; the court requires them to respond to a set of yes-or-no questions that break any personal attempt to construct a coherent and meaningful narrative. Victims often need to control or limit their exposure to specific reminders of the trauma; the court requires them to relive the experience. Victims often fear direct confrontation with their perpetrators; the court requires a face-to-face confrontation between a complaining witness and the accused. Indeed, if one set out intentionally to design a system for provoking symptoms of traumatic stress, it might look very much like a court of law. (p. 574)

In addition to the potential of current criminal responses to revictimize those who have been abused, the criminal justice system categorizes harms, excludes prior related offenses from evidentiary rules, and punishes violent incidents in a manner that reduces them to discrete acts rather than ongoing patterns of abuse (Hopkins, Koss, & Bachar, 2004). Criminal responses do often remedy physical and economic harms suffered by victims but rarely provide redress for emotional, psychological, or spiritual harms (Hopkins et al., 2004). Female victims report psychological harms such as depression, suicidal behavior, anxiety, low self-esteem, an inability to trust men, and fear of intimacy as the longest lasting and most debilitating effects of ongoing abuse (National Center for Injury Prevention and Control, 2006). The criminal justice system's failure to address non-physical harms thus further highlights its inability to respond to victims holistically.

As a result of the inadequacies of the criminal justice system, many victims prefer to approach family and friends first, followed by social service agencies (e.g., shelters, counseling centers, religious organizations), to help resolve the violence rather than reporting it to law enforcement (Grauwiler & Mills, 2004). According to Hudson (2002),

most women do not want criminal justice intervention; they simply want the violence to stop, particularly if they have children and the offender is the children's father. Recent mandatory-arrest and no-drop prosecution policies force women who do not want to break up their families to decide between protecting their abuser and relying on a system that does not consider their interests or wishes (Grauwiler & Mills, 2004). In conducting in-depth interviews with victims of domestic violence who sought redress through the criminal justice system, Herman (2005) found that the majority of victims found it difficult to understand why the case focused on the offender. They were stunned to discover how little attention was paid to their concerns and needs and were upset that they were only allowed to give witness testimony at the request of the prosecution. As one participant put it:

Even though you will know more about the facts of the case, since you are only a witness, you will not be consulted, and decisions will be arbitrarily made that end up being to the defendant's advantage. (p. 582)

Victims also thought their offenders manipulated the system with ease, often with the complicity of authorities. Overall, they felt the process did very little to address their needs, instead favoring "those who lacked moral scruples and would fight to win at any cost" (Herman, 2005, p. 583). Perhaps, then, it is not surprising that domestic violence is severely underreported (Herman, 2005) and suffers from low prosecution rates and even lower conviction rates (Hudson, 2002).

Given the limitations of the current criminal justice response to domestic violence, restorative justice, with its victim-centered approach and focus on offender accountability, recommends itself as a positive alternative to the criminal justice system

for cases of domestic violence. However, there are several ways in which domestic violence differs from other violent crimes for which restorative justice has shown promising results. First, the offender is not a stranger; it is someone the victim loves, with whom an intimate relationship, and possibly children, are shared (Stubbs, 2004). Second, because the abuse happens within the context of an ongoing relationship, victim safety is a concern that extends beyond the time immediately following a violent incident (Bazemore & Earle, 2002). Third, significant power imbalances exist between the offender and the victim that do not exist in other crimes (Frederick & Lizdas, 2003). Fourth, perpetrators of domestic violence often intentionally isolate the victim from family and friends (Herman, 2005). Finally, domestic violence, unlike most other crimes, is control-based and ongoing (Stubbs, 2002).

Historically, the focus of restorative justice has been on incident-based crimes; thus, the benefits of the process (such as learning why the victim was specifically targeted for the crime, understanding that the consequences of the crime may have been unintentional, and knowing that the crime is unlikely to be repeated) may not be as satisfying to victims of domestic violence (Stubbs, 2004). Stubbs (2004) further cautions that while the focus of restorative justice is on reparation and apology, many victims of domestic violence emphasize safety, external validation for their efforts to end the abuse, and rehabilitation of the offender. Coker (2002) further criticizes restorative justice theory for regarding the state as a distant entity, under-theorizing the causes of domestic violence, and failing to address the lack of majority opposition to domestic violence within some societies. Others argue that restorative justice theory fails to integrate a

concrete analysis of gendered harms (Daly, 2002; Stubbs, 2002). As Edwards and Haslett (2003) state:

The core principles of restorative justice, with respect to causing harm, present global statements that harm is wrong and should not occur. What is absent from much of the restorative justice literature is an analysis of the contextual specificity of domestic violence, an analysis that reflects the links between patriarchal traditions/beliefs/structures and the experience of women who are either in or have survived intimate relationships marked by abuse. (p. 6)

Feminist theories offer the potential to fill this gap by offering a gendered analysis of domestic violence. Feminist theory states that men's abusive actions are the result of social and cultural conditioning that is informed by patriarchal values and traditions (Edwards & Haslett, 2003). Consequently, men come to believe that it is their inherent right as men to control and dominate "their" women (Hazlewood, in press). According to feminist theory, acts of abuse are viewed as deliberate and completely within the control of the abuser; in other words, the offender makes a conscious choice to use violence to control and intimidate his partner (Edwards & Haslett, 2003). Grauwiler & Mills (2003) outline the assumptions that underlie this feminist-defined view of domestic violence:

...men batter women because they are privileged, physically, financially, and socially...women stay in abusive relationships because of patriarchy. They fear their abusers and lack the material resources to leave...the criminal justice system is sexist. Police officers, prosecutors, and judges minimize the problem of domestic violence, deny women's agency, and discredit women's accounts of their abuse. (p. 53)

Sokoloff & Dupont (2005), however, question gender oppression as the primary explanation for domestic violence, claiming it comes at the expense of other forms of social and institutional inequality such as racism, ethnocentrism, class privilege, and heterosexism. They argue:

We exist in social contexts created by the intersections of systems of power (e.g., race, class, gender, and sexual orientation) and oppression (e.g., prejudice, class stratification, gender inequality, and heterosexist bias). No dimension, such as gender inequality, is privileged in explaining domestic violence. Most important, gender inequality itself is modified by its intersection with other systems of power and oppression. (p. 43)

Additionally, feminist theory fails to account for domestic violence that occurs between same-sex couples, who often view gender oppression as irrelevant to their experiences, and women who hold strong religious beliefs, for whom the feminist conceptualization of patriarchy is foreign (Grauwiler & Mills, 2003).

Systems theory attempts to remedy some of the shortcomings of feminist theory by offering a more comprehensive explanation for domestic violence that incorporates concepts from several theories of violence, including feminist theory. According to Hazlewood (in press), systems theory recognizes that several factors may cause or contribute to domestic violence, including but not limited to:

...patriarchal learning of both men and women, social learning and modeling of violent responses in the family or origin, conflict escalation, alcohol and other substances of abuse and stress which interacts with relational and family dynamics. (n.p.)

Other researchers maintain that domestic violence results from poor communication skills, personality disorders, childhood exposure to violence or abuse, anger management problems, and provocation on the part of the victim (Edwards & Haslett, 2003).

Though none of these theories completely accounts for the existence of domestic violence in relationships (Edwards & Haslett, 2003), it is feminist theory that most significantly overlaps with the goals of the restorative justice and domestic violence movements (Pranis, 2002). Both seek to hold the offender accountable for his or her

actions and expect him or her to accept responsibility and admit to his or her wrongdoing. Both also strive to send a clear message to the victim that she or he in no way deserved or caused the abuse to occur. Both recognize and place considerable importance on addressing the social context in which the violence occurred (Frederick & Lizdas, 2003). Finally, both agree that domestic violence is a serious crime deserving of the best and strongest response possible – a response that includes a clear denunciation of the crime, ensures the safety of the victim, reduces the likelihood that the abuse will continue, and reintegrates both the offender and the victim back into the community (Hudson, 2002).

Arguments for and against Using Restorative Justice for Domestic Violence

The potential risks of using restorative justice to address domestic violence have prompted many domestic violence advocates and restorative justice practitioners to think twice about developing and implementing restorative justice programs to deal with domestic violence. Domestic violence advocates fear that, while restorative justice principles are sound and in agreement with the principles of feminism and the domestic violence movement, their applications may not be (Frederick & Lizdas, 2003). These concerns are well-founded; of the few programs that do exist, little or no empirical evidence is available regarding their success or failure (Bazemore & Earle, 2002). Thus, virtually nothing is known about whether or not restorative processes are appropriate for domestic violence (Daly & Stubbs, 2006; Hudson, 2002) or if restorative justice principles actually work in practice with victims of domestic violence (Edwards & Haslett, 2003). To date, discussion about the theoretical and practical merits of using restorative justice to address domestic violence has taken place mostly in the abstract.

According to Stubbs (2002), the restorative justice and domestic violence movements clash on three dimensions: theoretical underpinnings, conceptions of victim agency, and opinions regarding the appropriate relationship between traditional and alternative responses to domestic violence. Restorative justice theory traditionally views crimes as incident based whereas domestic violence theories recognize it is control based. Restorative justice theory assumes that victims have complete autonomy and are easily able to voice their needs; domestic violence theory states that women are highly victimized and thus unlikely to be able to voice their true concerns. Finally, restorative justice practitioners advocate operating processes separate from, or alternative to, the criminal justice system, while domestic violence advocates promote a coordinated response between service agencies and the criminal justice system. Others argue that safety issues (see generally contributions to Strang & Braithwaite, 2002), power imbalances (Hooper & Busch, 1996), offender accountability (Frederick & Lizdas, 2003), misogynistic attitudes and the trivialization of domestic violence (Morris, 2002) are challenges and issues that must be confronted before restorative justice can be effective for addressing domestic violence.

The Argument for Restorative Justice

Restorative justice offers several advantages over the current criminal justice system that are succinctly summarized by Hudson (2003, as quoted in Stubbs, 2004):

[Restorative justice processes offer] the victim the opportunity to choose how to present herself; to abstract herself from the relationship; to select her own supporters and representatives. The abuser cannot ignore her, as he could in a conventional court while she is giving her evidence; her story will be told not refracted through legal language, it will be told in her words, the words with which she always communicates with him so

he cannot claim not to have understood any more than he can claim not to have heard. Her story will be about her; she will not be confined to dwelling on those elements that relate to him, elements relevant to establishing his guilt and his culpability. He cannot claim, then, not to have been told about her feelings, her understandings of events, her wishes and demands for the future... (p. 7)

Perhaps the biggest potential benefit to addressing domestic violence through restorative justice is that it provides an opportunity for the victim to be heard, not only by the offender but also by family, friends, and community members. This opportunity can be a powerful form of validation and empowerment for the victim; it can be even more meaningful if the victim is able to hear the offender take responsibility for the violence committed (Edwards & Haslett, 2003). According to Frederick and Lizdas (2003), most abusers are conscious of their actions, choose them intentionally, and are fully aware of their impact on the victim; thus, by taking responsibility and being held accountable for these actions, the offender both vindicates and reduces the shame of the victim (Herman, 2005). Offenders of domestic violence often isolate their victims from their friends and family as part of the pattern of abuse, which enables the offender to easily control, dominate, and blame the victim for the abuse. Unfortunately, once the violence in the relationship is revealed, victims' families often ostracize them, engage in victim-blaming, or trivialize the abuse; thus, for many victims, hearing their offender take personal responsibility may not be enough. They may also need to see family and community members who colluded with, tolerated, or ignored the offender's abuse held accountable and responsible (Herman, 2005). Particular restorative justice models such as family group conferencing and circles, which include family, friends, and community members in their processes, seem to offer the most potential to meet this need.

Family group conferencing and circles offer benefits beyond revealing the ways in which family or community members are complicit with the offender. Research has shown that when family, friends, and community members are present, the victim's voice is more likely to be heard, the veil of secrecy surrounding the violence is removed, and offenders are more likely to be held accountable in meaningful ways (Hooper & Busch, 1996; Morris, 2002). Though in many cases criminal justice representatives are present, Hooper and Busch (1996) argue that family members are better positioned to support the victim and the offender by developing solutions that rely on the abilities and strengths of the family rather than solutions deemed effective by authorities. They further state that the process of conferencing itself has the opportunity to change the way a family views and responds to domestic violence and provides greater flexibility for incorporating specific cultural or familial needs.

Family Group Decision Making Project

One example of family group conferencing is the Family Group Decision Making Project (FGDP), a research-based program implemented in Canada during the early 1990s by Joan Pennell and Gale Burford. FGDP was designed to deal primarily with child maltreatment but the researchers quickly realized that domestic violence was prevalent in so many of the families that it, too, would have to be addressed. During the course of the project, 32 families (472 participants) participated. Their outcomes were compared to a control group that did not go through conferencing.

The FGDP process consisted of five stages (Pennell & Burford, 1995): referral, preparation, conferencing, plan authorization, and implementation. Families were

referred to the project by child protective services and screened for appropriateness. Once a family consented to participate, the conference coordinator worked closely with the family, local authorities, and advocates for several weeks to ensure the process was specific to the needs of the family. The conference coordinator also assisted the family in developing a list of relatives, friends, and community professionals to include in the conference. The conference began with a professional providing the group with details about the family, the types of abuse occurring, and options and services that were available to them throughout the process. Once finished, the community professionals left the family alone to create a plan to address the abuse. Once the plan was developed, the professionals returned to review it to make sure the plan was specific, appropriate, and included components to ensure ongoing monitoring and evaluation. Plans generally included provisions for counseling, substance abuse treatment, and increased family time (Pennell & Burford (2000). In the event that the plan included steps the community was unable to support, the coordinator worked with local representatives to accommodate the services needed.

Victim safety was addressed continuously before, during, and after the conference (Pennell & Burford, 1995). Abused family members were encouraged to obtain protective or restraining orders and select a support person to be present throughout the conference. Local authorities were charged with monitoring the offender and family members during the time conferencing occurred and the process continuously revolved around the needs of the abused family members. Pennell and Burford also worked

diligently to make sure their model was culturally sensitive, testing it with Inuit (Canadian indigenous peoples), rural, and urban communities.

The FGDP was successful in many ways. It brought multiple forms of abuse out into the open, decreased safety risks, and resulted in satisfactory plans for the majority of families (Pennell & Burford, 1995). No violence broke out during the private family time and victims reported feeling safe during the conference if they were adequately prepared, had a support person, and perceived it safe to talk (Pennell & Burford, 1995). Indicators of domestic violence (including economic, verbal, emotional, and physical abuse) significantly decreased in the majority of families. This was not the case in the control group, which showed increases in violence both during and after traditional interventions (Pennell & Burford, 2000). Results also indicated that conferencing helped change men's attitudes towards women and rethink their rigid adherence to traditional gender roles (Pennell & Burford, 2000).

Comments from focus groups conducted by Maloney and Reddoch (2003) with advocates and survivors of domestic violence bolster Pennell's & Burford's results. Maloney and Reddoch showed a video demonstrating the Family Group Decision Making model to several survivors and advocates then solicited feedback on their perceptions of the model. Domestic violence advocates thought conferencing offers the potential to break the silence surrounding the abuse and provides a safe environment where communication can continue for families that want to stay together. Survivors commented on how conferencing ends the isolation that often accompanies abuse, provides victim support, and enables offenders to get help.

Overall, the empirical data from the Pennell's and Burford's project appear to suggest that many of the fears domestic violence advocates and restorative justice proponents share about using restorative justice to address domestic violence are not wholly warranted. Critics, however, maintain that family group conferencing is not as successful as it appears because it involves too many risk factors to be applied to adult cases dealing singularly with domestic violence (Morris, 2002). These concerns will be addressed in more detail later in this chapter.

Victim Offender Mediation

Another traditional restorative justice model that has engendered considerable debate regarding its appropriateness for domestic violence is victim offender mediation (VOM). Christa Pelikan (2000), however, reports that VOM has the potential to produce good outcomes for victims and offenders of domestic violence. Pelikan observed 30 sessions of a pilot study on VOM for domestic violence occurring in Austria. The model used two social worker facilitators, one male and one female. In preparation for the mediation the male social worker met with the offender and the female social worker met with the victim. Each assessed the history of the relationship, including the incident that prompted the mediation, and the participants' expectations regarding the agreement that would be made. They also discussed the victim's and offender's intentions regarding the future of the relationship, that is, whether they would remain together or separate. When the mediation began, the facilitators took turns sharing the information they gathered during the preparation time. They retold the story, described the victim's or offender's emotions and feelings about the crime, and how the crime had impacted them. The

victim and the offender were then given the option of commenting, adding, clarifying, or modifying the version recounted by the facilitators. Through her observations and follow-up interviews with the majority of the participants, Pelikan (2000) identified two major goals of this approach: recognition and empowerment. Recognition was achieved through the distancing of the victim and the offender from each other by using the facilitator to recount their stories. This distancing also worked to empower the weaker participant by using neutral voices to convey each participant's story.

Pelikan (2000) found that VOM was useful for supporting victims of domestic violence who were already in the process of trying to change or exit their relationships; thus, it served more as one step in an ongoing process. Victim offender mediation proved ineffective in cases where the offender's control was complete, in other words, the victim was completely dominated physically and emotionally and was economically dependent on the offender. In these cases the abuse continued after the mediation. Pelikan (2000) thus concludes that since VOM alone cannot provide the resources necessary to stop the violence, it is not appropriate for these cases unless the victim has access to (and is willing to use) resources that will enable her to assert her needs and wishes. In Pelikan's (2000) words:

[It is] not the success story of VOM usually announced: Not much is going on in the way of healing, or re-integrating, of visible effects of special/individual prevention. Nevertheless...VOM is apt to fulfill, or to promote...the affirmation of the norm...the victim is at the center. It is about her we are talking; it is her suffering, her fears, her apprehensions, her anger, and her reaction to the acts of the perpetrator, that are taken care of by the VOM-agencies. (n.p.)

The empirical data provided by the Family Group Decision Making Project and VOM is clearly not enough to allow any definitive conclusions regarding the appropriateness of restorative justice processes for domestic violence. Their major strengths are reflective of the strengths restorative justice has to offer in general: victim safety is increased; victims are given an opportunity to share their stories, to be heard and validated by their offenders; offenders are held fully accountable and responsible for the harms inflicted (thereby vindicating the victims); and responses to the harms are tailored to the victims' needs, including options for repairing the relationship should the victim desire reconciliation (Daly & Stubbs, 2006). Additionally, family group conferencing provides an opportunity to change family dynamics and views regarding abuse (Morris, 2002), forces the family to confront the underlying causes of the abuse, encourages family and community input in plans addressing the harms, provides additional safety measures for the victim through family monitoring, and creates incentives for the offender to change (Maloney & Reddoch, 2003).

Nevertheless, both models fail to account for every case along the domestic violence continuum; thus, family group conferencing and victim offender mediation, as well as other restorative processes and restorative justice theory in general, continue to raise concerns.

The Argument against Restorative Justice

Frederick and Lizdas (2003) suggest that restorative justice principles and practices “are not primarily designed to account for (or protect from) the real and ongoing risks that battered women often face long after the crimes have been committed against

them” (p. 26). Some fear that restorative justice processes will fail to account for safety before, during, and after the process, a stipulation that Stubbs (2002) deems essential. With regard to interventions that include family and community members, such as family group conferencing, Morris and Gelsthorpe (2004) propose that family and friends are much better equipped with both the resources and the time required to monitor the safety of the victim than the criminal justice system. However, others (Edwards & Haslett, 2003; Hooper & Busch, 1996) suggest family and community members are not always willing or able to see domestic violence as a serious crime. They are more apt to engage in victim-blaming or collude with the batterer at the expense of the victim, thereby minimizing the abuse and the victim’s experience of it.

The potential inability of restorative justice to address the power imbalances between victims and offenders represents another threat to victim safety. Due to the nature of the offense, such imbalances must always be assumed to exist (Bazemore & Earle, 2002), and addressing them effectively requires that both the victim and the offender are willing and able to clearly and confidently articulate their needs (Frederick & Lizdas, 2003; Hooper & Busch, 1996). This assumption is particularly problematic in victim offender mediation or other face-to-face encounters when there is a history of abuse or the violence is ongoing (Stubbs, 2002). The term mediation implies that both parties are able to freely negotiate for what they want; however, victims of domestic violence are not generally in a position to ask for what they want and will most likely settle for what they think they can get (Hooper & Busch, 1996). This is especially likely in situations where the victim chooses to remain in the relationship and intends to return

to the same residence as the offender after the process is over (Hooper & Busch, 1996). Furthermore, Hooper and Busch (1996) and Stubbs (2004) suggest that offenders can assert power and control in ways that are not readily apparent to those who are unfamiliar with the dynamics of domestic violence. For example, once a batterer has demonstrated physically what he is capable of doing to the victim should she assert herself, battering may no longer be necessary to maintain power and control (Stubbs, 2004). The offender may instead rely on a certain look or gesture that only the victim would recognize as threatening; thus, it is questionable whether or not facilitators and other participants, even those who are trained in the dynamics of abuse, have the ability to safeguard the victim if they do not themselves realize what is happening right in front of them.

Concerns regarding safety and power imbalances manifest themselves in specific ways in victim offender mediation and family group conferencing. One of the main concerns for using VOM to resolve domestic violence cases is that it implies that domestic violence is inherently a couples' problem that can be solved simply by getting the victim and the offender to sit down and to talk reasonably with each other. The use of VOM further implies that both parties want the relationship to continue (Busch, 2002). Both of these implications highlight the potential of VOM to minimize the seriousness of abuse (Pelikan, 2000).

Some researchers suggest that power can be balanced by employing strict protocols that dictate who speaks first and ensuring that the victim's voice and needs are given priority (Hooper & Busch, 1996). Others suggest using shuttle mediation, a process by which the offender and victim are physically separated and convey messages to each

other via a mediator or facilitator. Such modifications may be successful in cases that involve less severe incidents of abuse but Busch (2002) and Stubbs (2002) argue they are unlikely to restore power differentials in relationships with long histories of abuse. Additionally, mediators and facilitators, though expected to be neutral and impartial, are not exempt from bias resulting from gender, race, class, or sexual orientation (Hooper & Busch, 1996) and by virtue of these biases may inadvertently strengthen existing power imbalances, weaken victim autonomy, and jeopardize victim safety.

With regard to family group conferencing, considerable doubt lingers regarding its ability to overcome power imbalances, ensure victim safety, and produce agreements that meet victims' needs. Hooper and Busch (1996) argue that, successful as it might appear, FGC is consensus-based and therefore subject to the same problems as victim offender mediation with regard to the ability of the victim to identify and voice concerns. Similarly, though no violence was reported during the family private time in the Pennell and Burford model, it remains possible that offenders engaged in subtly threatening behaviors or gestures that went unnoticed by family members but were easily recognized by the victim.

It is also possible in FGC that the family, instead of supporting the victim, will rally around the offender because they do not view the violence as a serious problem (Hooper & Busch, 1996). Behrendt (2002) offers a similar criticism for FGC, noting that despite familial and community involvement, the process is still focused on the individual rather than the structural and social factors that underlie the offender's choice to use violence. Busch (2002) further asserts that many conferencing processes rely on

Braithwaite's concept of reintegrative shaming – a process by which the criminal act is denounced but the offender's worth as a person is affirmed (Van Ness & Strong, 2002) – that is difficult to use when there is no community consensus that domestic violence is wrong.

In the focus groups conducted on the Pennell and Burford model by Maloney and Reddoch (2003), domestic violence advocates expressed concern over the assumption that the victim and the offender would be willing to share intimate details of the abuse in front of family, friends, and community members. Survivors admitted that confidentiality, potential harm to their (or their offenders') reputations, and gossip were of great concern. Survivors also commented that not having enough support, language barriers, and the possibility of offender not participating seriously were concerns.

Opponents to using restorative justice for domestic violence cases also question the role of several traditional outcomes of restorative justice in domestic violence cases, especially those of apology, forgiveness, reconciliation, and restitution. According to Coker (2002), focusing on obtaining an apology from the offender introduces two problems: a) it detracts from the victim's needs; b) it makes it easier for batterers to use an apology as a way to manipulate their victims. If the apology is not underscored by changes in the behaviors and belief systems that perpetuated the violence, it will be nothing more than "just talk" (Coker, 2002). Similarly, survivors in Herman's (2005) study perceived full apologies (defined as acknowledgment of the harms inflicted, acceptance of responsibility and accountability without excuse or justification, expressions of remorse, and offers to make amends) as unrealistic or as "yet another

manipulative ploy enabling offenders to gain community sympathy or disarm their victims” (p. 587). Participants also viewed forgiveness as unrealistic or unwanted and were uninterested in restoring their relationships with the offenders. As for determining appropriate restitution for the offender, Hudson (2002) questions the ability of participants to reach satisfactory agreements when perceptions of the crime are likely to vary widely.

Offender manipulation of the process is another key concern for opponents. Hooper and Busch (1996) recognize the potential of offenders to engage in restorative processes simply as a way to gain contact with their victim. Edwards and Haslett (2003) argue that acknowledging the violence happened is not the same as the offender acknowledging that he was responsible for the harms and that the decision to use violence was wrong. Similarly, making offenders aware of the impact of their actions on the victim, her (or his or their) children, and the community does not necessarily challenge the offender’s assumed right to control the victim (Frederick & Lizdas, 2003). An offender’s failure to take full responsibility and accountability for the violence, or any effort to minimize, trivialize, or deny the abuse perpetrated could result in further harm to the victim (Edwards & Haslett, 2002).

Another argument against using restorative justice to address domestic violence contends that, due to the vast array of abusive behaviors and the individual attention each case demands, processes for handling domestic violence effectively may require substantially more time and resources than other crimes (Stubbs, 2004), particularly when

children are involved and their safety and needs must also be addressed (Bazemore & Earle, 2002).

Finally, Morris and Gelsthorpe (2004) question the legitimacy of restorative justice, in comparison to the criminal justice system, to provide a strong symbolic denunciation of domestic violence as a serious crime, particularly if the majority of the community does not view domestic violence as serious or wrong.

The Role of the Community in Restorative Justice and Domestic Violence

One point that is not debated among proponents and opponents of a restorative justice approach to domestic violence is the importance of the community's role in determining the success or failure of a restorative justice initiative. One of the greatest challenges in using restorative justice for domestic violence is defining "community" and the role it should play in the restorative process. McCold (2004), states that there are two kinds of communities: macro-communities and micro-communities. According to McCold, macro-communities are defined by geography or membership on a local or global scale rather than by personal relationships. Micro-communities, on the other hand, are individual communities of care defined by personal relationships between family members, friends, and others with which we have meaningful interactions.

McCold (2004) argues that crime impacts macro- and micro-communities differently. Within macro-communities there is less concern about how the crime impacts the individual and more concern about its cumulative effects on neighborhoods and society and the resulting loss of public safety. Within micro-communities, it is just the opposite; there is more concern regarding the impact of the crime on every member of

the community of care and less concern about its cumulative effects on neighborhoods and society. The response to crime similarly varies between macro- and micro-communities. According to McCold, “doing justice” within the macro-community means focusing on more than just reparation of the specific harms done to specific individuals and their relationships; specific actions must be taken to protect entire neighborhoods, cities, and society to ensure public safety. This may involve restraining or rehabilitating the offenders or requiring them to pay restitutions or perform community service. “Doing justice” within communities of care means repairing *all* of the relationships that have been harmed, not just those that exist on a macro-level. McCold states that this may be accomplished through community-based programs such as victim offender mediation, circles, or family group conferencing.

Domestic violence is not a private matter; it affects entire communities practically, emotionally, and economically (Pranis, 2002). With the goals of the macro-community being similar to those of the criminal justice system, and the goals of the micro-community resembling those of restorative justice, the challenge for restorative justice practitioners might be finding ways to successfully integrate the concerns of the macro-community and address them effectively at the micro-level using a restorative process.

The importance of the macro- and micro-community in determining the success of a restorative justice initiative for domestic violence cannot be understated. This is a major concern in cases of domestic violence not only because of the aforementioned difficulty in aligning goals, but also because not all communities, or all members of a

community, agree that domestic violence constitutes a (violent) crime (Coker, 2002). Involving a community that does not possess the skills, resources, or interest to examine the issues surrounding domestic violence will compromise any restorative justice program (Stubbs, 2002). Similarly, if such a program is under-funded or under-supported, it could actually add to the harms already suffered by the victim (Stubbs, 2002). For example, the inability or unwillingness of a program to ensure that participants are well-trained in the power and control dynamics of domestic violence may result in increased victim-blaming, or worse, inadvertently give the offender further opportunity to control and dominate his or her partner (Busch, 2002). On the other hand, community-based responses allow for a level of reflection and self-examination of community and social norms that is not possible through the criminal justice system; thus, restorative justice has the potential to challenge the social context of domestic violence (Pranis, 2002).

Summary of the Literature and Importance of the Current Study

Ten years worth of theoretical debate has produced a rich body of research on the application of restorative justice to domestic violence. Arguably, there appears to be as many potential benefits to using restorative justice to address domestic violence as there are potential harms. Both sides of the debate are well-thought out and deserve careful attention and consideration. Nevertheless, despite the ongoing discussion regarding the *theoretical* merits of using restorative justice to address domestic violence, little attention has been paid to delineating the most critical factors to consider for the *practical* development and implementation of a restorative justice initiative for domestic violence.

Furthermore, little is known about what restorative justice programs, if any, currently exist that specifically address domestic violence, or what such programs might be doing to address the issues that have come to the forefront of the theoretical debate. Finally, given the importance placed by researchers and practitioners on the role of the community in determining the success of a restorative justice initiative for domestic violence, it would be useful to determine what specifically is required of a community to successfully develop, implement and support such an initiative. It would appear, given the logic of the arguments presented in the literature, that a community would be best served by building a restorative justice initiative from the ground up (Behrendt, 2002) after thoroughly analyzing the context in which the program will operate (Busch, 2002).

My study will attempt to fill these gaps in the literature by identifying the most critical factors to consider when deciding whether or not to develop, and how to develop, a restorative justice approach to domestic violence within a specific community (Austin, Texas). Furthermore, this study will determine what, if any, restorative justice programs exist in the United States and Canada specifically to address domestic violence. By examining these programs and learning how they are attending to the theoretical concerns delineated in this chapter and by stakeholders within the Austin community, future directions can be established for practitioners wishing to implement successful restorative justice initiatives for domestic violence.

CHAPTER THREE: RESEARCH METHODOLOGY

The purpose of this study is to explore the intersection of restorative justice with domestic violence and to identify the factors and theoretical arguments relevant to this intersection. The study was designed to use these factors and arguments as a framework for considering if service providers in Austin, Texas should invest the time and resources required to successfully develop, implement, and support a restorative justice program for domestic violence victims and offenders.

The study addressed four broad research questions. The first query was answered in Chapter Two.

5. What are the practical and theoretical arguments surrounding the application of restorative justice to domestic violence?
6. What are the most critical factors to consider when deciding whether or not to develop, and how to develop and implement, a successful restorative justice initiative for domestic violence cases within a specific community, in this case, Austin, Texas? (Chapter Four)
7. What current restorative justice programs for domestic violence exist in the United States and Canada? What are those programs doing to address the issues identified in questions one and two? (Chapter Five)
8. Based on the information gathered in questions one, two, and three, is the Austin community in a position to successfully develop, implement, and support a restorative justice initiative for domestic violence? (Chapter Six)

Sample

Two groups (N = 18) were interviewed for this study: Stakeholders (n = 11) and Program Experts (n = 7). There was little variation within or between the two groups with respect to gender, race/ethnicity, age, education level, and area of expertise (i.e., domestic violence, victim services, criminal justice, or restorative justice). The majority of all participants were females over the age of 40 (91%) who held a Master's degree or higher (73%), and identified themselves as Caucasian (55%). Participants' area(s) of expertise were determined by their job title, education degree (e.g., a J.D. indicates expert knowledge of the criminal justice system), and number of years experience with restorative justice, domestic violence, victim services, and/or the criminal justice system. Of the 18 total participants, 14 (78%) were classified as experts in domestic violence, eight (44%) as experts in restorative justice, three (17%) as experts in victims services, and eight (44%) as experts in criminal justice (total percentage exceeds 100 because several participants had extensive experience in more than one area). Table 1 provides more detailed demographic data on the participants by group.

Table 1**Demographic Information by Group for Stakeholders and Program Experts**

Variable	Stakeholders (n = 11)		Program Experts (n= 7)	
	Total number	Percent of n ^a	Total number	Percent of n ^a
Gender				
Male	3	27%	0	-
Female	8	73%	7	100%
Age				
Under 19	0	-	0	-
20-29	0	-	0	-
30-39	1	9%	1	14%
40-49	1	9%	2	29%
50-59	6	55%	4	57%
60-69	3	27%	0	-
70+	0	-	0	-
Race/Ethnicity				
White/Caucasian	7	64%	5	71%
Hispanic/Latino	1	9%	0	-
South Asian	0	-	1	14%
African American	0	-	0	-
Human	1	-	0	-
Mixed Heritage ^b	2	18%	1	14%
Education				
High School	0	-	0	-
Some college	1	9%	0	-
Bachelor's Degree	0	-	1	14%
Licensed	1	9 %	0	-
Some graduate school	1	9%	0	-
Master's Degree	4	36%	2	29%
Ph.D./J.D./Ed.D.	4	36%	4	57%
Area of Expertise				
Domestic Violence	8	73%	6	86%
Restorative Justice	4	36%	4	57%
Victim Services	3	27%	0	-
Criminal Justice	5	45%	3	43%

Note. N = 18.

^aDue to rounding not all percentages will add up to 100. ^bOne participant identified as Caucasian/American Indian, another as Native American/Anglo, and a third as “American Mutt.”

Stakeholders

Stakeholder is the term commonly used in restorative justice to denote people who have some sort of stake in a crime that is committed (Zehr, 2002). Offenders, victims, and the state are identified as stakeholders in the retributive view of crime, but Zehr (2002) argues that, when viewed through a restorative lens (Zehr, 2005), the stakeholders of a crime go “...beyond just the government and the offender to include victims and community members...” (p. 13) who were impacted, directly or indirectly, by the offense. For the purposes of this study, I focused solely on people working in the fields of criminal justice, domestic violence, restorative justice, and victim services who have a professional stake in the crime of domestic violence. Their status as stakeholders was determined by the following criteria: participants *either* a) work directly with victims or offenders of domestic violence and/or work within a social service agency that provides direct services to victims or offenders of domestic violence, b) work directly with victims of violent crimes (including but not limited to domestic violence), c) employ restorative justice processes in their work or are otherwise involved with restorative justice processes (processes did not necessarily include domestic violence cases), d) work within the criminal justice system in a capacity that brings them into regular contact with victims of domestic violence, or e) participate in academic endeavors that demonstrate their expertise in the areas of restorative justice and/or domestic violence. Nine (82%) of the stakeholders are from the Austin community, one is a Texas resident who has worked on domestic violence issues in various communities around the state, and one is an international expert in restorative justice who has also worked within a variety of

communities. Though the focus of the study is on the perceptions of stakeholders in the Austin community, these last two stakeholders were included because of their extensive experience working in communities with varying cultures and normative perceptions of domestic violence.

Stakeholders were not required to know anything about restorative justice in order to participate, but, as a group, they exhibited a broad range of knowledge regarding the principles and practices of restorative justice. Three of the stakeholders are widely considered to be experts in the field of restorative justice at local, national, and international levels, respectively. One stakeholder has considerable experience with victim offender mediated dialogue. Six stakeholders had some familiarity with restorative justice principles and knew about at least one of the major models (i.e., victim offender mediation, family group conferencing, or circles). Only one stakeholder self-identified as knowing very little about restorative justice.

Program Experts

Program experts were defined as people within the United States or Canada who have already developed and implemented, or are in the process of developing and implementing, restorative justice initiatives that specifically address domestic violence. Program experts were chosen based on two criteria: a) they were/are one of the primary people involved in the development and implementation of the process *and* b) they were still involved with the process at the time of the interview. After extensive research, I found only seven programs in the United States and Canada that are currently using restorative justice *specifically* to address domestic violence; to the best of my knowledge,

they constitute the entire population of existing programs. At the time of data collection, five of the seven programs identified were fully operational. Of the remaining two programs, one is in the research/development phase, and the other is fully developed but only partially implemented (full implementation is awaiting budget approval).

The programs included in this study are located within the following states/provinces: Arizona, California, Minnesota, New Jersey, North Carolina, Oregon, and Alberta, Canada. Six of the programs were intentionally and specifically founded on restorative justice principles; the seventh program is considered by its founder to embody restorative principles, but was not intentionally based on them. Demographic information regarding each program's clientele was unavailable.

Sampling Techniques

Purposive sampling is a method by which "information-rich cases" (i.e., "those from which one can learn a great deal about issues of central importance to the purpose of the research") are selected for in-depth study (Patton, 1990, p. 169). For this study, I utilized two types of purposive sampling: intensity sampling and snowball sampling. Patton (1990) defines intensity sampling as "...information-rich cases that manifest the phenomenon of interest intensely (but not extremely)...Using the logic of intensity sampling, one seeks excellent or rich examples of the phenomenon of interest, but not unusual cases" (p. 171). Snowball sampling is defined as "an approach for locating information-rich key informants or critical cases. The process begins by asking well-situated people: 'Who knows a lot about _____? Who should I talk to?' By asking a

number of people who else to talk with, the snowball gets bigger and bigger as you accumulate new information-rich cases” (p. 176).

Stakeholders were selected using snowball sampling. First, I consulted with two experts in restorative justice and domestic violence to compile a list of stakeholders who met the criteria previously outlined. Second, I began interviewing those stakeholders whose names had been mentioned by both experts and myself. At the end of each interview I asked the stakeholder if he or she could recommend anyone else in the Austin community with whom I could speak. In this fashion, the final 11 stakeholders were identified. It is worth noting that many of the same names were recommended several times over by different participants. These names matched up almost perfectly with the initial list, thereby increasing the validity of the criteria initially developed for identifying stakeholders.

Program experts were chosen using intensity sampling. Each of the programs selected for this study offers a unique example of the many ways in which restorative justice can be applied to domestic violence. As such, they meet Patton’s (1990) criteria for being “...excellent or rich examples of the phenomenon of interest...” (p. 171). Programs and program experts were identified through consultation with domestic violence and restorative justice experts and web-based research.

Data Collection Procedures

Data were collected from all participants via in-depth interviews. Each participant was interviewed individually and each interview lasted an average of one hour. All interviews for both groups were audiotaped.

For the stakeholders, all but one of the interviews was conducted face-to-face; the remaining interview was completed over the telephone. Depending on the preferences of the stakeholders, interviews took place at either their place of employment or my office.

All of the program expert interviews were conducted by telephone. In addition to data collected via the interviews, I obtained information on each program from its website and scholarly articles (if available).

Instrumentation

Two interview guides were designed for this study, one for stakeholders (see Appendix A) and one for program experts (see Appendix B). The use of a guide rather than a structured interview offered several advantages. First, it enabled me to conduct the interview using an informal, conversational approach (Patton, 1990). Second, it provided a framework within which I could develop new questions and pursue interesting and unexpected information (Patton, 1990). Third, it enabled me to see the information offered from the participants' perspectives, which often led me to think about the material presented in new ways (Kvale, 1996). Fourth, allowing the direction of the interviews to be somewhat dictated by each participant's response provided a measure of prevention against unintentionally interjecting my own biases and/or leading participants towards a certain response. Finally, an interview guide provides a systematic and comprehensive way of interviewing across several people by pre-determining the issues to be explored (Patton, 1990), despite the unstructured nature of the interview itself.

According to Kvale (1996), "...developing a conceptual and theoretical understanding of the phenomena to be investigated....is required to be able to pose

significant questions...” (p. 95-96). Accordingly, I reviewed the literature and answered the first of my research questions (What are the practical and theoretical arguments surrounding the application of restorative justice to domestic violence?) prior to developing specific interview questions for stakeholders and program experts. Additionally, during the development stage, both interview guides were reviewed several times for clarity, relevance, language, and cultural sensitivity by experts in restorative justice, domestic violence, and qualitative research, as well as students enrolled in a graduate-level research methods course.

Stakeholders

Stakeholders were asked six, open-ended, exploratory questions addressing each participant’s: a) knowledge of restorative justice, b) thoughts about using a restorative justice approach to domestic violence; c) anticipated role in the development or implementation of a restorative justice process; d) opinion predicting the Austin community’s reaction to a restorative justice process, and e) estimation regarding what demographic populations would be likely to choose or be referred to a restorative justice program.

Program Experts

Program experts were asked eight, open-ended, exploratory questions about: a) program development and implementation, b) community involvement, c) staff and client demographics, d) program processes and procedures; e) program strengths, weaknesses, and challenges; f) program evaluation, g) program impact, and h) other thoughts or ideas on using restorative justice for domestic violence.

Data Analysis Procedures

Data were analyzed using content (Patton, 1990) and thematic analyses (Boyatzis, 1998). Patton (1990) defines content analysis as "...the process of identifying, coding, and categorizing the primary patterns in the data" (p. 381). He further states that "[t]he purpose of classifying qualitative data for content analysis is to facilitate the search for patterns and themes within a particular setting or across cases" (p. 384). Thematic analysis

...is a process for encoding qualitative information. The encoding requires an explicit 'code.' This may be a list of themes; a complex model with themes, indicators, and qualifications that are causally related; or something in between these two forms. A theme is a pattern found in the information that at the minimum describes and organizes possible observations or at the maximum interprets aspects of the phenomenon. (Boyatzis, 1998, p. vii)

Content and thematic analyses were completed for both stakeholders and program experts using the following process: 1) each interview was read several times; 2) each interview was analyzed using line-by-line coding; 3) codes were grouped into themes within transcripts. Once these initial themes were identified within transcripts, a second level of analysis was undertaken for both stakeholders and program experts to identify emerging themes across transcripts. The accuracy of themes was double checked by reviewing the transcript quotes related to them.

During the content and thematic analysis stages, two consultants independently coded the interview transcripts and/or reviewed my findings sections for consistency and accuracy. Their efforts resulted in the generation of identical codes and themes, thereby increasing the internal consistency of the study. Additionally, once all of the program

data had been analyzed and summaries of the program generated, I sent each program expert a copy of their program's summary for review and feedback, a process known as member-checking. The goal of member-checking is to seek clarification and further explanation of ambiguous information, make certain participants' viewpoints were faithfully interpreted, and ensure there are no gross errors of fact (Padgett, 1998). All of the program experts responded, but their feedback consisted of minor corrections and changes. Such a high level of agreement indicates that the content of the descriptions was accurate and successfully captured the essence of each program.

Protection of Human Subjects

This study was reviewed and approved by the Institutional Review Board (IRB) at the University of Texas at Austin. Written informed consent was obtained from all participants with whom face-to-face interviews were conducted. For telephone interviews, the consent form was read aloud to participants prior to obtaining verbal consent. The full consent form can be found in Appendix C.

As mentioned previously, all interviews were audiotaped with the consent of the participants. I was the only person to transcribe the audiotapes and each one was transcribed verbatim. Immediately following transcription, the contents of each audiotape were erased.

Each participant's right to privacy and confidentiality was protected at all times. All research materials were kept locked in my office. No identifying information was collected during the interviews; instead, codes were assigned to all interview materials.

Challenges and Limitations to this Study

As with any research method, qualitative interviewing offers its own set of limitations. Interviews represent a limited source of data (Patton, 1990). Each interview offers only one person's perspective of the phenomenon being investigated, and that person's perspective is subject to his or her personal biases, politics, lack of knowledge, and/or emotions (Patton, 1990). As the researcher, I am also subject to injecting my own biases, politics, or emotions into each interview. Additionally, there is a risk that I might incorrectly analyze the data based on biases or assumptions I hold about the phenomenon being explored. I attempted to control for these two pitfalls in several ways. Prior to beginning data collection, I worked to develop sound interviewing skills that would prevent me from inadvertently soliciting desired responses or pursuing follow-up questions that, though interesting to me, were not relevant to this study. I also performed several practice interviews using the interview guides designed for this study in order to solicit feedback on my listening and interviewing skills. This enabled me to correct deficiencies before interviewing actual study participants.

In order to strengthen the data collected from program experts, I incorporated material from each program's website and available academic articles describing or evaluating certain programs. According to Patton (1990) using a multi-method approach (also known as triangulation) "...build[s] on the strengths of each type of data collection while minimizing the weaknesses of any single approach" and "...increases both the validity and the reliability of evaluation data" (both quotes p. 245). Third, as described in

the Data Analysis Procedure section, I engaged in member-checking as a way to ensure that I interpreted the program expert's data correctly.

According to Kvale (1996), in order to generalize the results of a study to a larger population, the sample group must be representative of the larger group in terms of its size and characteristics (e.g., age, gender, education level). For stakeholders, this study utilized a non-probability convenience sample of mostly white, female, and highly educated participants; therefore, the findings are not generalizable to other potential stakeholders who do not fit these demographics. However, arguably, the true limitation of such a small, qualitative sample is not its lack of generalizability. Patton (1990) argues that

The logic of purposeful sampling is quite different from the logic of probability sampling. The problem is...that the utility and credibility of small purposeful samples are often judged on the basis of the logic, purpose, and recommended sample sizes of probability sampling. What *should* happen is that purposeful samples be judged on the basis of the purpose and rationale of each study and the sampling strategy used to achieve the study's purpose....Random probability samples cannot accomplish what in-depth, purposeful samples accomplish, and vice versa. (p. 185)

Since this study focused, in detail, on the concerns of specific individuals within a particular community, it was more prudent to identify a smaller sample of information-rich cases than to sample a broad range of stakeholders.

Nevertheless, a weakness of this approach is that, with such a small sample, it is impossible to gain a complete, generalizable understanding of the phenomena explored.

Similarly, to the best of my knowledge, the entire known population of programs was sampled for this study; it is possible other programs exist that I did not uncover in my extensive research. The limitation here is also the sample size rather than generalizability – there are only seven known programs in existence that specifically use restorative justice to address domestic violence. Such a small sample size, however representative, cannot possibly capture every aspect relating to the complex intersection of restorative justice and domestic violence.

This study has other limitations as well. The findings are limited to a particular sociohistoric time (Patton, 1990) and participants were interviewed only one time each. Additionally, no victims or offenders of domestic violence were interviewed as a part of this project; unquestionably, their inclusion would have added valuable information and insight.

CHAPTER FOUR: STAKEHOLDER FINDINGS

This chapter presents my findings from the stakeholder interviews performed for this study and answers my second research question: What are the most critical factors to consider when deciding whether or not to develop, and how to develop, a restorative justice initiative for domestic violence within a specific community (Austin, Texas)?

Overall, stakeholders were in favor of using restorative justice for domestic violence in Austin. They felt it offers the potential to address harms and needs that are ignored by the criminal justice system, especially those pertaining to the victim. Stakeholders also considered restorative justice processes to be more capable than the criminal justice system in dealing with issues associated with offender reintegration. This was seen as a particularly important issue because most domestic violence offenders are released back into their communities.

Despite their unanimous agreement that restorative justice is a viable option for domestic violence, none of the stakeholders expressed their support without also voicing serious caveats, concerns, and considerations. I have grouped these according to six major themes: Levels of Restorative Justice Benefits, Community Involvement, Manifestations of Reluctance, Factors to Consider for Development, Concerns with Implementation, and Preparing Austin for Restorative Justice.

Theme #1: Levels of Restorative Justice Benefits

Overall, stakeholders reported that restorative justice approaches have the potential to provide a variety of benefits at both the individual and community levels for victims, offenders, and community members who are affected by domestic violence.

Individual-Level Benefits

Victims

The opportunities provided by restorative justice for victims to share their stories, describe the crime's impact on their lives, and receive support and validation from their friends, family, and community was seen as a huge benefit. Being able to stand up in front of family, friends, and community members and describe the abuse they have endured was viewed as a way for victims to break the silence that often surrounds domestic violence. As one stakeholder commented, victims are given the chance to come "[o]ut of the shadows and into the light." Another stakeholder similarly noted how telling their story and having it taken seriously by family and friends has the potential to vindicate victims:

That sense of not being alone, of breaking that cocoon of 'it's only me, it's only me...that isolation that can be so insidious, that can creep up on you, and you not really realize how isolated you are emotionally, socially, and physically. [Restorative justice] interrupts all that...and creates the possibility for support and connections more broadly based.

Long-term benefits of restorative justice for domestic violence victims were also identified. One stakeholder suggested that restorative processes might enable victims to move from self-identifying as victims to self-identifying as survivors. Stakeholders also thought that going through the process of restorative justice offered more potential than

other responses for victims to achieve a measure of closure, resolution, or balance in their lives.

Offenders

Offenders were also thought to benefit from the traditional components of restorative justice. By telling their story in front of people, hearing the victim's story, and being held accountable for the harms committed, stakeholders expected that offenders will begin to realize the true impact of their crimes on their victims, families, and community. They also expected this process will force offenders to personalize their crimes – as one stakeholder put it – “beyond a level that is just a statistic.” Restorative justice was also seen as a way to encourage offenders to take responsibility for their offenses and apologize for the harms committed, enabling them to express a more human side. The opportunity to perform restitution for victims of restorative justice was also seen as a way for offenders to comprehend the extent of the harms committed. One stakeholder stated, “Performing restitution for other victims can really open the offender's eyes to how hard domestic violence can make the life of the victim.”

Stakeholders further expected the benefits of family and community support to extend to offenders as well. As stated by one stakeholder:

If you're [telling your story to] a group of people that are there in good faith and who aren't all looking at you as the bad guy...that are presumably there out of concern for both people's welfare, that can be a very different experience for an offender, for a criminal, and an opportunity to hear his or her own story differently and have a different experience. It can be an opportunity for a new experience, possibly, new learning. And possibly part of that new learning can sometimes be...this isn't just me and her. This is affecting other people...and realizing that this behavior does have a different kind of impact than they were aware of.

Another stakeholder similarly commented:

...to be heard...in a caring, listening, focused group...can be very painful. But it can also afford the opportunity to really hear yourself...if you're lying or telling the truth.

Long-term benefits were also suggested for offenders. Stakeholders thought simply going through the process of restorative justice might be enough to disrupt an offender's thought patterns and reliance on violence, thereby increasing the likelihood that the offender will be able to sustain a non-violent lifestyle and engage in healthy relationships.

Community-Level Benefits

Stakeholders also commented on how restorative justice might offer more in the way of public safety than the criminal justice system because family, friends, and community members will have more time and resources to invest in the process. They will be able to continuously monitor both the offender's behaviors and the victim's safety. They will also be more willing and able to provide assistance in meeting the needs of the offender and the victim, whether that entails helping them find a job or completing substance abuse treatment.

Community support during and after the process is one component in particular that stakeholders viewed as important for ensuring that offenders are able to return to the same people, places, and situations that were part of their violent past without continuing their destructive behaviors. The community was considered to benefit greatly in the long term from providing ongoing support:

...if an offender has gone through this process and makes changes in their behavior as a result of [it], even if it's not dramatic changes, even if it's

just minor, but enough that makes a positive impact maybe on their own case, or on their future relationships or just how they interact [with other people]. If...they are better able to handle their lives, then that's a long-term benefit.

Theme #2: Community Involvement

Although every stakeholder interviewed considered widespread community involvement crucial to the development and implementation of a restorative justice initiative for domestic violence, many of them emphasized the need to ensure that those persons brought to the table were educated about restorative justice and domestic violence before the planning process begins. One stakeholder commented on the strength of this approach:

...if you could involve people from all those different sectors who are interested and get them educated enough on what restorative justice is all about...they could, as a group, work with that problem and be willing to and able to tailor and adjust according to their areas of expertise, and talk to each other about the pros and cons of that.

Agencies and Individuals

When asked who should be involved in the development and implementation of a restorative justice initiative for domestic violence, stakeholders were quick to list a variety of agencies and individuals they thought possessed the resources and expertise to ensure success. Those agencies or individuals most often named were (in order of frequency):

- Domestic violence shelters and service providers
- Representatives from law enforcement and the criminal justice system, including police, lawyers, judges, and probation officers

- Non-profit social service providers, particularly those targeting minority or underserved populations
- Victims and survivors
- Businesses from the public and private sectors
- People who are resistant to the idea of using restorative justice for domestic violence

Other agencies and individuals mentioned for inclusion included: local task forces addressing domestic violence, victim rights groups, offender re-entry programs, state coalitions on domestic violence, sexual assault service providers, batterer's intervention programs, government and state representatives and officials, churches and faith-based organizations, women's and children's advocacy groups, feminist scholars and activists, public policy professionals, child welfare organizations, local experts in domestic violence or restorative justice, and individuals who are highly esteemed in their communities.

Referrals

An additional way agencies can be involved is by referring domestic violence victims and offenders to restorative initiatives and disseminating information about restorative processes to the community. Stakeholders named several agencies that could fulfill these roles, including state and government agencies, child welfare agencies, court appointed special advocates, churches, counseling centers, mental health centers, social service agencies, and businesses.

Stakeholders' Agency Contributions

A few stakeholders delineated the specific contributions they felt their own individual organizations could make toward the development and implementation of a restorative initiative for domestic violence.

Local law enforcement stakeholders highlighted their access to offenders, victims, and police records, as well as their ability to perform background checks on potential restorative justice facilitators. They further offered their involvement as focus group members due to the wealth of information they could provide with regard to victims needs and frustrations, victimology, and common responses to crime. Law enforcement officials also considered themselves to be a good source for referrals.

Domestic violence service providers offered their expertise on the dynamics of domestic violence and the different types of abuse. One stakeholder mentioned that a strength of her agency was its willingness to "...have an open mind and, while proceeding cautiously, take some chances" and to "...be self-critical and think about...how are we stuck in a particular model or a particular way of seeing the work and how is it working and not working?" A stakeholder working with a different agency noted its ability to help with research and data analysis of different processes as well as putting together a collection of "best practices," model protocols, and guides on how to successfully develop and implement restorative justice initiatives.

The Role of the Criminal Justice System

A few stakeholders shared their thoughts on how involved they felt the criminal justice system should be in a restorative justice approach. Some stakeholders thought

there is currently an over-reliance on the criminal justice system to act as the problem-solver for domestic violence. Nevertheless, all but one stakeholder felt the criminal justice system should be involved in some capacity. The one stakeholder who recommended doing restorative justice outside of the criminal justice system for domestic violence stipulated that it would only work if a good referral plan was in place, people were aware of the program, and it was made available to everyone. Other stakeholders were wary of the potential problems of operating a restorative initiative within, or as an alternative to, the criminal justice system. Mostly, stakeholders were concerned that restorative justice would be viewed as the “easier” option or that offenders would receive reduced sentences or avoid criminal sanctions altogether if restorative justice was used as a diversionary program.

Possible Pitfalls of Community Involvement

When considering the inclusion of victims in the development process, some stakeholders cautioned against assuming victims can offer the best perspectives on what is appropriate for other victims:

We can't really generalize just because somebody's had some kind of direct or indirect experience with this, that they have...a sense of what would be effective with this particular person....Some people with a history of domestic violence who got out [of their relationships] think everyone can – and should. Others are the type who think everybody has a good core and we just need to love them enough to make it come out.

Others warned against the imprudence of excluding those people who most vehemently oppose restorative justice, claiming that if their concerns are not attended to and addressed, the process will not be safe, effective, or successful. It will also complicate the ability of the initiative to engender widespread support.

Many of the stakeholders commented that particular attention must be paid to the diversity of the people involved in order to ensure that the group is representative of the community for which the process is being planned. Failing to do so might result in a process that is insensitive to, or completely ignores, the cultural needs of its participants.

One final caveat noted about using a community-based approach to developing a restorative justice initiative for domestic violence was power balancing. Cautioned one stakeholder:

...there are so many different perspectives that have to be taken in to account to fashion something that is actually workable and safe that's going to be effective and safe for the victim and community... if the community can't work through its conflicts with each other about what's appropriate and how to handle this power problem then they're not going to be able to help a family do that either.

Theme #3: Manifestations of Reluctance

Stakeholders were hesitant to offer their insight on what a restorative justice initiative addressing domestic violence should look like and very few were willing to recommend an individual or agency to spearhead the development process, though clearly they had strong opinions on who should be involved. Many stakeholders also repeatedly pointed out how much more they have to learn about restorative justice and how this lack of knowledge affected their ability to envision a specific process that would adequately address even their own concerns.

Turf Wars

Only two suggestions were offered for how best to organize individuals and agencies around the restorative justice development process. One suggestion was to use the local family violence task force as a conduit for bringing together stakeholders in one

place to introduce the idea of using restorative justice for domestic violence and to discuss and develop a process. But some stakeholders disagreed with this option, stating that while the task force is a great forum for discussion, it should not take on a leadership role in initiating the actual process. Yet, none of the stakeholders interviewed went so far as to volunteer themselves or their agencies as potential leaders for developing an initiative. In fact, one stakeholder commented directly that “turf wars” may be the reason why many so many individuals and agencies are reluctant to assume this role:

Nobody has time to take on what we’re really talking about and nobody has the funding to give away staff time to do that. But they also don’t really want to be left out of the loop. So they want to make sure they are part of the action because they want to know what’s going to happen with the funding and how that might affect their funding. They would like to participate, but they also don’t want to jeopardize their programs and their ability to do their programs and they don’t really want to get in a big mud-wrestle with everybody else about what’s going to happen.

A second suggestion was to create a macro-level coalition of diverse people who are already knowledgeable about restorative justice and domestic violence to develop and oversee restorative initiatives. This macro-level coalition would then work closely with several micro-level groups working directly with specific processes, situations, individuals, and families. Probation officers were suggested as the natural link between the macro- and micro-level groups due to their widespread knowledge of both individual communities and the agencies that serve them. Still, no stakeholders offered any opinions on who should be responsible for putting together this macro-level coalition.

Stakeholder Education

It is evident that the majority of the stakeholders understood the principles of restorative justice well enough to delineate its potential benefits for victims, offenders,

and communities, as well as who should be involved in the development of a restorative justice process. Additionally, stakeholders were somewhat familiar with victim offender mediation, circles, and family group conferencing, which are the three most common models used by restorative justice practitioners to address other violent and non-violent offenses. However, when asked how they might envision a restorative justice process specifically for domestic violence, the majority of the stakeholders responded in a manner similar to the following participant:

I haven't read enough or know enough about the ways in which this approach has been applied...to really be able to envision a process [for domestic violence]. I've still got all these questions.

In fact, it is worth noting that all of the stakeholders interviewed, even those deemed experts in the field, relied heavily on what they knew of existing models to inform their responses to each of the interview questions. Coincidentally, all stakeholders assumed that a restorative justice initiative in Austin would include a face-to-face encounter with the offender; thus, all of the concerns and factors that they articulated revolved around this assumption.

Nevertheless, because the vast majority of the stakeholders interviewed also have considerable experience working with victims or perpetrators of domestic violence, all of them were able to combine that knowledge with their existing knowledge of restorative justice to identify several ways in which restorative justice could be beneficial or problematic when applied to domestic violence.

One common concern was that restorative processes, despite their good intentions, might cause more harm than good for victims when applied to domestic

violence. Stakeholders thought it possible that restorative processes might inadvertently collude with the abuser or set the victim up to hope for an outcome that the community was unable to provide due to a lack of resources, time, or willingness to help. One stakeholder expressed concern that victims might jump on the idea of restorative justice too quickly without first considering some of its possible ramifications, particularly if the process places them in the same room with their offender. Another questioned the ability of restorative justice to address domestic violence offenders who are uncooperative or manipulative during the process:

Restorative justice begins with an altruistic premise that people are good and want to do right and will do right if they are shown the path to do right...but we get a lot of sort of psychopathic people in here and they will say anything you want to hear just to get their way.

Other stakeholders believed that the good that can come from restorative processes outweighs the possibility that the offender might be uncooperative or say something to further harm the victim.

Theme #4: Factors to Consider for Development

Stakeholders identified several key factors they felt were important to consider before developing a restorative justice approach to domestic violence. Although stakeholders had several different ideas and suggestions regarding the logistics of planning a restorative justice initiative, they were united in their expectations that a restorative process for domestic violence be a multi-disciplinary, victim-centered, victim-initiated, voluntary endeavor that holds offenders accountable and includes a comprehensive safety plan for victims.

Factor #1: Setting and Structure

Because the setting and structure of the process were deemed important to its success, stakeholders emphasized the need to conduct focus groups with victims, offenders, and service providers prior to planning a restorative justice initiative. Special emphasis was placed on holding focus groups with members of racial and ethnic minorities and same-sex couples.

Stakeholders were not in favor of developing a singular response to domestic violence given the vast continuum of abuse. Instead, stakeholders expressed a desire to develop a flexible process that would be able to accommodate a variety of cases; thus, in the development stage,

...the first thing would be to be more specific and be mindful of what the spectrum of possibilities are in restorative approaches, what that might mean. And of those which might be most appropriate to the particular situation.

A combination of approaches was particularly viewed as valuable for two reasons. First, the motivations and behaviors involved in domestic violence were viewed to be different from other crimes. Second, restorative justice initiatives that work in tandem with other responses (e.g., the criminal justice system, alcohol treatment centers) were seen as having the most potential for addressing the problem holistically, and a holistic approach was deemed more likely to stem the continuation of further abuse.

Stakeholders also articulated a need to ensure that everyone involved in the process be fully informed of its risks and benefits. They expected everyone's needs to be met, their physical and emotional boundaries to be respected, and the process to be confidential.

Components deemed essential to build into every process were ethical application of the

process, safety planning, offender accountability, and realistic and practical outcome measures.

Ensuring adequate resources, funding, and support for restorative processes, particularly for immigrant populations, Spanish speakers, minority populations, and people who are illiterate was viewed as a big challenge to the successful development of an initiative. Additionally, one stakeholder commented that while there is a wealth of services available to victims wishing to separate from their batterer, there are virtually no resources or services to support victims who wish to reconcile with their abusers.

Factor #2: Restorative Justice as a Panacea and Appropriate Levels of Violence

Restorative justice processes were generally considered to be appropriate as “one of a menu of options” available to victims but not as the exclusive solution. Reasons for this varied. Some stakeholders thought that restorative justice might appear as too easy an option, one that people who are “desperate to hear a repentant batterer” or concerned with jail overcrowding will jump on as a quick and easy solution. Others suggested that restorative justice processes are only appropriate when combined with traditional punitive approaches or used as a long-term intervention. Stakeholders also believed that restorative processes could be used even in situations where the victim is unable or unwilling to participate:

Just because victim has moved on, or doesn't want to participate or have anything to do with the offender...[doesn't mean we] should let him off the hook for performing restitution, for repairing harms to another victim or the community.

The appropriate level of offense and relationship status of the victim and offender were also considered important logistical components. The vast majority of stakeholders

identified first-time offenders or low-level offenses (e.g., hitting, slapping, verbal or emotional abuse, incidents that do not include the display or use of a weapon) as most appropriate for a restorative justice initiative. Others were hesitant to define particular cases suggesting instead that factors such as the amount of time the abuse has been occurring, its severity, and safety considerations should determine whether or not an individual case is appropriate. However, stakeholders were in agreement that restorative justice is probably inappropriate for dangerous offenders or more serious offenses involving weapons or considerable physical injury. Due to concerns regarding victim safety and liability in the event that further violence occurs during or after the process, some stakeholders also expressed greater support for restorative initiatives designed for surrogate victims and offenders rather than victims and offenders sharing a relationship.

Theme #5: Concerns about Implementation

Many issues were raised concerning the implementation of restorative justice processes to address domestic violence. The vast majority of those concerns were related to safety, particularly victim safety. Other issues, such as screening and family support, pertain more to process preparation. Stakeholders also shared their thoughts on who they believe will be most and least likely to choose restorative processes over traditional punitive processes. The inclusion of children was another issue raised by stakeholders. Stakeholders also discussed their concerns about using traditional restorative justice models to address domestic violence. Finally, they gave suggestions for components to include in restitution agreements.

Concern #1: Participants

Who stakeholders thought would be most likely to engage in a restorative process depended on whether or not the bulk of the referrals would come from the criminal justice system. If they did, stakeholders predicted that, since minority populations, poor individuals, and men are over-represented in the criminal justice system, they will also be over-represented in restorative justice initiatives. If the majority of referrals came from outside of the criminal justice system, most of the stakeholders predicted that people who are educated, literate, and stable (i.e., have a permanent place to live or children) will be more likely to choose a restorative process. Stakeholders also thought immigrants and minority populations would be more likely to pursue restorative options due to a general distrust of the criminal justice system. Restorative options were also thought to have more appeal to victims who want to avoid the consequences of the criminal justice system but who want the violence to end, people with specific spiritual or cultural beliefs, and anyone who is already engaged with the criminal justice system (e.g., for substance abuse problems). People who were deemed unlikely to pursue restorative options are those who view relationship abuse or violence as normal or whose lives have not been significantly disrupted by the abuse.

Concern #2: Screening and Preparation

How to determine who was appropriate or ready for a restorative process was an issue that caused considerable concern. Most stakeholders thought offenders should be questioned extensively regarding their past and current violence, current levels of anger, motivations for participation (particularly if they will be partaking in a face-to-face

encounter), and willingness to comply with possible outcomes. If an offender has a long history of violent abuse, is angry, owns weapons, talks about exacting revenge, brings up legal issues, engages in victim-blaming, deflects responsibility for the abuse, or becomes defensive when his or her intentions are questioned, he or she should not be allowed to participate until those issues are resolved. Similarly, offenders should be screened to make sure they are not participating solely as a means to maintain contact with and control of the victim.

Though stakeholders suggested asking such questions, many expressed doubt about being able to trust an offender's responses. One stakeholder commented:

The tough challenge for us is how do we identify? Who are the batterers that are sincere? I absolutely believe they are out there. And who are the ones, who I've also seen, who are delighted to come back and announce how they got over it, how easy it was...[how] all you have to do is learn a few buzz words and you're good to go.

Some stakeholders thought victims are in the best position to determine the offender's true motivations; thus, their judgment on engaging in the process should be respected. Others commented that victims' perceptions of safety should supersede any other screening effort.

Victim screening could also include questions regarding their intentions, motivations, and desired outcomes. Similarly to offenders, if victims are revengeful, express unrealistic expectations, deny the abuse, or want to meet face-to-face solely in order to see if the offender has changed, they should not be considered for participation.

For both the victims and the offenders, stakeholders suggested obtaining a complete history of the abuse prior to beginning a restorative process. Some stakeholders

also thought victims and offenders should be required to have completed counseling or a batterer's intervention program prior to participating. Stakeholders also thought family and community members should be screened prior to allowing their participation, though none of them gave specific examples of what to look for.

Once participants are accepted, stakeholders recommended engaging in some sort of preparation phase before beginning the restorative process. The purpose of this stage is to inform the participants of how the process works and to prepare them emotionally. Several stakeholders thought the victim and offender should be met with separately and each should be given an opportunity to tell their story to the facilitators who will be participating. The facilitators would be charged with listening to those stories as an additional method of screening for the participant's readiness. The preparation stage is also when many stakeholders suggested the victim and offender identify the family and community members they would like present for support. One stakeholder suggested that these family or community members also go through a preparation phase.

Concern #3: Safety

Safety before, during, and after the restorative process for the victim was identified by almost every stakeholder interviewed as their biggest concern. Stakeholders viewed safety as a complex issue with many different dimensions – how to approach it, for many stakeholders, depended on several factors: the status of the relationship, the presence of children, whether or not family or community support was available, and the type of restorative justice process being used. Addressing the difficulty of determining how best to ensure victim safety, one stakeholder stated:

...the dynamics of domestic violence are complicated, the variables are many, and the continuum is huge. And the tolerance and resiliency levels of individual victims is different. I've talked to one woman who left the first time she was yelled at and another who left after 15 years of beatings.

One stakeholder stressed that victims' immediate safety needs should be dealt with before the process begins; to wait until after the process starts to put safety measures in place would increase the victim's vulnerability. This stakeholder further commented that ensuring safety entails more than simply preventing violence or protecting the victim from further harm; it also includes determining where she or he can safely live during the process, where her or his children (if any) should be placed, and how she or he can obtain more support.

Facilitators, family, and community members were seen by several stakeholders as playing crucial roles in ensuring victim and offender safety. All three can provide safety to the victim by validating her or his feelings and demonstrating that they are there to support her or him in every way as she or he confronts her or his offender. For the offender, facilitators and family and community members can provide assurance that they are not there to hurt or judge the offender but rather to hold him or her accountable for the crimes committed against the victim. They also provide future safety by helping the offender understand his or her behavior in order to break the cycle of violence that has dominated the relationship. Several stakeholders also saw family and community members as the best possible avenue for providing continuous safety monitoring. Certain family members, for example, can be charged with making sure the victim gets home from the process safely. Other family or community members might monitor the

offender's behaviors, actions, and level of anger to determine whether or not there is a safety risk to the victim. However, other stakeholders considered community methods of safety monitoring risky:

For many victims it's dangerous for them to disclose anything in the presence of the batterer. I don't know that having a circle of community members in the same room...is adequate protection. For some batterers it is; they care enough what everybody else thinks they're not going to mess with her; they've got the message. Others are just enraged at being humiliated. Instead of seeing it as 'my community cares enough to do this instead of [sending me to] jail,' it's 'I'm so embarrassed and ashamed that you'd do this.'

A few stakeholders did not view safety as quite as important an issue. They saw safety as important mostly when the offender was deemed dangerous or high-risk. Of the stakeholders that were less concerned about safety, two pointed out that the vast majority of offenders are engaging in low-level violence and do not pose a danger to the community at large; therefore safety planning, if required to begin with, is generally unnecessary for anyone other than the victim or the victim's children.

Concern #4: Power Imbalances

The potential for harm to the victim resulting from power imbalances inherent in the domestic violence relationship was another issue of concern to the majority of stakeholders. Also of concern was how to spot and correct for those power imbalances. Some stakeholders felt that even with preparation and the inclusion of family and community members, power imbalances cannot be completely corrected. Additionally, the notion of balancing power depends largely on the ability of those involved in the process to spot behaviors that are aimed at controlling the victim. Two stakeholders

commented that offenders are capable of sending victims' signals or engaging in behaviors that only the victim would be able to recognize as threatening.

Others felt the opposite: By having so many people involved to support the victim and monitor the offender, the power of the victim in the relationship increases. These stakeholders also felt that asking the victim to describe to the facilitator or other participants any signals or behaviors that might indicate a threat would be enough to remove control from the offender. A few stakeholders were ambivalent about the impact - or even the existence - of power imbalances. They noted that determining if they are an issue and, if so, how to control for them, depends largely on how long the abuse has been going on, what type of abuse it is, what type of process is used, how long the process is, and who is involved in it.

Concern #5: Offender Manipulation

The possibility of an offender manipulating a restorative justice process or somehow using it to gain advantages in the traditional criminal justice system was a concern expressed by several stakeholders. One person commented that offenders might not engage in the process in good faith, that they will

...sit there yessing us, smiling, 'oh I understand and I'm so sorry.' They'll work up tears and have no intention of complying with an [agreement]. It's only that this is going to keep them out of jail or prevent a conviction.

However, other stakeholders suggested that if facilitators are trained properly and engage in adequate preparation with the offender, they will come to know the offender well enough to determine whether or not he or she is trying to be manipulative or if his or her motivations are simply to avoid criminal justice sanctions.

Other stakeholders questioned the ability or willingness of an offender to truly understand the impact of his or her actions or to express remorse. For some stakeholders this was not as much a question of the offender's *desire* to understand or express emotions but his or her *ability* to do so:

What you see a lot of times with the offenders is they just can't handle what they did, so they won't, they don't. They put it out of themselves. They won't think about it. And they're very stoic. And you'll see people come back and say, 'oh, my goodness, he didn't show a bit of emotion, it didn't bother him a bit.' Well, those of us who've been around a little while think that maybe the reason he didn't show any emotion is because if he ever started he'd never be able to stop. And that there was genuine – or could possibly be – genuine remorse in there but he just can't tap into it because what he did was so horrible he can't think about it in real terms.

Other stakeholders felt that if even if the offender does understand the impact of his or her actions and expresses remorse, that alone is not enough to repair the harms done to the victim and the community:

Remorse is fine, and it's certainly a key step, but if that's as far as it goes then you haven't gotten far enough....The way you judge that is, are they going on to the next stages? Are they willingly doing restitution, are they willingly doing something else? What kind of reformation do you see?

Concern #6: Children

Another implementation concern centers on the presence of children and how to account for their needs throughout the restorative justice initiatives. Stakeholders were divided on whether or not children should be involved in restorative processes. Some stakeholders felt strongly that children be included, particularly if they were older (and thus thought to possess a stronger ability to articulate their thoughts and needs). Some felt that age was not an issue; one stakeholder commented that even if children are unable

to articulate their needs verbally they can still draw a picture, send a photo or a favorite toy to express their emotions, or ask a trusted adult to speak for them. Other stakeholders thought whether or not children should be included depends on the family dynamics surrounding the abuse: “If you have a kid who is very angry at the victim, who is their mom...it could be a weird session to have.” One stakeholder thought children were necessary to certain forms of restorative justice, specifically family group conferencing. Without children acting as a bonding agent between families, this stakeholder felt the family members would not maintain a vested interest in helping the couple, especially if the couple was separating. Another felt that including children in restorative initiatives that included members of the community was risky because community members might be unaware of

...how manipulative batterers are with the children. That even those that...love their children and care about them...[engage in] such extraordinary levels of really harming, threatening...you know, not saying ‘I’m going to kill you, little Johnny, if you don’t tell me about every male that calls the house’ but ‘If you really love daddy, you’ll tell me which men, because I want to protect your mommy. I want to be sure nobody’s going to hurt her.’

Offender manipulation of the children also caused concern for another stakeholder who questioned how participants would be able to judge if a child was speaking for his- or herself or if he or she was manipulated into saying certain things.

Concern #7: The Use of Traditional Restorative Justice Models

As mentioned earlier, many of the stakeholders admitted having difficulty envisioning a specific restorative justice initiative for domestic violence; thus, most of them based their comments and concerns on what knowledge they have of existing face-

to-face modalities, such as victim offender mediated dialogue, circle processes, and family group conferencing. While the majority of their comments pertained to “some version” of a face-to-face encounter, several of their comments were directed at specific modalities.

Circles

Addressing circle processes, some stakeholder expressed concern over the potential for family and community members to intentionally or unintentionally collude with the offender in further harming the victim. Stakeholders attributed the likely causes of such collusion to gullibility, lack of knowledge about the dynamics of domestic violence, and power imbalances. One stakeholder pointedly asked, “How do you make sure it doesn’t become another venue for holding the victim accountable?” Others were concerned that the victim would ask for restitution or reparations that would be agreed to at the time, but that the offender, family or community members would go back on later – or that they would not have the abilities or resources to attend to the victim’s needs. However, one stakeholder saw circles as offering a “resource-rich environment in which to craft a way out of domestic violence” that was “more individualized, more creative, and less criminalizing.”

Victim Offender Mediation

One stakeholder, who has facilitated several victim offender mediations, questioned the logic behind ever having domestic violence victims engage face-to-face with their offenders, particularly when the victims are planning to separate, or have already separated, from their offenders:

The intent of [a restorative justice process] is for you to go and share with them how you've been impacted and also to show them the strength you've gotten and how you want to move on with your life. So why does it have to be a face-to-face?

When confronted with victims of domestic violence who request to participate in victim offender mediated dialogues (all of which take place with offenders who have already been sentenced), this stakeholder strongly cautions the victims:

In prison, yeah, of course they gonna look very polite and very nice and behave real good...And so when you're in there you are going to be surprised, you gonna go like, 'oh wow, yeah, he has made a change!' But I just want to warn you that is part of the game...to survive in prison, they have to behave a certain way....with your history and with your wanting to meet with him, it's going to give you that impression that they have...made that change and that...probably [the violence] will not happen again. Well, I can't guarantee that but just what I know about domestic violence, and you were in it, is that how many times was there the violence and then back into the relationship? Many times. And what was going on? The promises and the how I'm gonna change, and this will never happen again, and I love you and so on and so forth. So what will be the difference here?

Stakeholders also expressed specific concerns regarding surrogate victim offender mediated dialogues, in which the victim and offender have both experienced or perpetrated domestic violence but do not share any history together. Some stakeholders thought it would be more difficult in surrogate mediation to hold the offender accountable for the harms committed because the surrogate victim does not have the full arsenal of the entire history of abuse and therefore cannot remind the offender of past incidents that may have been intentionally omitted. Another issue raised was the possibility that the surrogate victim would want to develop a relationship with the surrogate offender:

I would...be concerned about the victim or the survivor ...being taken in by someone else. Like, here's this person who has been abusive in the past and here they are listening to me and they're listening to my concerns and they're reflecting and they're doing all these appropriate things...and I could see a survivor wanting to develop a relationship with *that* person, outside of [the restorative justice] experience, and then that being a possible consequence that could end up going very badly.

Others, however, felt surrogate dialogues offered certain advantages over dialogues between victims and offenders sharing a history. One stakeholder thought it would be more effective because, when the victim and offender do not have any history together, the "blindness is off and you can really see things" which better enables the participants to cut through each other's defenses.

Family Group Conferencing

Fewer concerns were raised about family group conferencing, but this modality is also the one with which stakeholders are least familiar. One person commented that the family private time (i.e., when the family is left alone to develop a plan to address the violence) that is traditionally included in family group conferencing is worrisome because of the power imbalances so inherent in domestic violence. There is no way to know for sure what is happening within the family during that time or whether or not the victim truly has any power. This stakeholder also questioned whether or not one conference could truly change existing power dynamics.

Concern #8: Components for Restorative Agreements or Restitution

Based on their knowledge of restorative justice and domestic violence, stakeholders suggested several options for restitution, including donating to battered women's shelters, helping victims leaving abusive relationships move into new

apartments, fixing objects that were broken as a result of physical violence, and providing victims with money to flee relationships if the abuse continues. One stakeholder suggested having offenders sign and notarize an agreement to not seek custody of the children should the relationship disintegrate due to the violence. Another stakeholder commented that support groups following the restorative process should be a part of agreements but cautioned against including batterer intervention programs because they are unlikely to be effective:

If you've spent 35 years behaving in a way that's gotten you what you wanted physically or emotionally...six months of a class probably is not going to impact that... there's just not a big incentive to change.

Theme #6: Preparing Austin for Restorative Justice

Finally, stakeholders were asked for their opinions on how the Austin community would respond to a restorative justice approach to domestic violence. Stakeholders' answers indicated that a liberal climate was necessary, but not sufficient, to ensure the community's acceptance and support of a restorative justice approach. Community education was seen as the single most important tool for gaining community buy-in to an initiative, but stakeholders indicated that the information must be presented in such a way as to assuage the community's initial fears, which were anticipated to stem largely from their ignorance of restorative justice principles and goals. Several stakeholders also predicted it would be a "tough sell."

Liberal Proclivities, Conservative Resistance

All stakeholders interviewed for this study thought Austin/Travis County, due to its liberal proclivities, would be open to the idea of using restorative justice to address

domestic violence but nervous about trying something new. Most stakeholders also thought there would be small pockets of strong resistance, particularly among more conservative parties. This resistance was anticipated from established, bureaucratic, rank-and-file agencies such as law enforcement, which one stakeholder claimed tends to “take on some pretty black and white thinking” about victims and offenders. Others felt some people would not be comfortable with what they predict will be perceived as the “touchy-feely” aspects of restorative justice (e.g., story-telling and reconciliation). One stakeholder commented directly on who she felt would be open to restorative justice:

Let’s put it this way: I think you’d get more of an open response from people who are social workers or community-based counselors than you would from people who are part of more bureaucratic institutions like the courts system and stuff like that because they’re not going to be as comfortable with meditating or the counseling-type stuff.

One stakeholder anticipated resistance from families of victims who were murdered by their intimate partners and people who believe the criminal justice system is already not tough enough on offenders. Another anticipated pocket of resistance was children’s advocacy groups and women’s advocacy groups, whom some stakeholders felt had fought long and hard for domestic violence to be “taken seriously as a crime that was deserving of as much attention and law enforcement and justice resources as crimes committed outside the family.” If not done well or appropriately, one stakeholder stated “restorative justice [could] be a terrible step backwards” for these groups.

Others stakeholders agreed that many people would feel uncomfortable with the idea of doing restorative justice with domestic violence outside of the criminal justice system or even within the criminal justice system if the process was diversionary.

Remarked one stakeholder, “people just go up and turn right with fear about it.” Mostly, the stakeholder continued, people are afraid of diversionary programs because they are perceived as easy to manipulate and incapable of holding offenders accountable. Additionally, community members would have to be convinced that restorative justice has a greater potential than the criminal justice system to break the cycle of abuse and “help stem the growth of domestic violence.”

One stakeholder, however, was concerned that community members would be too eager to adopt a restorative process because

...they read that it works in New Zealand Aboriginal tribes...people forget how different various communities are and how different individual cases are.

Others expressed similar concerns, stating that even if community members are open to the idea, they might be naive about the importance of cultural differences and norms, continue to buy into stereotypes and prejudices about domestic violence victims and offenders, or resent community intervention with “their child, their brother, their best friend, the person they sing with in church choir.”

Community Education

Stakeholders believed that education was the best way to combat these issues; thus, it was seen as the most important component to obtaining buy-in from the community. Knowledge of restorative justice among the community-at-large was considered by stakeholders to be very low; thus, initial community reactions were expected to be based primarily on a lack of information. Once provided with

comprehensive information, stakeholders predicted many community members' fears would be alleviated. They would be more likely to support the use of restorative justice for domestic violence once they were focused on the reality that

...these are offenders who, for the most part...they're not going to be locked away in jail forever. They are going to be back out in society, they are going to be having relationships.

Summary of Stakeholder Findings

Overall, given the Austin community's liberal proclivities and the depth and breadth of its resources, stakeholders were supportive of using a community-based restorative justice approach to domestic violence. Nevertheless, stakeholders felt that garnering community buy-in would be difficult and that educating the community about restorative justice principles, goals, and modalities prior to developing a process would be a key component to increasing support.

Stakeholders named several potential benefits of restorative justice for victims, offenders, and community members who engage in the process. However, for such benefits to be fully realized, several factors and concerns must first be attended to in the planning and implementation stages. Stakeholders stressed that the process created must be multi-disciplinary, holistic, victim-centered, voluntary, and flexible enough to accommodate a vast array of situations. It must also provide adequate safety measures for victims, control for power imbalances, prevent offender manipulation, include children, and provide creative options for restorative agreements.

CHAPTER FIVE:

PROGRAM EXPERT FINDINGS

This chapter presents findings from interviews conducted with program experts and answers my third research question: What programs are currently operating in the United States and Canada that use restorative justice approaches to address domestic violence and what are these programs doing to practically address the theoretical concerns expressed in the literature?

This chapter is organized into two sections. The first section contains detailed descriptions of each of the seven programs I researched for this study. Each description is organized around the following themes: Background, Development and Implementation, Challenges, and Community Reaction. In the second section, I summarize the similarities and differences across programs according to the same themes. The second section also includes a table (Table 2) that provides an at-a-glance comparison of the programs based on the themes delineated in the first section.

Program #1:

Canadian Domestic Violence Mediated Dialogue Research Project

Background

This three-year research project (henceforth Mediated Dialogue Research Project or MDRP) is sponsored by the Mediation and Restorative Justice Centre, located in Edmonton, Alberta, Canada. A few years prior to the project's inception, the Centre began accepting referrals from Crown prosecutors (similar to district attorneys in the United States and employed by the federal or provincial government) for domestic

violence cases. Two things prompted this move: a) the success of other Canadian restorative justice programs addressing non-violent and violent crimes, and b) pressure from domestic violence victims who argued strongly that restorative justice options be made available to them. Though no formal data was kept on the 38 cases the Centre handled over the next three years, there was enough anecdotal evidence of positive results to prompt the Centre to research the use of mediation processes for domestic violence more thoroughly and formally. As a result, the MDRP was commissioned.

The goal of the MDRP is to determine the efficacy of using restorative justice mediation processes for domestic violence by bringing survivors and offenders from the same relationship together for a mediated dialogue. Initially, the project plans to target low- to medium-risk cases (yet to be defined) involving heterosexual couples. To date the project is still in the research and developmental stages and no mediated dialogues have taken place.

The MDRP currently receives the majority of its funding from a provincial government ministry which houses children's and family violence prevention services. Additional funding is provided by community and private foundations. Once started, the MDRP will be the only initiative of its kind in Canada.

Development and Implementation

Background research for the MDRP began in 2002. To date, the project developer (i.e., the program expert) has completed research identifying the major issues surrounding the use of restorative justice mediation practices for domestic violence. The

project developer has also established the project's principles, current research goals, and research questions based on the project goals.

In an effort to ensure that victims are connected to services as quickly as possible after the mediated dialogue takes place, the project developer has established working relationships with several local community agencies; thus far, an advisory committee has been formed consisting of university professionals, community stakeholders, restorative justice experts, and representatives from the criminal justice and domestic violence fields. The project developer also hopes to add to the committee Crown prosecutors from the domestic violence court, police, and social service agencies. Most referrals to the project are likely to come from the criminal justice system post-charge; however, referrals will also be accepted from domestic and family violence service agencies, child welfare agencies, substance abuse centers, and agencies targeting multi-cultural communities.

Currently, the project developer is the only full-time paid staff member working on the MDRP, but four facilitators and a project researcher will be hired in the near future. The project developer expressed a desire that these five positions be salaried in order to enable staff members to commit to the project and engage in self-reflective processes aimed at improving the MDRP. The four facilitators will be split into two teams with one male and one female facilitator on each team. Each facilitator will receive extensive training on mediated dialogue processes, restorative justice principles, and the dynamics of domestic and family violence prior to working with victims and offenders.

The mediated dialogue process itself will be based primarily on Christa Pelikan's (2000) victim offender mediated dialogue model (see Chapter Two). Each team of facilitators will work extensively with the victim and offender individually prior to bringing them together for the mediated dialogue. During preparation, the female facilitator will work with the victim and the male facilitator will work with the offender to clarify each person's perceptions of the events that precipitated the dialogue and to determine what each participant would like to express during the session. During the dialogue itself, the facilitators will take turns retelling the victim's and offender's stories. Neither participant will be encouraged to speak until both sides of the story have been told. Currently, the project developer is budgeting for 10 sessions per couple, including preparation. In addition to the sessions, the project will include a three, six, and nine month follow-up with each participant. Dialogues will be evaluated using the following anticipated measures:

- Is this type of process effective in the area of domestic violence?
- If it is, what are the components that are effective?
- What do these components look like?
- What types of families is it most applicable to?
- Are positive things happening for families?
- Did the participants feel heard?
- Were the participants able to articulate their needs?
- Did the victim feel like the offender accepted accountability?

- Was there movement towards healing?
- Did the victim receive access to appropriate services?

Challenges

The project developer articulated five major challenges in developing and implementing this project. The first challenge is terminology. In the project developer's experience, many people oppose the term mediation because it implies that domestic violence is a dispute which can be solved using conflict resolution tactics. In restorative justice, mediation does not hold the same connotation; instead, it refers to a democratic process focused on narrative story-telling and healing, without aiming to restore the relationship to its abusive state. The project developer anticipates needing to clearly articulate this difference in order for the project to be successful.

The second challenge is designing the mediated dialogue process to accommodate victims who wish to leave their abusive relationships as well as those who wish to remain in the relationship. The goal of the project is neither to encourage separation nor to encourage reconciliation; thus, the challenge is to work with the victim and offender to successfully meet the needs of both participants and ensure the victim's safety regardless of her choice to stay or leave. Secondly, if children are involved, the challenge will include determining how to move the family relationship forward cordially regardless of the couples' intent to remain together or separate.

A third challenge is presented by the intended referral methods, which will determine who is most likely to engage in a mediated dialogue. First Nations people are over-represented in the Canadian courts, particularly in domestic violence cases; thus, if

referrals come mainly from the courts these populations will also be over-represented in the MDRP. Additionally, because many immigrant populations are more likely to resolve their family violence issues without outside intervention, the MDRP will have to establish relationships with community agencies servicing those populations in order to ensure that they are aware the option of victim offender mediation exists.

The fourth challenge faced by the project is criticism from the gay and lesbian communities. Currently, the MDRP plans to only accept cases involving heterosexual couples. The reason the project has developed this policy is twofold: first, there is very little research available on domestic violence relationships involving same-sex couples, particularly within the restorative justice literature; second, the project developer estimates that 90 percent of domestic violence cases handled by the courts involve heterosexual couples.

The final challenge presented to the MDRP is the presence of children in the couples' relationships. The project seeks to ensure these children are included in the process, though how this will be accomplished is yet to be determined, and to ensure appropriate services are available for them.

Community Reaction

The project developer reported that the issue of using restorative justice for domestic violence is “an area of polarized and passionate dissent.” Canadian women's groups have fought long and hard to make domestic violence a public rather than private issue and ensure that abuse will not be tolerated. Though many community members were initially wary of the project, the developer noted that, overall, most people were

more willing to support it once they were assured that their objections would be addressed. According to the project developer:

You really have to know your community and you have to be prepared to go out and be very articulate about what you're doing, be very aware of what the issues are and...I keep saying, 'this is a research piece. It's not fixed. We're designing the best off what we know of today and we will be changing, and you can participate in the changes.'

Therefore, it is a goal and a challenge for the MDRP to become a “complementary early intervention [that is] part of a continuum of community services for the prevention of family violence.” The program developer emphasized that the MDRP is not meant to be a stand-alone strategy but one that is firmly rooted in the community and existing services.

Program #2:

Minnesota Circle Sentencing

Background

The Minnesota Circle Sentencing (MCS) program is operated through the Tubman Family Alliance in Minneapolis. In the mid-1990s, the program expert interviewed for this study began to wonder if there was an alternative to the traditional criminal justice system response to domestic violence that did not result in multiple negative consequences for the family (e.g., family break-up, difficulty finding housing and jobs, economic impacts, disregard for victims' wishes). Shortly thereafter, the program expert learned about Peacemaking Circles, which are used by many indigenous tribes in North America. Peacemaking Circles involve community members in the process of holding offenders accountable for their crimes, repairing the harms that result

from those crimes, supporting crime victims, and encouraging a greater sense of interconnectedness among those affected by crime within the community (Coates, Vos, & Umbreit, 2003). Seeing the potential for Peacemaking Circles to address domestic violence in Minnesota, the program expert partnered with the judicial system, law enforcement agencies, and community members to implement Circle Sentencing as a criminal justice resolution for domestic violence crimes. The MCS process, which is built on the same principles as Peacemaking Circles, targets misdemeanor and gross misdemeanor domestic violence crimes.

When it started in 1998, the MCS program was the first of its kind in the United States and it accepted only cases in which the couple desired to remain together. It has since expanded to include couples who wish to separate, as well as other familial violence such as mother/father-to-child, sibling-to-sibling, and same sex relationships.

Development and Implementation

The process for developing the MCS program began in 1997 when First Nations people in the Yukon, Canada were invited to come to Washington County, Minnesota to train 40 people, including judges, probation officers, the county attorney, community agencies, and community members on the Peacemaking Circle process. Following the training, the Washington County Circle Council was formed to provide leadership and oversight of the MCS process. In 1998, seven members of the Council, including a judge and probation staff, attended a more intensive training session in the Yukon. Upon their return, a pilot Circle Sentencing project was implemented for crimes involving domestic violence. It has since grown into the current MCS program.

The MCS process begins soon after a victim calls the police or files a police report. The Tubman Family Alliance, which contracts with law enforcement to work with domestic violence crimes, offers the MCS process as one option for resolving the case (victims are always able to pursue traditional criminal justice remedies, if desired). Volunteers who work regularly with the process (there are no paid MCS staff members, only trained, volunteer community members) follow-up with the victims after the initial contact and explain the MCS process. Even though

...a lot of victims don't know what [Circle Sentencing] is...sometimes if they talk to us about how they just want the offender to change or they just want the offender not to be violent anymore, that's a tip-off for really encouraging them to use the circle process as a way to have that happen.

If the decision is made to resolve the case through the MCS process, offenders first participate in an Offender Application Circle. Actual participants in Offender Application Circles vary depending on the circumstances of the offense, but typically include a probation officer, a victim advocate, community members (i.e., anyone with a vested interest in the offense), and trained Circle Keepers. The Offender Application Circle serves as tool to screen the offender by asking a series of questions to determine whether or not the offender is willing to fully participate in the MCS process and make a "Social Compact." A Social Compact, which is *not* the same as the actual sentence, is essentially a promise to change. It often includes a wide variety of creative conditions, such as completing substance abuse treatment, establishing a closer relationship with one's children (e.g., by reading to them every night), getting a job, or adjudicating oneself for other offenses such as failing to pay child support. If the offender agrees to complete a Social Compact, the Offender Application Circle ends and the Offender Pre-

Sentence Circle Series begins. This circle series meets bi-weekly and lasts approximately three months. Victims are invited, but not required, to attend. If they choose not to attend, they are given the opportunity to provide their input on what should happen to the offender.

Each Offender Pre-Sentence Circle begins with a “check in” time during which the offender is asked what parts of the Social Compact have been completed. If the offender needs assistance in completing certain requirements (e.g., getting a job) community members who participate in the Offender Pre-Sentence Circle Series will “use their own innate abilities and conventional wisdom” to ensure the offender is successful.

Following the Offender Pre-Sentence Circle Series is the actual Circle Sentencing. It generally includes the judge and prosecutor assigned to the case, the defense attorney (if one is assigned to or retained by the offender), community members who attended the Offender Pre-Sentence Circle Series, a victim’s advocate, and the victim if she or he chooses to attend. The victim and offender are also encouraged to invite family and friends to participate and support them through the Circle Sentencing process.

To control for power imbalances and ensure every voice is heard, all participants are addressed by first name only and a talking piece is employed throughout the Circle Sentencing process. A talking piece is an object that may or may not have cultural significance which is passed around the circle. The person who holds the talking piece is the only person allowed to speak. The process begins with everyone introducing

themselves and explaining why they are present. The process itself is explained and certain values are agreed upon, such as honesty and respect. Any specific cultural traditions the group wishes to follow are also identified. The prosecutor then presents the factual information available on the case, the judge describes the typical sentence given for the offense, and the offender is given an opportunity to speak about the crime(s) committed. After hearing all of this information, the Circle Sentencing members work to consensus to determine an appropriate sentence for the offender, which must include a probation period during which the offender is required to attend regular Follow-Up Circles.

Before the offender goes through the full MCS process, the case must be granted a “stay of adjudication” (also referred to as a “pocket plea”). In order for this to happen the offender must admit guilt and take full responsibility for the crime committed prior to the MCS process. If this is done, as part of the offender’s sentence, the plea goes into the judge’s “pocket” and the conviction is stayed. If the offender successfully completes the Social Compact, complies with the sentence, and is not convicted of a “same or similar” offense during the course of the MCS process, the case is dismissed. If, at any time, the offender fails to follow through with the Social Compact, or perpetrates another assault during the process, the case is reverted back to the traditional criminal justice process. According to the program expert, many offenders will choose the MCS option because they think it is an easier alternative than traditional punitive sanctions; however, they typically conclude that this is not the case.

At the same time that the offender's MCS process is occurring, victims are given the opportunity to participate in Healing Circles, in addition to participating in or providing input on the Offender's Circle Series. Healing Circles are also offered to other community members who have experienced domestic violence in some way.

Challenges

Success in the MCS process is measured by two indicators: whether or not there is any positive change in the relationship and whether or not the offenders give back to their communities. Of the approximately 25 offenders that have gone through the MCS process, 95 percent of them have not committed any subsequent violent crimes.

Victims describe the experience of hearing the offender admit guilt and take responsibility for the harms committed as healing. Offenders report that they

...never thought people would actually listen to them and that people who were strangers would care enough to hear their story and come every other week and help them.

Despite these benefits, the MCS program faces its own set of challenges. The process is extremely time intensive, lasting anywhere from three months to two years.

Additionally, defense attorneys are not always cooperative with the process:

Sometimes [the offender has] an attorney and that's where the glitch comes in, because [the offender does] have to admit what they did. They have to plead guilty – not on record yet – but they have to admit what they did.

Attorneys have not been the only community members to express resistance to the program; advocates from the battered women's movement were also initially resistant.

According to the program expert:

You know they fought for 20-30 years and finally got the police to recognize [domestic violence] as a crime instead of a ‘he’s just drunk, let him sleep it off’ type thing. Then they came up with the shelters and the intervention model based on the Duluth Intervention Model and that became the prototype for what everyone did in the United States... ..mandatory arrest, domestic violence crimes being treated separately, separate punishments...everybody thought we were putting victims and offenders in the same room and it was all going to pull the whole movement backwards...But [the MCS process] was really about giving victims choices. That was my whole drive.

Community Reaction

After nearly ten years of trying to generate community buy-in, today the MCS process receives widespread community support, works closely with domestic violence advocates, and has recently expanded its programming into other Minnesota communities. Evidence of widespread support is illustrated by a 1999 Minnesota Supreme Court decision to uphold sentences determined through community-based Circle Sentencing.

Program #3:

Construyendo Circulos de Paz (Constructing Circles of Peace)

Background

Construyendo Circulos de Paz (CCP) is a pilot study for Peacemaking Circles that began in 2005 in Nogales (Santa Cruz County), Arizona, a predominantly Catholic, Latino/Latina community. The program is a community-based, post-arrest intervention through the courts for domestic violence funded primarily by a large national grant. CCP is unique in that it is the only circle process serving specifically as an alternative to batterer’s intervention treatment programs (BIPs) in the United States. It is also unique because of its structure as a pilot study, which requires that offenders be randomly

assigned to either the circle process or a traditional BIP. Victim participation in the circle process is allowed but not required; however, most victims choose to participate.

The program was conceived as part of an ongoing effort on the part of the program expert to address the limitations of both the criminal justice system and those whom the program expert feels have narrowly conceptualized domestic violence interventions. According to the program expert, families experiencing domestic violence often stay together; however, the criminal justice system, BIPs, victim support services, and shelters are all geared primarily towards encouraging and supporting separation. For families who do not wish to separate, explains the program expert, “Bringing the family together to interrupt the violence [is] the only chance we [have] for really doing some deep, meaningful, and long-lasting work.” Once the family is together, they can be encouraged to think about how they treat each other, how they embody gender stereotypes, and other ways in which they have contributed to the violent patterns in their relationships. This does not preclude the inclusion of families who wish to separate; in fact, one of the goals of CCP is to determine how families can best stay together or separate peacefully. The primary goal however, is to offer the offender and others affected by the crime an opportunity to identify and address the behaviors, attitudes, and relationship issues that lead to the violence in order to prevent future violence. Although the program is an alternative to BIP, it does not focus solely on the offender’s behavior. As the program expert explained, “Although the offender’s behavior has to stop in terms of the violence...everybody participates in a process which helps stop the violence.”

Development and Implementation

Before the program in Arizona was implemented, the program expert had already brought together a group of restorative justice experts to design templates for doing Peacemaking Circles in a way that addressed the issues most salient to them. The templates were then reviewed by an international restorative justice expert who was not involved in the development process. A judge in Nogales, Arizona learned about the Peacemaking Circle process and inquired with the program expert about starting Peacemaking Circles in Santa Cruz County. After meeting several times to discuss programmatic guidelines, the judge, program expert, and approximately 50 community members ranging from clergy to feminists to lawyers joined together to determine what aspects of the template would work best to address the specific needs of the Nogales community. A Restorative Justice Advisory Team comprised of 25 members representing diverse groups formed out of the original 50 community members involved. This advisory team meets once per month and is charged with overseeing the circle process, providing feedback, and creating new programs.

In addition to the advisory team there are two paid positions: a Family-Community Liaison and a Circle Facilitator (also called a Circle Keeper). The Circle Facilitator holds a Master's degree in social work and has previous experience in child welfare, which together provide the skills necessary to engage in ongoing safety monitoring of adults and children. In every circle there is also a Co-Circle Keeper who is either a member of the Restorative Justice Advisory Team or a trained member of the community. All of the staff and volunteers are trained in the dynamics of domestic

violence and the circle process. At the onset of the program, training was provided by a national expert in circle keeping. Now, the majority of the training is handled internally.

The first step in the circle process is the intake or assessment. After the offender pleads guilty to the offense, he or she is randomly assigned to either CCP or a BIP.

Those who are randomized into CCP are interviewed and evaluated for their ability to participate in the circle. The offender is screened for mental health and substance abuse issues and his or her complete criminal history is obtained. After the process is explained, the offender works with the Family-Community Liaison to develop a Social Compact (defined in this program as a list of issues the offender needs to address). The Social Compact may include referrals for things like substance abuse treatment, counseling, or job training. The victim's ability and willingness to participate in CCP and her or his safety issues are addressed. Once the offender and victim (if willing) have been accepted into the process they are encouraged to identify support people (a care community) whom they would like to attend the circle. Each member of the care community is also assessed for their ability to participate and the process is explained to them.

The second step in the process is the actual circle. Willing victims, the offender, and their care communities come together for two hours per week for 26 weeks to work on the issues identified in the Social Compact. The facilitator and Circle Keepers work with the family and care community to identify their strengths, understand the underlying causes of the violence, and develop consequences for the offender should he or she not

comply with the Social Compact. At the end of each circle, the Social Compact is revised in light of the things discussed in the circle.

Another component of the CCP process is the identification of a safety monitor. This person, who is chosen the first time the circle meets, is someone within either the offender's or victim's family

...who has enough strength or backbone to...report should something occur, but also is close enough to the family to...identify safety issues...and see if something might have occurred.

During and after each 26-week circle, the offender's progress on the Social Compact is assessed and adjustments are made as needed. Safety issues are also tended to during and after the process, both inside and outside of the actual circle.

Challenges

Several challenges for CCP were identified by the program expert. Accommodating the circle process to the work schedules of those involved is difficult because many of the participants are immigrants who work in produce. Their jobs are located in both the United States and Mexico and generally entail long hours and unpredictable schedules.

Additionally, it is not always clear in every situation who is the victim and who is the perpetrator:

Sometimes you have a circumstance in which the victim is really the perpetrator and the perpetrator is really the victim and the victim doesn't really want to come in because he (in this case that I'm thinking of) knows that he's the perpetrator. So it's interesting [that] not requiring the victims to participate...can have this effect of the actual perpetrator being able to escape responsibility for their contribution...it's kind of paradoxical.

Another challenge faced by CCP is determining the mechanics of addressing the issues faced by families that want to reconcile versus families that want to separate.

According to the program expert, some of the unique questions this dilemma poses are:

- What is the best way to transition the relationship when children are involved?
- Who is feeling angry about the separation, and who is feeling settled about the separation, and what does that mean?
- Who is going to support the angry person through the separation and who is going to support the settled person?
- Who is going to monitor the offender's level of anger make sure that the victim knows if there is a problem or safety risk?

Community Reaction

According to the program expert, communities reaction to CCP is “completely embracing;” nevertheless, in the future, the program hopes to further strengthen relationships between probation services, safety monitors, facilitators, and the Family-Community Liaison.

Program #4:

Family Therapy Using the Cultural Context Model

Background

The use of traditional family therapy techniques to counsel couples involved in violent relationships has been long frowned upon by domestic violence advocates. Approximately 20 years ago, after receiving numerous counseling referrals for domestic violence cases, this program expert decided that different approach was required to meet

the needs of victims and their abusers without relying on traditional family counseling practices. The expert decided to see couples experiencing domestic violence but invited self-described anti-violent men to participate in the sessions as role models for the couples as they went through socio-education (the use of educational materials to raise critical consciousness around issues of gender, race, ethnicity, class, culture, sexual orientation, etc.).

Other issues that led to the development of this model were a) the program expert's belief that the shelter system was designed for, and primarily serves, white, heterosexual women; b) the primitiveness of batterer's intervention programs; and c) the lack of scholarship examining masculinities. The Cultural Context Model (CCM) grew out of (and continues to be affected by) these concerns and the program expert's experiences with including non-violent men in counseling sessions with couples in violent relationships.

Begun in 1986, the CCM is now used by family therapists at the Institute for Family Services in Somerset, New Jersey. When first developed, the model targeted victims and perpetrators of domestic violence only. Today, the program also addresses a range of other problems, including child-centered issues and coping with chronic illness; however, 40 percent of the caseload reflects problems with family and community violence, particularly domestic violence. The program works with couples of every race, ethnicity, sexual orientation, and socio-economic background. It specifically addresses the needs of victims who are unlikely to resolve domestic violence through the criminal justice system:

We just wanted to find a way to be equitable with families that we knew were not going to go through the criminal justice system, [were not going to] participate in that very punitive, pro-prosecutorial position... immigrant families, women [who] were never going to call the police, and many racially and sexually different couples [who] were not going to call the police. So we were looking for alternative ways to bring accountability, but in a way that was more than the criminal justice system is accustomed to doing.

As a social-justice model guided by feminist principles, the goal of the CCM is two-fold: It seeks to raise consciousness around the intersections of gender, race, age, culture, socioeconomic status, religion, and sexual orientation with family functioning and, by doing so, aims to bring non-violence to the lives of couples regardless of whether or not they choose to remain in the relationship. The CCM emphasizes examining individuals within the context of their families and the larger community in order to holistically respond to the violence. By dismantling power imbalances and restructuring power both inside and outside of the relationship, the CCM strives to both impact individual lives and affect institutional inequalities.

The CCM remains the only model of its kind in the United States. It is funded primarily through third-party reimbursements, small foundation grants, and fees-for-service. The model was not intentionally designed to be a restorative justice initiative, but the program expert agrees that it employs many of the principles of restorative justice. However, the program is cautious not to constrain victims' rights by promoting equal dialogue or reconciliation. Instead, other men hold the offenders accountable for bringing equity into the victim's life.

Development and Implementation

As previously noted, the CCM started with non-violent men sitting in on counseling sessions and challenging the behaviors and justifications of male offenders. Today, the model is comprised of three phases. In the first phase, the couple goes through an intake session where they are informed of the program's policy of meeting only briefly with the couple together before splitting them up and treating them separately. This is done to ensure the safety of the victim. The couple then meets two therapists with whom they work to complete a genogram. A genogram is similar to family tree but offers a more detailed history of relationships; its purpose is to identify immigration patterns and generational gender and racial norms. Once the genogram is complete, the couple is separated and the victim is asked to describe any history of violence in the relationship. The offender is not asked this question (no reason was given by the program expert as to why this is the case). Both individual are asked what issues they want to address through the program. Finally, the couple is brought back together, the model is explained to them, and they complete an informed consent which stipulates that if either of the participants discloses current abuse the therapists are obligated to report it.

The second phase of the process lasts up to 45 weeks. There is no couples counseling during this phase. For the first eight weeks, each individual participates in a small, same-gender socio-educational circle where they watch films intended to educate and stimulate discussion about how the problems in their relationship connect to larger systems of race, ethnicity, gender, culture, and class. During this phase the individuals

also meet their sponsors, who assist them with deconstructing the socio-educational materials. Sponsors are the same gender as the client and are recruited from the community; most are individuals who have completed the Cultural Context Model themselves and now live violence-free lives. Sponsors fulfill several other roles in addition to working with victims or offenders in the socio-educational circles. Male sponsors hold offenders accountable for the violence they have inflicted; mentor them on living a life of non-violence; teach offenders that using violence is a choice that impacts their partners and children; provide an expanded definition of masculinity that incorporates vulnerability, nurturing, and empathy; and model respect for women, children, and people of different races, ethnicities, cultures, and sexual orientations (Almeida & Durkin, 1999). Female sponsors similarly contribute to the healing process of victims inside and outside of the process by modeling equitable relationships, breaking isolation, and engaging the victims in expanded conversations about family life (Hernández, Almeida, & Dolan-Del Vecchio, 2005)

For the next 36 weeks couples alternate between large, same-gender and mixed-gender “culture circles” in which they each address relationship issues pertaining to themselves, their partner, family-of-origin, children, and friends. The circles are structured differently for men and women. Men are encouraged to understand the impact of their actions on others and are held accountable for their violent and destructive behaviors by their sponsors. The men are also required to write a letter to their victim and their children expressing the harms they have committed against them. In writing this letter, they use the power and control wheel as a guide and address each of its

components (e.g., intimidation, threats, male privilege, emotional and economic abuse, minimizing, denying and blaming behaviors). Sponsors critique and edit the letters and assist the men in determining what restitution or reparation they can make to their victims.

For women, the circles encourage them to experience anger, rather than guilt, as a healthy response to the harms they have suffered (Almeida & Durkin, 1999). They are also empowered to take less responsibility for the total well-being of their families. Women also work with their sponsors to write letters, but their letters are designed to create personal narratives of liberation.

The third phase of the model is the couples counseling and it only occurs if the male offenders have successfully completed phase two and have demonstrated changes in their behaviors and attitudes. Couples continue to participate in the larger culture circles while engaging in couples counseling. If there is any return to previous controlling or dominating behaviors, those recurrences are challenged within the culture circle rather than the counseling sessions.

Throughout the circle processes, traditional rules of privacy do not apply. Within the socio-educational circles and the culture circles clients are not required to maintain confidentiality. They are also encouraged to socialize outside of the therapeutic process. The CCM is designed this way for three reasons: to disrupt the secrecy and isolation that often accompany violence, to ensure victim safety, and to “dismantle access to power and social opportunity via open dialogues that focus on the principles of empowerment and maintaining accountability over time” (Parker, 2003, p. 276).

There are two therapists assigned to every circle. One therapist sits in the room while the other observes from behind a one-way mirror. In an attempt to reduce secondary trauma, the staff rotate through the circles so that the entire team of therapists share responsibility for the entire caseload. Therapists also engage in discussions examining their own issues regarding accountability, privilege, and powerlessness.

Referrals to the program come primarily from the courts; approximately 40 percent are mandated to the program. The remaining referrals come from other therapists, schools, hospitals, colleges, and organizations. A handful of clients self-refer. In cases where the offender is mandated to the CCM, the victim is contacted and asked to share her story or participate in the process. The victim's participation is strictly voluntary.

Success in the program is measured in two ways. For women, success means they are able to maintain safe lives after the process, regardless of whether or not they chose to stay with their partner, and they are able to manage their children and keep them from repeating the violent behaviors they witnessed. For the men, success means they successfully completed the program and committed to working as sponsors for the next two years,

...because that's really what it takes to maintain a life of non-violence....I think getting these men to get involved in a lifestyle that does not embrace violence is really what is the permanent outcome.

Challenges

One of the challenges faced by the Cultural Context Model is working with same-sex couples. According to the program expert:

We use our power and control wheels to really define who the perpetrator is, but in same-sex couples that's much more slippery. It tends to go back and forth, especially if there's a lot of similarity in terms of [whether or not they are 'out'], their financial situation, connections to their family, and all of that.

Despite this challenge, the program offers something many others do not: a strong commitment to addressing the intersections of race, gender, sexual orientation, class, culture, and violence:

...we talk about intersections from the first time they come in. All of our video tapes address culture...all the films have intersections of race and culture and gender...all of our wheels address those issues - you know, we have gay and lesbian issues, and it doesn't matter, we don't just deal with it only if it's a gay couple, we deal with it no matter who's in the room. The whole program is integrated to deal with the intersectionalities. And that way, we're not segregating families based on who they are, which I think often happens with this whole discourse...people talk about South Asian families if you're South Asian. If you're Latina, they don't talk about Latina culture to white people...So the end result of [addressing those issues here] is you have a community that's very sophisticated and very action driven, which is really what you want.

Community Reaction

When the program was first developed it encountered considerable resistance from the battered women's movement and the state coalition for domestic violence. The program expert says it took six to eight years to convince them that the model was valid and successful. Testimonials from clients proved to be extremely helpful in garnering support as did commendation from various experts whose work was respected.

Additionally, the program expert said that it was important to demonstrate that the model came from a place of scholarship and to invite members of the domestic violence

community to engage in a conversation about the model and its goals. Today, the model receives widespread support.

Program #5:

Domestic Violence Surrogate Dialogue

Background

The Domestic Violence Surrogate Dialogue (DVSD) program was developed in 2000 in Hillsboro (Washington County), Oregon to provide a setting in which offenders and victims of domestic violence could come together and engage in a conversation about their experiences with domestic violence. The offender and victim who engage in dialogue have no previous relationship to each other. The goals of the program are:

- To allow victims and offenders to share their stories with each other
- To encourage the offender to understand the physical, emotional, and mental harm he caused his own victim
- To enable the victim to identify and avoid violent behavior in future relationships by listening to the offender reveal his own insights, motivations, and manipulation tactics

This program is the only one of its kind in the United States. It is currently seeking funding from a variety of sources.

Development and Implementation

The process for planning the surrogate dialogue process took several years.

According to the program expert,

It just took that long to get everybody on board and get people trained and really iron out the process because, first and foremost, I didn't want

to do any harm...so to come up with all the safety nets of who should be involved on both sides, both the survivors and offenders...[and to come] up with guidelines...[it] took awhile.

Eventually, local community corrections, a domestic violence agency, and batterer intervention program (BIP) agreed to help develop, implement, and support the program. Each of these agencies continues to be extremely committed to the program in various ways. Community corrections provides the space and security (dialogues take place in a courthouse with metal detectors) for the dialogues as well as two staff members who volunteer as facilitators for dialogue sessions. The domestic violence agency and BIP provide the majority of client referrals as well as one staff counselor each who works closely with the DVSD program. The program also accepts self-referrals and referrals from other local counselors. Although the vast majority of offenders are court-mandated to the BIP from which they are eventually referred, the DVSD program has no formal relationship with the criminal justice system.

In order to be considered for the DVSD program, offenders and victims must be embedded in a counseling program for at least three months prior to participating in a dialogue. They must also agree to continue counseling for at least three months after the dialogue. Prior to the dialogue, counselors work individually with their clients to obtain a detailed account of the circumstances surrounding the violence experienced or perpetrated. Victims and offenders are also screened to determine their motivations for wanting to participate in a dialogue. Victim and offenders who are not motivated by anger, who seek to obtain answers to specific, realistic questions, and who view the dialogue as an opportunity to repair the harms they have suffered or committed are

considered good candidates. Offenders in particular are carefully screened for their motivations. Often, the offenders who end being chosen to participate in DVSD are:

...the anxious ones in the [batterer's intervention] class who are asking all the follow-up questions and really trying to show how much they want to change their lives. They're the ones volunteering to do different projects and volunteering for more hours even though it's not court mandated. They're the ones that continue to come past the court mandated [time] because they can see it's making a difference in their lives. Those are the guys you want.

Offenders are also required to take full responsibility for the crimes they admitted to in court (and for any others they disclose prior to or during the dialogue). Thus far, offenders have been willing to meet this requirement:

They all took 100 percent accountability – for what they admitted to, at least. Whether or not it was the full [account] of what they've ever done...only they know. But for what they admitted to – and they admitted to some pretty horrible things – they took accountability. And they even said whatever abusive acts that they've done – there are no excuses.

DVSD program counselors work together closely to determine which victim should be paired with which offender. Once an appropriate pairing is decided upon, a complete background check is done to ensure no previous relationship existed between the victim and offender.

Also prior to the dialogue session, the facilitators, one male and one female, meet separately with the offender and his counselor and the victim and her counselor to describe the room set-up, explain the process, and answer questions. They also inform the offender and the victim of the ground rules, which require that each respects the other and listens carefully when not speaking.

The dialogue itself occurs within a couple days or months of the preparation meetings and typically lasts between two and two-and-one-half hours. Both facilitators and counselors attend the dialogue but only facilitators help guide the dialogue; the counselors simply observe the interaction. A debriefing session directly follows the dialogue to assess the participants' immediate reactions and ensure that they have scheduled follow-up counseling sessions. All sessions are audio-taped to provide counselors with a means of challenging inaccurate statements made by offenders or victims during the dialogue. These inaccuracies are addressed in the follow-up counseling sessions.

Challenges

The DVSD program faces a couple of different challenges, the first of which is addressing safety issues. Though the program has taken some safety precautions (e.g., offenders are required to pass through metal detectors; victims exit the building before offenders leave the dialogue room) safety planning was not originally a main component of the program development. However, it is something the program has been forced to consider more carefully since its inception:

That's actually something one of the survivors brought up. She said, 'you know what if I say something that does tick him off and he doesn't show it...I want to know that he hasn't written down my license plate. I know that sounds crazy, but it's happened.' It's was a reality check for us because I hadn't even thought of that and she brought that up. She said, 'I want to be away from the building and know that he can't see out a window and see me go, which direction I go or which car I get in or anything.'

Another challenge for the DVSD program is determining whether or not referral sources might be indicative of the offender's motivations for wanting to participate in a

surrogate dialogue. One offender, who self-referred to the DVSD program from a religious-based BIP, raised this red flag. According to the program expert:

...[his] motives, I think, were to potentially figure out what to do to get back with his wife, not necessarily how to better himself...[he asked the surrogate victim] things like, 'would you go back to your husband if he did this? and would you go back to your husband if he did that?' ...And so we figured out that wasn't necessarily the best pool to choose from. We decided the court mandated is sometimes better.

Community Reaction

The program expert reported that though the agencies that ultimately became involved in the DVSD program were supportive of the idea when it was first proposed, “[n]inety percent of the community was not supportive” and “many doors were shut.” The expert hypothesizes that the community in general is not open to trying new interventions and, since funding has remained elusive, concludes that reactions have not changed much since the dialogues started. Much of the resistance encountered by the program has focused on the face-to-face component of the dialogue. Even though the offender and the victim have no prior history together, many community members fear the victims are not strong enough to participate in a dialogue and will ultimately end up revictimized by the process. Others fear the victim will want to begin a relationship with the offender. Both of these arguments, the program expert say, are

...crazy. These women have gotten up and gotten beat everyday and survived so I think they're stronger than people give them credit for....[as for wanting to start a relationship with the surrogate offender], in the after-interview I had that as one of my questions...and each one of the women just went, 'oh, disgusting! What are you, kidding me?' That was definitely not an issue with any one of them. They were saying, 'you know, I got into the relationship with my ex-husband not knowing he was abusive, why would I walk into a relationship knowing this guy has an

abusive past? You know, we're a little smarter than that.' All of them thought that was a crazy notion.

Project #6:

Resolve to Stop the Violence Project (RSVP)

Background

The Resolve to Stop the Violence Program (RSVP) is a jail-based violence prevention program implemented by the San Francisco Sheriff's Department in 1997 in an effort to address the shortcomings of traditional punitive responses to violent crime (Schwartz, Hennessy, & Levitas, 2003). The goals of RSVP are to:

- Reduce recidivism rates for violent offenses
- Reintegrate offenders back into the community
- Offer practical and emotional support to victims
- Engage the community in helping achieve the other three goals

RSVP targets male offenders with current or prior felony convictions for violent crimes, both domestic and random violence. Offenders are mandated to the program by the San Francisco Sheriff's Department, the courts, or the Adult Probation (Gilligan & Lee, 2005) and are all housed together in a 62-bed dormitory-style jail facility.

Approximately 300 offenders complete the program each year. The program is still operational though it has suffered recent budget cuts. Funding is provided by the city, county, and federal grant money, as well as private foundations. RSVP is the first and only program of its kind in the United States.

Development and Implementation

In 1996, the Sheriff's Department brought together 40 people representing a variety of diverse communities, including "...deputy sheriffs, former gang members, housewives, victim rights advocates, rabbis, ministers, Republicans, Democrats, pro-death penalty enthusiasts and their opponents, feminists, and formally abusive men..." to develop the program (Schwartz et al., 2003, p. 406). According to the program expert interviewed:

It was unbelievable – I'm telling you, the diversity of that planning group is mind-boggling....People that normally wouldn't talk to each other, let alone sit shoulder-to-shoulder with each other....we worked for 18 months with one objective – how do we develop a curriculum to stop violence both in our homes and the community? So we worked for about 18 months ...using restorative justice as a blueprint to keep us honest and on track with those initiatives....we knew we wanted to deal with offenders and develop a curriculum that dealt with their violence. We wanted a strong component that had to do with victim empathy and services to victims, and to engage the community.

When the program launched in 1997, it incorporated three major components: offender accountability, victim restoration, and community involvement. The offender accountability piece is comprised of an in-custody heavily structured eight-hour-per-day program incorporating male role re-education, victim impact presentations, substance abuse treatment programs, life skills training, academic programs (e.g., GED), parenting classes, counseling sessions, and theatrical reenactments (e.g., role-plays). A key component to the offender accountability piece is the Manalive Violence Intervention and Prevention Curriculum. Manalive is a three-stage, cognitive-behavioral male role re-education curriculum delivered in five, three-hour classes per week. The first stage of the curriculum focuses on helping the offender understand the social and historical roots of

his violence and learn specific skills to stop using violence. The second stage focuses on understanding self-awareness as it relates to intimacy and learning self-awareness skills. The last stage focuses on understanding self-expression and learning appropriate self-expression skills.

Offenders are also required to attend once-weekly victim impact panels where victims of various violent crimes come and tell their stories to the offenders. None of the victims are the actual victims of the offenders attending the panel. Additionally, the men attend a “Loss of Innocence” group each week where, according to the program expert, they identify the point in their lives

...where they felt they lost their innocence. Whether they perpetrated violence or were a victim of violence themselves, [they connect] the dots with their current adult behavior.

The victim restoration piece of RSVP consists of a Survivor Restoration Advisory Committee comprised of domestic violence advocates and representatives from social service agencies. This committee provides direct practical and emotional support for the victims of the RSVP perpetrators. Such support often entails helping victims seek shelter or counseling services, assisting them through the court process, or providing them with job skills training.

The community involvement component of RSVP encourages community participation in developing and providing opportunities for offenders to make reparations to victims and the community. Such activities might include mentoring at-risk youth or participating in violence prevention programming events (Gilligan & Lee, 2005; Schwartz et al., 2003). Another way in which offenders are encouraged to repair harms is

by serving as facilitators for the Manalive curriculum after they graduate. Currently, all Manalive groups are run by graduates of the program.

Early evaluation of the RSVP program has been very promising. Gilligan and Lee (2005) reported the following decreases in re-arrest rates for participants of the RSVP program:

- 46.3 percent for offenders attending at least eight weeks of programming
- 53.1 percent for offenders attending at least 12 weeks of programming
- 82.6 percent for offenders attending at least 16 weeks of programming

It is important to note that these statistics apply only to re-arrest rates for violent offenses.

Challenges

The program expert commented on a few ongoing challenges faced by the RSVP program. Due to recent budget cuts, the program has been forced to shorten the in-custody program from 12-16 hours per day to eight hours per day. The post-release community involvement component has suffered as well. It is not as strong as it once was “or should be” and the probation officer assigned specifically to RSVP offenders was cut from the program.

Another ongoing challenge faced by the program is criticism of the Manalive curriculum, though whether or not this is truly a problem depends on how one looks at it; as expressed by the program expert:

...we've gotten some good feedback and critical feedback saying it's not culturally sensitive enough, and that's a little slippery if you want to know the truth because we take a real hard line, no nonsense, in the accountability portion of RSVP, and it has turned into a pretty intense discussion with multi-cultural communities about RSVP. Because sometimes the feedback about not being culturally sensitive...from some

people it has been another way of saying ‘leave these poor guys alone, don’t demand such strict accountability.’ But some of the feedback about cultural sensitivity has been really important and some of the concrete suggestions [like] modifying some of the language [to make it] more user-friendly was, and is, fantastic.

Two future challenges for RSVP are to convince the criminal justice system to mandate offenders to the post-release Manalive groups as a condition of their probation and to institutionalize restitution, which is currently determined by each offender’s case manager.

Community Reaction

When RSVP started, very few people had heard about restorative justice, including those who helped develop the program. At first there was resistance to the RSVP program but the cause for concern was not the principles of restorative justice; instead, people worried that offenders would not be held accountable for their crimes. Battered women’s advocates and the domestic violence shelter community also expressed concern over the program. According to the program expert:

...[they have] worked very, very hard to have a voice, to be taken seriously, to make sure violence against women is not minimized or justified or rationalized, whether it’s individually or institutionally. So anything that took the responsibility away from the offender gave them great pause.

RSVP addressed this concern by building partnerships with “a consortium of numerous domestic violence agencies...in an effort to keep us honest...to keep our principles in check...”

At this point, support for the program remains strong. The program expert reported that, when people first hear about RSVP, they sometimes express a “healthy

suspicion” about the program. But once the program is explained to them they agree that it makes perfect sense and often wonder why the program is not operating in more cities.

Project #7:

Resolve to Abolish Violence Everyday (R.A.V.E)

Background

Resolve to Abolish Violence Everyday (R.A.V.E.) is a post-release violence prevention program based on the principles of restorative justice. It began in 2005 in Austin (Travis County), Texas after the county sheriff learned about the success of the RSVP program in San Francisco. The R.A.V.E. program is patterned after the RSVP program and includes most of the same components. The goals of R.A.V.E. are also similar to those of RSVP:

- Decrease re-arrest rates among program graduates
- Increase the social capital in neighborhoods with R.A.V.E. aftercare/violence prevention programs
- Decrease the number of juvenile offenders by implementing R.A.V.E. outreach programs in at-risk neighborhoods and schools
- Increase victim-survivor participation in the criminal justice process
- Decrease jail overcrowding

The R.A.V.E. program is still in the beginning stages of development. Some of its components are currently in place; others are pending budget approval by the county. Once fully operational, it is expected to serve approximately 150 offenders annually. The program will operate within the city and county jails, specifically targeting felony-

charged family violence offenders with a maximum one-year sentence. The program will also provide services for the victims of the offenders who participate in the program.

Development and Implementation

A task force was formed in 2005 to design the R.A.V.E. program. Members of the task force represent the criminal justice system (including community corrections and supervision, probation, the district and county attorneys' offices, parole, and family court), community non-profit organizations (including domestic violence service providers), and state- and county-run social service agencies. Currently, R.A.V.E. has only one paid staff member; however, pending budget approval, the number of full-time paid staff is expected to increase to nine over the next three years. Additionally, the R.A.V.E. program is working closely with a local groups focusing on offender reentry, homelessness, and women's empowerment, as well as businesses in the private sector, to develop the resources and services necessary to support the different program components.

The R.A.V.E. program, once fully implemented, will be an intensive 14-week in-custody program (all participants will reside together in one holding tank) consisting of three core components: the Perpetrator Program, the Survivor Program, and the Community Program. The Perpetrator Program includes:

- Intake and Orientation – offenders are required to attend a two-hour introduction to the program during which they learn the rules of the program and outline their objectives and goals.

- Restoring Peace – Offenders meet two hours weekly for a facilitated discussion centered on three principles: improving the offender’s daily life while incarcerated, helping the offender mend relationships with family and loved ones, and creating an environment that will decrease the likelihood that offenders will commit additional offenses upon release. Offenders are required to complete readings, answer personal questions about their offending, engage in introspective story-telling and journaling, and attend victim impact panels once weekly. Such activities

...[bring] about the healing for the offender...by looking at what has happened to them in their own life...and by having victims involved in [the offender’s] development of empathy and their development of spirituality and their development of a sense of restoring the community for what they’ve done.

- Manalive Violence Intervention and Prevention – a three-stage, re-education curriculum delivered in five, three-hour classes per week. The first stage of the curriculum focuses on helping the offender understand the social and historical roots of their violence and learning specific skills to stop using violence. The second stage focuses on understanding self-awareness as it relates to intimacy and learning self-awareness skills. The last stage focuses on understanding self-expression and learning appropriate self-expression skills. Manalive holds the offender responsible for choosing violence as a way to deal with people in their lives. Manalive acknowledges that power and control are components of men’s battering but

...it goes deeper than that. At some point they chose to use violence, whether that’s verbal, physical, spiritual, whatever. They chose it as a

means of bolstering their self-esteem...the Manalive curriculum addresses that very well.

- Drug and alcohol education
- GED classes
- Life-skills training and parenting classes
- Counseling and social services

Of the Perpetrator Program components listed above, those currently operating are Restoring Peace, GED classes, and life skills training.

The Survivor Program will be primarily operated by the Family Violence Protection Team, which consists of representatives from the criminal justice system and domestic violence service providers. This group will identify the victims of the R.A.V.E. offenders and work to offer support and resources including safety planning, counseling, information and referrals. Victim participation is completely voluntary.

The Community Program will consist of a Community Justice Advisory Board made up of community leaders, victim services agencies, drug and alcohol programs, police, parole, probation, and faith leaders. This advisory board will be charged with ensuring R.A.V.E. participants heal their relationships with the community by attending Manalive aftercare programs and creating peer support networks by training, educating, and providing outreach to other R.A.V.E. graduates and men at-risk for committing domestic violence. Two support groups have already been implemented for offenders graduating from the program in its current form. Additionally, R.A.V.E. is continuing to build partnerships within the community to establish job opportunities for program graduates.

Challenges

The program expert interviewed for the R.A.V.E. program identified three challenges the program currently faces. Though certain components of the program have been implemented, the vast majority await budget approval. The program must also focus on building a support base large enough to exert enough political pressure to ensure the continuation and success of the program once it is implemented. This is one reason the task force was formed first. The sheriff in Travis County is an elected official; if the current sheriff is not reelected or chooses not to run again, the program could be in jeopardy. In another effort to ensure the program's longevity, the program expert is seeking funding through the county rather than less stable funding sources such as foundations or state and government grants.

An additional challenge faced by R.A.V.E. is the successful implementation of its reentry component:

[W]hen the guys...get out into the community, there's no jobs, there's no housing. And you can tell somebody all day long, 'you need to have positive thinking and you need to retrain your thinking and stuff,' but if they have children and they're homeless and they have all these issues, they're going to go back to working in whatever makes money the fastest to get the needs of their family taken care of – and of course, that's drugs. And then that leads to everything else.

Community Reaction

R.A.V.E. is currently seeking to draw in more community members in an effort to create a broad network of providers to meet the needs of offenders, victims, and the community. However, according to the program expert, the majority of the Austin/Travis County community is not yet aware of R.A.V.E.'s existence. Media releases and public

service announcements are planned and a public information officer has been employed to help inform and educate the community about R.A.V.E. Members of the task force, however, are reportedly very excited about the prospect of R.A.V.E., particularly the Manalive curriculum.

Summary of Similarities and Differences across Programs

Background

The majority of the programs reviewed for this study were united in their desire to develop an alternative to the criminal justice system that offered victims, offenders, and the community a more flexible and holistic approach to addressing domestic violence.

Processes and Goals

Though their specific processes vary from mediated dialogue to Peacemaking Circles to jail-based violence prevention, the goals of each program are remarkably similar: Each seeks to bring the victim, the offender and the community together to identify the factors that contributed to the violence and determine an appropriate response that meets the needs of all the parties involved. These goals demonstrate the concerted effort each program has made to adhere to the three main principles of restorative justice: 1) crime is a violation of people and interpersonal relationships; 2) violations create obligations; 3) the central obligation is to put right (to the extent reasonably possible) the harms inflicted. Additionally, each program – some more than others – has consciously incorporated program components that address issues related to the intersections of race, gender, ethnicity, sexual orientation, class, and culture. For example, the Cultural Context Model (CCM) and Construyendo Círculos de Paz (CCP) are both committed to

offering culturally appropriate models to counter the tendency of the battered women's movement to tailor domestic violence responses to the needs of primarily white, heterosexual women seeking to separate from their abusers.

Development and Implementation

Community Involvement

Each of the program experts interviewed sought wide-ranging community input and support in the development of their programs. Across all programs, the community members most likely to be included in the development and implementation process were representatives from the criminal justice system (including police, community corrections, attorneys, and judges), experts in the field of restorative justice, and domestic violence advocates and service providers. Other community members commonly involved included social service providers (e.g., drug and alcohol treatment centers, child welfare agencies) and private sector businesses. Less common were representatives of faith-based or religious organizations, feminist activists, and academics.

Referrals

Referrals for most of the programs come (or are anticipated to come) predominantly from the courts even though only two of the programs, Resolve to Abolish Violence Everyday (R.A.V.E.) and Resolve to Stop the Violence Project (RSVP), are jail-based initiatives. The majority of the offenders are either mandated by the courts to the restorative justice programs or, in the case of the Domestic Violence Surrogate Dialogue (DVSD) program, are mandated to a treatment program that in turn makes referrals to the restorative justice process.

Process Staff

Staff size for each of the programs is small. Some programs, like R.A.V.E. and RSVP rely heavily on criminal justice authorities, corrections officers, and probation to successfully run the entire program, but the number of staff committed specifically to the process is limited. Most programs have one or two facilitators who may or may not be paid staff. Almost half the programs – RSVP, R.A.V.E., and CCM– also use graduates of their programs to serve as mentors, facilitators, or sponsors for other offenders currently participating in their respective processes.

Regardless of whether or not the staff is made up of paid personnel, volunteers, or former participants, all of them have received, and most cases, continue to receive, training specific to the program they work in. Overall, most of the programs provide training on the principles of restorative justice, the dynamics of domestic violence, and the specific process employed by the program (e.g., circles, mediation). It is not clear from the data if this training is ongoing in each program. In cases where the data is complete, it appears that most programs brought in outside experts to do the initial training but conducted additional training internally.

Participants and Screening Methods

Of all the programs studied, only one, CCP, operates in a community that is predominantly non-white. And only the CCM makes a concerted effort to be inclusive of all genders, races, ethnicities, sexual orientations, and cultures, to raise consciousness about privileges enjoyed by whites and heterosexuals, and to incorporate components that directly address the intersections of gender, race, ethnicity, class, culture, and sexual

orientation with violence and family functioning. The remaining programs, as of the writing of this thesis, focus the majority of their attention on male offenders and heterosexual couples. This should not be interpreted to mean female offenders and same-sex offenders or couples are not represented in some of the cases seen in these programs; there was simply nothing in the data collected that indicated specific components were in place to address the particular needs of those populations.

Each program had a unique way of determining who was appropriate for their process. The most common method (used by four programs) was to ask questions of the offender regarding his or her motivations for participating and willingness to change. RSVP and R.A.V.E. primarily rely on a statutorily defined level of offense (i.e., violent) to determine which offenders are accepted to the program. The Minnesota Circle Sentencing (MCS) program also relies on the offender's level of offense (misdemeanor or gross misdemeanor) but also requires offenders to apply to the program and have their application reviewed in a circle process by other community members. MCS offenders are also asked questions regarding their motivations and willingness to change. The CCM compiles a genogram and interviews each participant individually about the violence they have experienced/perpetrated. Every program describes their process to the participants in the initial meeting or session, but only the CCM requires clients to sign an informed consent form.

Program Components

Actual program components vary widely, yet retain some similarity in that they all include specific mechanisms for addressing the needs of the victim, the offender, and

the community. RSVP and R.A.V.E., which is patterned off of RSVP, are quite similar. They both use the Manalive curriculum as the basis of the in-custody portion of the program, both engage the offender in community restoration programs upon release, and both have survivor advisory groups that works with victims to ensure their needs are addressed. R.A.V.E. differs from RSVP in its inclusion of Restoring Peace, which is a more comprehensive victim impact program than the panels offered by RSVP. Pending budget approval, R.A.V.E. will likely also have a more comprehensive post-release program than RSVP for its offenders.

The Canadian Domestic Violence Mediation Research Project (MDRP), once implemented, will employ several components presently incorporated into the DVSD program: a team of facilitators comprised of one man and one woman, who will meet individually with the offender and the victim prior to the dialogue to hear their stories and to prepare them for the dialogue process. Where the processes diverge is their client-base. In the DVSD program the victim and offender have no prior history together and are each embedded in counseling services. In the MDRP, the couples will be each other's actual victim or offender and will not be required (at the time of this writing) to be engaged in any treatment or counseling programs.

Three of the programs included in this study (MCS, CCP, and the CCM) use circle processes of some type, though the specific goals and guidelines of each circle vary. Nevertheless, they all share two common features: each incorporates other community members (in the case of the CCM those members are other clients), and each incorporates a method that actively engages the offender in changing his or her attitudes

and behaviors. In MCS and CCP, the method used is the Social Compact. In the CCM, the method used is socio-education.

One final component that all of the programs incorporate is some sort of safety planning or monitoring of victims and/or offenders. In CCP, the circle designates at least one family member (or two if the victim is present) as the safety monitor. In the MCS, the victim's safety needs are assessed and attended to in different ways depending on whether or not the victim chooses to participate in the offender's circle process. For the CCM, sponsors and other circle members take primary responsibility for monitoring the victim's safety. For RSVP and R.A.V.E., victim safety is attended to by a survivor advisory panel. Safety measures for the MDRP have not yet been determined but appear to be at the forefront of the concerns they will be addressing as they move forward with the project. The DVSD program is also working to improve upon its existing safety precautions.

Program Length

The length of each program process also varies considerably. The DVSD program is by far the shortest, lasting anywhere from two weeks to three months, including preparation and dialogue. The exact length of the MDRP is yet to be determined but it is likely to consist of at least 10 sessions. The other five programs last an average of 40 weeks. The length for three of these programs (MCS, CCP, and the CCM) is determined by law since they serve as alternatives to court mandated batterer's intervention programs and must be of comparable duration. Offenders in the RSVP and

R.A.V.E. programs are serving sentences of up to one year so the length of time they participate is determined in part by the length of their sentence.

Challenges and Community Reaction

The challenges faced by each of the programs varied considerably with one exception; four of the seven programs struggle with securing adequate funding to ensure the continuation of their programs. Other challenges identified included diversity issues (incorporating culturally sensitive materials or approaches, meeting the needs of multi-cultural clients and/or same-sex couples), designing appropriate responses based on relationship status (i.e., reconciliation versus separation), incorporating children into the process and meeting their needs, determining who the true victim and perpetrator are (particularly in same-sex couples), and building enough community support to sustain the program.

Two of these challenges, funding and building support to sustain the program, appear to be largely dependent on the reactions of the community to the program. All of the program experts reported initial hesitancy or resistance from the community – particularly domestic violence advocates – to their programs. However, reactions from community members and agencies that are knowledgeable about the programs have been very positive, even among those who were unfamiliar with restorative justice at the time of the program's inception. The difference, as noted by the MDRP and RSVP program experts, could be education. In both cases, these experts noticed a marked increase in support after fully explaining their programs' processes and goals.

In the future, four of the program experts indicated that they would like to enhance or expand their programs. Construyendo Circulos de Paz and R.A.V.E. respectively indicated that they would like to enhance relationships between staff and community members engaged in the process and draw in more community support. The program expert from RSVP hopes to convince the criminal justice system to institutionalize RSVP and mandate post-release Manalive groups as a condition of probation, while the DVSD program plans to eventually expand its services to Spanish speakers and same-sex couples.

Summary of Program Findings

All of the programs researched for this study strive to achieve the same general objective: to involve the community in holding offenders accountable for the offenses committed and to ensure that the harms suffered by victims are repaired. Although they are all based on the same principles of restorative justice, each program has tailored its individual approach to best accommodate its own specific goals and target populations. The result is a rich, diverse set of examples illustrating how to approach domestic violence in a variety of creative ways while still adhering to the basic principles and goals of restorative justice.

Table 2

Comparison of U.S. and Canadian Restorative Justice Programs Addressing Domestic Violence

Themes	Canadian Mediated Dialogue Project	Minnesota Circle Sentencing	Construyendo Circulos de Paz	Cultural Context Model	Domestic Violence Surrogate Dialogue	RSVP	R.A.V.E.
Background Process Type	Mediated dialogue; offender and victim share relationship	Circle Sentencing based on Peacemaking circles	Peacemaking circles	Socio-education, culture circles, couples counseling	Mediated dialogue; no relationship between victim and offender	Jail-based violence prevention w/post-release program	Jail-based violence prevention w/post-release program
Process Length	To be determined	3 months – 2 years	36 weeks	Up to 45 weeks	1 week – 3 months	Up to 12 months	Up to 12 months
Major Goals	Determine efficacy of using mediated processes for DV ^a	Involve community members in process of holding offender accountable; support victims; repair harms	Help those affected by the crime to identify and address behaviors, attitudes, and issues leading to violence	Bring non-violence into the lives of couples regardless of relationship status	Bring victims and offenders together to engage in a conversation about their experience with DV	Reduce recidivism for violent offenses; engage community to reintegrate offenders and support victims	Decrease recidivism for violent offenses, restore the community, attend to victim needs
Development & Implementation Community Involvement	Academics, representatives from RJ ^b , CJS ^c , and DV	CJS, DV experts and community agencies	RJ experts, CJS, feminists, clergy, community members	Family therapists and non-violent men	Community corrections, DV agencies, BIP ^e	40 community members involved in planning; community support network for victims	Representatives from CJS, DV, social service agencies, private sector businesses

^aDV = domestic violence. ^bRJ = restorative justice. ^cCJS = criminal justice system. ^dFV = family violence (abuse between family members not involved in an intimate relationship). ^eBIP = batterer’s intervention program. ^fBWM = battered women’s movement.

Table 2 (continued)

Themes	MDRP	MCS	CCP	CCM	DVSD	RSVP	R.A.V.E.
Referrals	CJS, DV and child welfare agencies, substance abuse centers, multi-cultural community	All offenders referred by CJS; victim must agree to process	Offender mandated to treatment, randomly assigned to circles	40% court mandated; counselors, schools, hospitals, agencies, self-referral	Primarily offenders court mandated to BIP; self-referral, counselors	Courts, Probation, Sheriff's Dept.	All offenders referred from CJS
Process Staff	2 male, 2 female facilitators	Trained volunteers	Family-Community Liaison, 2 Circle Keepers	Team of family therapists and volunteer sponsors	1 male and 1 female facilitator, 2 counselors	Mostly corrections officers; curriculum run by RSVP graduates	To be determined
Training	RJ principles and mediation, DV dynamics	Circle process, RJ, DV	RJ, DV, Circle process	Cultural Context Model, DV	DV, RJ mediated dialogue	Manalive, RJ principles	To be determined
Clients	Heterosexual, DV only	Both DV and FV ^d	DV and FV; predominantly Latino/Latina, immigrant	Multi-cultural, heterosexual and same-sex, DV and FV	Heterosexual, DV only	Violent male offenders, majority DV	Violent male offenders, majority DV
Program Components	Preparation phase followed by mediated dialogue	3 offender circle phases culminating in sentencing; social compact; healing circles for victims	Intake, social compact, circle process, safety monitor	Intake, socio-education, culture circles, couples counseling, sponsorship	Assessment, individual preparation, dialogue, debriefing, follow-up counseling	In-custody, post-release perpetrator program, victim and community restoration	In-custody, post-release perpetrator program, victim and community programs

^aDV = domestic violence. ^bRJ = restorative justice. ^cCJS = criminal justice system. ^dFV = family violence (abuse between family members not involved in an intimate relationship). ^eBIP = batterer's intervention program. ^fBWM = battered women's movement.

Table 2 (continued)

Themes	MDRP	MCS	CCP	CCM	DVSD	RSVP	R.A.V.E.
Evaluation	3-year pilot study, empirical	95% have not re-offended	Pilot study, empirical	Ongoing, empirical, published	Pilot study data available, unpublished	Initial empirical data available, published	To be determined
Challenges	Term “mediation” problematic Accommodating relationship status Diversity of clients Exclusion of same-sex couples Meeting children’s needs Rooting program in existing services	Time intensive Attorney refusal to cooperate	How to accommodate work schedules Determining who is victim and perpetrator	Identifying offender in same-sex couples	Addressing safety issues Determining motivations of participants based on how they are referred	Funding Criticism over cultural sensitivity of Manalive curriculum	Funding Building enough support to sustain program Successful implementation, especially for community program
Community Reaction	Both positive and negative; education helps generate more positive responses	Initial resistance from BWM ^f	Extremely positive	Initially very negative, especially feedback from BWM	General community very resistant. Good support from agencies involved.	Initial hesitancy turned to positive reaction after program was fully explained	Community not yet aware of program; task force response has been positive

^aDV = domestic violence. ^bRJ = restorative justice. ^cCJS = criminal justice system. ^dFV = family violence (abuse between family members not involved in an intimate relationship). ^eBIP = batterer’s intervention program. ^fBWM = battered women’s movement.

CHAPTER SIX:

DISCUSSION

This chapter addresses my final research question: Is the Austin community in a position to successfully develop, implement, and support a restorative justice initiative for domestic violence? The findings reveal that stakeholders in Austin are very supportive of using restorative justice for domestic violence. However, they share many of the same concerns that researchers and practitioners have delineated in the literature. Stakeholders questioned whether or not traditional restorative justice models are flexible enough to accommodate a vast array of abusive situations. They stressed that restorative initiatives created to address domestic violence must be multi-disciplinary, holistic, victim-centered, and voluntary. Although stakeholders saw a lot of potential benefits to using restorative justice for domestic violence, they worried that it might be ill-equipped to offer adequate safety measures for victims, effectively identify appropriate participants, control for power imbalances, and prevent offenders from manipulating the process.

Stakeholders also discussed who in the community should be involved in the development and implementation of a restorative justice initiative for domestic violence. They further indicated that a deeper understanding of the principles and practices of restorative justice and how they apply to domestic violence is needed to engender widespread community support for an initiative in Austin.

The concerns expressed by stakeholders mirror those dealt with by the programs studied. The specific ways in which the programs answered stakeholder concerns is

presented in the next section. First, however, I would like to highlight the key findings that emerged from the program data.

A hallmark of all the programs is the pivotal role the community plays in each intervention. This is unusual when compared to restorative justice programs that address other violent crimes. In those programs, the community is typically represented by the facilitator of the process. However, in the programs I studied, members of both the micro- and macro-communities are much more active and involved in an ongoing way. The micro-community participates directly in the process to address a variety of issues such as offender accountability and victim safety. The macro-community plays a vital role in ensuring that programmatic pieces designed to meet the needs of victims and offenders (e.g., job training, substance abuse treatment, safety planning) are well-supported.

Although the exact role it plays varies widely, the criminal justice system is involved as a major macro-community stakeholder in all of the programs studied except DVSD.² In four of the programs (CCP, MCS, R.A.V.E., RSVP), law enforcement or the courts is responsible for referring most offenders and victims to the restorative process. In programs serving as alternatives to batterer's intervention treatment (i.e., CCM, CCP, and the MCS), statutory laws determine the length of processes. In some cases (most

² For simplicity's sake, programs will be referred to throughout this chapter by their respective acronyms:
MDRP – Canadian Domestic Violence Mediated Dialogue Research Project)
CCP – Construyendo Círculos de Paz
CCM – Cultural Context Model
DVSD – Domestic Violence Surrogate Dialogue
MCS – Minnesota Circle Sentencing
R.A.V.E. – Resolve to Stop Violence Everyday
RSVP – Resolve to Stop the Violence Project

notably the MCS) the courts serve as a “back-up” system in the event that the offender fails to meet all of his or her obligations as defined through the restorative justice process. Representatives from the criminal justice system also play an active role in many of the programs as members of advisory committees or as participants in the process itself (e.g., judges and prosecutors participate directly in the MCS). Arguably, the criminal justice system plays the biggest role in the R.A.V.E. and RSVP programs, which are housed within their respective county jail systems.

The processes used by each program illustrate another way in which they break from traditional restorative justice practices. Rather than relying strictly on traditional modalities, each program demonstrates the possibility of addressing domestic violence in creative and innovative ways while still adhering to the basic principles of restorative justice. Although five of the seven programs use face-to-face encounters, the ways in which those encounters are structured are unique. In the Cultural Context Model (CCM), for example, victims and offenders are worked with separately before being brought together to engage in couples counseling. In DVSD, offenders and victims participate in a mediated dialogue session but do not share a relationship history. R.A.V.E and RSVP do not use face-to-face interventions at all; instead, they rely on an intensive male role re-education curriculum and a specific set of activities to reduce the likelihood that offenders will perpetrate violence in their future relationships. The implications for whether or not these programs engage in face-to-face interventions and how they structure their processes will be discussed in more detail in the next section.

Answering Stakeholder Concerns

In Chapter Two, I commented that researchers and practitioners agree that, while it is theoretically possible to use restorative justice to address domestic violence, it should be pursued practically with extreme caution (e.g., Strang & Braithwaite, 2002; see also Edwards & Haslett, 2003; Stubbs, 2004). This warning should be heeded. There is a lot at stake when dealing with domestic violence victims, and we have much to lose if we get it wrong (Busch, 2002). However, the information provided by the findings of this study offer a clearer picture of how restorative justice works in practice with domestic violence. What the program data indicate, quite noticeably, is that the biggest fears and concerns expressed by researchers, practitioners, and stakeholders do not necessarily play out in practice. Instead, the programs illustrate a variety of creative and innovative approaches to addressing these issues.

Concern #1: Safety

The greatest stakeholder concern was ensuring victim safety before, during, and after restorative processes. Frederick and Lizdas (2003) suggest that victim safety is achieved when the following objectives are met: The offender is prevented from using violence, control, or intimidation; social economic, mental and physical risks are minimized; and the community expresses a genuine commitment to ending the abuse. Additionally, stakeholders expressed a desire that safety considerations be holistic in nature and include continuous monitoring. The programs are achieving these goals in a variety of ways, while simultaneously meeting the safety needs of offenders and other participants (another concern of stakeholders). Regardless of the strategies used, each of

the approaches to safety used by the programs is both specific to the victims' and offenders' needs and comprehensive in nature.

RA.V.E. and RSVP, of course, guarantee victims' physical safety vis-à-vis incarcerating offenders and not bringing victims and offenders face-to-face. The other five programs rely heavily on family, sponsors, or community members to validate victims, hold offenders accountable, provide support, and continuously monitor offender behavior and victim safety. One example is the CCP's use of safety monitors for both victims and offenders. These safety monitors are family members who are close enough to the victim or the offender to recognize behaviors or signs that indicate impending abuse or fear. However, the monitors are not so close that they are unable to address the situations if they occur.

Several programs require offenders (and sometimes victims) to be embedded in counseling services (DVSD), follow-up groups (MCS), or post-release activities (R.A.V.E., RSVP). The MDRP plans to follow up with victims and offenders three, six, and nine months after the mediated dialogue to monitor and assess victim safety. To create an integrated experience which holds offenders accountable to a greater number of individuals, the CCM has increased monitoring and victim safety by eliminating the privacy protections traditionally offered to clients. The CCM also attends to the safety of victims and survivors by working extensively with each of them separately through the first two phases of the program (socio-education and culture circles) to establish a shared set of values before bringing the couple together for counseling. However, couples counseling does not begin until the offender has actively demonstrated changes in his or

her behaviors and attitudes. Other programs (DVSD, MDRP) similarly work separately with the victim and offender prior to bringing them together for a face-to-face encounter.

In programs which are offered as alternatives to batterer's intervention programs (CCM, CCP), victims are offered the opportunity to participate either directly or indirectly in the offender's treatment process (CCP, MCS), or other processes aimed at addressing their own specific needs (e.g., CCM culture circles or victim-only Healing Circles in MCS). In the CCP, R.A.V.E., and RSVP programs, victim safety is also monitored by advisory panels charged with making sure victims' financial, emotional, and practical needs are met. The MDRP plans to ensure that victims are promptly connected to appropriate services before and after the mediation to address their safety needs and concerns.

Offender safety is addressed through certain program components, such as Loss of Innocence groups (R.A.V.E., RSVP), which specifically target past victimization and social or economic conditions that contributed to the offender's decision to engage in violent behaviors. In all of the programs studied, family and community members also ensure offender safety by demonstrating that they are present to support rather than judge the offender, and to hold him or her accountable for the crimes committed. Additionally, many programs directly provide services, such as substance abuse treatment or job training, which meet offenders' needs and help them learn how to live a life of non-violence. If not provided directly by the program, these components are incorporated as provisions in the Social Compact, sentence, or restitution agreement and supported by community agencies.

Concern #2: Screening and Offender Manipulation

Stakeholders are concerned that offenders will try and manipulate restorative justice processes by pretending to engage in good faith while harboring intentions to use the process as a way to gain access to the victim or achieve certain advantages in the criminal justice system (e.g., a shorter sentence). Although stakeholders suggested screening techniques aimed at uncovering these dubious intentions and motivations, they questioned the ability of practitioners to differentiate between a sincere and a manipulative offender. Several of the programs studied (CCP, DVSD, MCS, MDRP) however, indicate that if facilitators are well-trained in the dynamics of domestic violence and engage in significant preparation time with either the victim or the offender (or both) they are quite capable of spotting the manipulation tactics sometimes used by offenders.

Similarly, the issue of offenders participating in restorative processes in order to gain advantages in the criminal justice system did not appear to be a problem. Several programs eliminated this motivation by simply not offering offenders anything in return for their participation. R.A.V.E. and RSVP both operate within county jails and offenders are mandated to the programs based on their status as violent offenders. However, due to the intensive curriculum and programming employed by both R.A.V.E. and RSVP, one might argue that the offenders participating in these programs actually have it harder than those who are serving time with no requirement to complete any rehabilitative programming. Results from the MCS support this argument. The expert for this program reported that some offenders *do* choose to take the MCS route because they think it will be easier than traditional criminal sanctions; however, almost without

exception, after completing the process, they comment that it was far more demanding and difficult than they expected.

Another way in which every program deals with the potential for offender manipulation is through the restorative justice principle requirement that offenders accept accountability and take full responsibility for the abuse they perpetrated. They must admit to everything they have done. Once this information is known to facilitators, victims, community members, and other participants, it becomes difficult for the offender to omit details in order to manipulate the victim or the process.

One final way in which offender manipulation is controlled for is through the extensive monitoring that community members and other participants provide in all of the of the programs. In CCM, R.A.V.E., and RSVP, those holding offenders accountable for their actions are ex-offenders who have already completed the program. They are very familiar with the tricks offenders might use to manipulate the process; thus, they are able to spot them and correct them quickly. In CCM, sponsors are used as monitors and mentors for offenders. Their continuous involvement in the treatment makes it very difficult for offenders to “fake” their progress through the program or their understanding of the concepts addressed through socio-education.

The programs also demonstrate that there are a variety of effective methods for screening undesirable candidates out of the process. These methods are based on principles of restorative justice which stipulate that the offender must take responsibility for the crimes committed, demonstrate understanding of the crime’s impact, and express a willingness to repair the harms inflicted. Most of the programs studied (CCM, CCP,

DVSD, MCS) use screening processes that involve questioning the offender extensively about his or her history of violence, perceptions of the abuse, level of anger, and motivation for participating. If offenders tend to trivialize, justify, or deny the abuse, they are not allowed to participate. Similarly, if they express an unwillingness to complete certain components of the process, they are refused. One example of this is the Social Compact used by CCP and the MCS: Offenders who are unwilling to create a Social Compact or who request that harmful provisions be included in it are refused participation. Good candidates for restorative justice processes are identified as those who have realistic expectations for the process, are not angry, and view the process as an opportunity to address the harms caused by the abuse.

Although Stubbs (2004) suggests that facilitators assume the responsibility of screening offenders, only two programs (CCP, MDRP) follow this advice. The other programs varied considerably in terms of who assumed this task. In some instances, such as the MCS Offender Application Circle, community members were responsible for screening offenders; in other cases (CCM, DVSD), counselors or therapists fulfilled this role. The use of counselors to screen offenders has been particularly successful in DVSD because, in most cases, the counselors have already worked intensively with the offenders for several months prior to the dialogue. Some of the programs also screen victims, family, and community members to ensure they are participating for appropriate reasons and are ready emotionally, physically, and mentally to engage in the process. For example, CCP screens for mental health disorders, substance abuse problems, and an

extensive criminal history as indicators of a victim's or offender's ability to participate in the process.

In processes that do not use face-to-face modalities, or where offender participation is determined by statutory law (as it is in R.A.V.E. and RSVP), screening is not always necessary. In cases where the offender and victim meet face-to-face, however, screening remains an essential tool for securing program success and participant safety.

Concern #3: Power Imbalances

Many stakeholders expressed skepticism regarding the ability of restorative justice to effectively balance power between offenders and victims of domestic violence. They also questioned the ability of facilitators and other participants to pick up on subtle behaviors aimed at controlling or intimidating the victim. Morris and Gelsthorpe (2004), however, speculate that by supporting the victim, challenging the offender, and creating a safe environment, power imbalances can be greatly reduced or eliminated. The data from the programs studied support this hypothesis. I have already discussed how adequately training facilitators and other participants in the dynamics of abuse can increase their ability to spot intimidating, manipulative, or abusive behaviors. I have also talked about how family and community support increases victim and offender safety. As victim safety and support increases, the balance of power between victim and offender tips in the victim's favor. Similarly, when victims are provided – as they are in all of these programs – with opportunities to share their stories or develop narratives of personal liberation (as is the case in CCM) and have them heard by the offender, family, and

community members, they are empowered (Pranis, 2002). Community members also balance power through continuous monitoring of the offender and holding the offender accountable at all times for his or her behaviors, attitudes, and actions.

Some programs balance power by using a talking piece to guarantee every voice is heard (MCS), establishing ground rules prior to the beginning the process (CCP, MCS, MDRP), or by communicating the victim's and offender's stories and needs through neutral voices (e.g., the use of facilitators in the MDRP). Other programs allow circle members to directly challenge offenders and hold them accountable for their actions and behaviors (CCM, CCP). The DVSD program audio-tapes dialogue sessions so that counselors can later challenge inaccurate or intimidating statements made by offenders.

Two very unique ways in which CCM, R.A.V.E., and RSVP address power imbalances between victims and offenders are through the Manalive curriculum and socio-education. Manalive aims to challenge male gender norms that encourage the belief that men have a right to control and dominate their partners through the use of violence. Socio-education strives to develop a critical consciousness of the privileges accorded by race, class, gender, and sexual orientation. By developing this critical consciousness, the CCM seeks to restructure power both inside and outside the relationship (Parker, 2003). Similarly, through the suspension of client confidentiality in CCM, offenders are denied access to alternative sources of power such as isolating the victim.

In the majority of programs, if the offender tries to control the process or the victim by engaging in inappropriate behaviors, using violence, or refusing to fulfill his or

her obligations, most cases are reverted back to the courts. It is debatable whether or not this technique increases the victim's power, but it does limit the potential for the offender to control the process or cause further harm to the victim.

Concern #4: The Use of Traditional Restorative Justice Models

The final major concern stakeholders expressed is whether or not traditional restorative justice models could be successfully modified to address domestic violence. In circle processes, stakeholders were concerned that family or community members would collude with the offender by trivializing or minimizing the violence or engaging in victim-blaming. Additionally they worried that family and community members would be unable (e.g., due to a lack of resources) or unwilling to support the victim's needs. However, restorative justice principles clearly stipulate that the community has a responsibility to support victims and assist in meeting their needs (Zehr & Mika, 1998); thus, if community members exhibit negative behaviors they should either be removed from the process or the process should be stopped until the issue is addressed.

In all of the programs using circle processes (CCM, CCP, MCS), participating community members were either screened for appropriateness, trained in the dynamics of domestic violence, or had previously completed the program. Further, collusion was not evidenced in any of the programs studied. In fact, the opposite was true: Program experts reported that family and community members appeared to be extremely supportive of the victim, committed to holding the offender accountable for the harms inflicted, and working diligently to ensure the offender completed the reparations agreed upon by the participants.

Stakeholders also expressed concern over surrogate mediated dialogues, fearing surrogate victims would be unable to hold surrogate offenders accountable for the full range of harms committed or that surrogate victims would want to start a relationship with the surrogate offender. Results from the DVSD program indicate that these concerns may be unwarranted. First, the surrogate offenders in this program are required to take full responsibility for all of the crimes they plead guilty to in court before they are allowed to participate in the dialogue; thus, the surrogate victim enters the dialogue with full knowledge of the surrogate offender's entire admitted history of violence. Second, results from the program have demonstrated that surrogate victims who go through this specific process are unlikely to want to get involved with surrogate offenders: When surrogate victims were questioned by the program expert about this, they stated there was no way they would ever get involved with a known abuser. Thus, this particular concern may be more indicative of stakeholders' discomfort with according surrogate victims complete agency in determining with whom they engage in relationships. It is a tricky issue, but ultimately, it is the surrogate victim's decision to make.

A few stakeholders questioned either the appropriateness of using a face-to-face approach for domestic violence or the ability of a single encounter to effectively address the dynamics of a violent relationship. These are good questions, and, again, the programs studied provide some answers. They represent a mixture of approaches, both in terms of their structure and length. Although the DVSD program is the only one to use a single face-to-face encounter, it has been successful in meeting the needs of the victims and offenders it serves. The use of a single dialogue works in this situation because the

victim and offender have no history together and are not involved in an intimate relationship; consequently, there are no ongoing issues to address. The rest of the programs studied use processes that last several weeks: CCM, R.A.V.E., and RSVP all last upwards of one year. Also, in most cases follow-up sessions or monitoring continue far past the process' end; for example, in the MCS process, offenders are often required to attend Follow-up Circles for up to two years past their sentencing.

Although the majority of the programs studied use face-to-face encounters, most of them include so many family and community members that the impact of the encounter is diffused. Others (CCM, MDRP) delay the encounter, preferring to first work with the victim and offender individually, while still others (R.A.V.E., RSVP) never bring the offender and victim face-to-face.

None of the programs studied rely on traditional restorative justice approaches to address domestic violence. Instead, each one has used the principles and values of restorative justice to create original processes that are effective in addressing the crime of domestic violence. Additionally, these programs teach us that there are a variety of ingenious and innovative ways in which to address the concerns presented by stakeholders, researchers, and practitioners. The concerns are valid, and must always be attended to, but, based on the data provided from this study, we can now be reasonably certain that they can be effectively addressed in practice.

Implications for Austin

Clearly, with the R.A.V.E. initiative underway, Austin has already begun to develop and implement a restorative justice program. The existence of R.A.V.E.,

coupled with the findings from this study, plainly indicate that the Austin community possesses a willingness to question its traditional responses to domestic violence and a desire to explore restorative justice as an alternative. Thus, the following comments about Austin's position for developing, implementing, and supporting a restorative justice initiative are not meant in any way to be disparaging of the efforts of the R.A.V.E. program. Rather, they are meant to provide ideas for additional steps Austin can take to enhance what has already been accomplished, or to branch out and develop other creative initiatives for addressing a variety of domestic violence situations.

Given the fact that Austin has the individuals, agencies, and resources necessary to develop, implement, and support an initiative, the challenge becomes envisioning creative and innovative ways to approach domestic violence that are guided by the principles and values of restorative justice. The R.A.V.E. program is one such approach; however, stakeholders also expressed the desire to learn about other approaches in order to develop a more comprehensive understanding of what options are available for addressing the vast continuum of abusive situations.

If this challenge is viewed as a puzzle, Austin has all the pieces necessary to complete it and has begun to assemble them. However, based on the findings of this study, I suggest that the Austin community would benefit greatly if at least two other pieces – stakeholder education and more extensive community collaboration – were added to the puzzle. I have reached this conclusion for several reasons. Although stakeholder concerns echo those delineated by researchers and tackled by existing restorative justice programs addressing domestic violence, stakeholders recognize that

they have a limited knowledge of how restorative justice principles inform practice. Stakeholders also indicate that they are most familiar with the traditional face-to-face modalities of victim offender mediation, circle approaches, and family group conferencing. Furthermore, domestic violence advocates and restorative justice experts alike expressed an interest in better understanding the issues of the other party in order to develop a more comprehensive picture of how restorative justice can be applied to domestic violence.

Thus, the first piece, and the one the results of this study indicate is most needed to enhance the position of Austin to develop and implement an initiative, is education. This is a key piece for two reasons. First, additional knowledge of restorative justice principles and how they can be practically applied to domestic violence would enable Austin stakeholders to think beyond mainstream conceptualizations of restorative justice to develop and implement innovative responses. Second, with a clearer understanding of what restorative justice looks like in practice when its principles and goals are correctly implemented, stakeholders will be more likely to be able to correctly identify, educate, and involve the community which must support their efforts.

The second key piece is increased collaboration among community members and stakeholders. Although stakeholders were quick to identify the individuals and agencies they felt were instrumental to the development of an initiative, they appeared reluctant to suggest who should spearhead the effort. Some of this reluctance may be explained by the fact that, to date, few domestic violence advocates and restorative justice experts in Austin have met on neutral ground to exchange knowledge and discuss their needs with

each other. Without working together to understand each other's motivations, reasoning, needs, and insights, their positions on the intersection of restorative justice will remain dichotomous, and, should the relationship turn adversarial, end up mirroring the dynamics of domestic violence.

The Role of the Austin Community

The role of the community is arguably more vital to the success of a restorative justice initiative addressing domestic violence than an initiative addressing any other type of crime. Due to the ongoing nature of the offense, restorative interventions should not simply end when the formal process is over, particularly in situations where the offender and the victim wish to continue their relationship or children are involved. Therefore, the community must be willing and able to commit long-term support, both financially and intellectually, to the initiative (Stubbs, 2002). They must be willing to fully examine, understand, and address the dynamics of domestic violence and all the concerns it engenders (Stubbs, 2002). Though it possesses the interest, the will, and the people, agencies, and resources to provide ongoing support and thoroughly explore the relevant issues, Austin has not effectively organized itself as a community to respond to *all* the unique challenges presented by domestic violence. Additionally, the community has not yet *fully* developed the collaborative role it must assume in order for a restorative justice initiative for domestic violence to be successful.

In order to accomplish these two goals, Austin must first define more concretely who constitutes “the community,” determine whether or not there is more than one level of community, and decide what role each level of community should play in the process.

In order accomplish these three tasks, I suggest using the guiding questions of restorative justice, as laid out by Howard Zehr (2002, p. 38):

- Who has been hurt?
- What are their needs?
- Whose obligations are these?
- Who has a stake in the situation?
- What is the appropriate process to involve stakeholders in an effort to put things right?

By answering these questions, the Austin community will likely develop a comprehensive list of stakeholders who are affected by domestic violence in different ways, who have varying needs and obligations, and who have vastly different, though equally important, stakes in the process used to respond to the crime. Using McCold's (2004) conceptualization of community, I suggest that these stakeholders' needs, obligations, and stakes in the process will situate them as members of either the macro-community or the micro-community. The micro-community, as McCold suggests, should consist of victims, offenders, and their respective families and friends who have been directly impacted by domestic violence. The macro-community, which consists of people who are indirectly impacted by domestic violence, may be comprised of restorative justice experts, domestic violence advocates, victim services providers, representatives from the criminal justice system, non-profit agencies, social service providers, businesses, and other individuals and agencies deemed to have a stake in the crime.

Several members of the micro- and macro-communities have needs, obligations, and stakes that may be overlooked. These, however, are of paramount importance to the success of any initiative because they provide a check and balance on the process. These community members might include domestic violence advocates, law enforcement officers, or victim survivor groups, who, for one reason or another, vehemently oppose the use of restorative justice for domestic violence. Their voices and concerns must be represented and addressed in order for the initiative to effectively address domestic violence and engender community-wide support. Additionally, Austin must take precautions to make sure the needs, obligations, and stakes of minority or underserved populations are identified and included in the development and implementation processes. Of particular importance to Austin is the inclusion of immigrant and Hispanic populations and same-sex couples.

One of the interesting findings that emerged from this study was that the majority of the stakeholders and program experts interviewed were white, educated women between the ages of 40 and 60. This is the same demographic of women who first started the domestic violence movement over 30 years ago. This movement, which in many ways has accomplished a great deal, has nevertheless been criticized for failing to address the needs of minority women and same-sex couples. While this suggests Austin should be cautious about creating a coalition of stakeholders that is overly-representative of a single demographic, it should also be recognized that these are the same women who, through the creation of many of the programs included in this study, have demonstrated

that they possess the knowledge, experience, and foresight to seek out creative solutions for addressing their own movement's failings.

The restorative justice movement has been similarly criticized for not addressing the needs of minority and underserved populations (M.P. Armour, personal communication, April 30, 2006). Clearly, domestic violence cuts across racial, ethnic, and class lines; thus, the same caution of not over-representing a single demographic among restorative justice experts applies here as well.

When developing an initiative, the stakeholders from both the macro- and micro-communities should work closely together to inform and educate each other about their individual concerns, strengths, weaknesses, and the ways in which domestic violence affects them. This education could take place within and across communities in order to ensure that everyone involved has all of the necessary information needed to creatively develop a process that effectively and holistically addresses the concerns of both the macro- and micro-communities. Education is essential for building community support for the initiative as well as reducing resistance. As several of the program experts interviewed for this study noted, once they were able to effectively communicate the principles and goals of restorative justice and describe their usefulness in resolving the issues surrounding domestic violence, community reaction became more positive and support for their programs increased dramatically.

If stakeholders fail to educate each other thoroughly on the issues, or if they engage in turf wars over resources or control of the initiative, several counterproductive consequences could result. First, fear based on ignorance could lead to non-action. The

initiative might stall if no one is willing to take responsibility for the potential consequences associated with using restorative justice to address domestic violence. Second, the dynamics of domestic violence may be reproduced. If the community is unable to resolve their own power and control issues regarding the initiative then they likely will be unable to assist couples and families in resolving theirs.

Another challenge for Austin will be to determine how to balance the needs of the macro- and micro- communities while simultaneously determining the appropriate level of involvement in the process for each stakeholder. Both issues might be addressed by again using the guiding questions of restorative justice to help identify each stakeholder's needs, obligations, and potential contributions to the development and implementation of an initiative. While the roles of the macro- and micro- communities should be viewed as fluid, there are exceptions. McCold (2004) states that it is the responsibility of the macro-community to ensure that restorative justice processes are readily available, fully supported, and well-funded. He further argues that it is the micro-community who should retain control over the actual process. McCold's position is consistent with the principles of restorative justice, which emphasize the importance of participation by those who are most directly involved or impacted by the crime (Zehr, 2002).

Austin should also carefully consider the appropriate role of the criminal justice system in developing, implementing, and supporting an initiative. Despite its shortcomings, most researchers agree that support from the criminal justice system is essential to the success of restorative justice processes for domestic violence (Busch, 2002; Kelly, 2002). Several of the stakeholders interviewed for this study thought there

is an over-reliance on the criminal justice system for responding to domestic violence, but also named criminal justice representatives as stakeholders in the crime. Additionally, every program I studied had some sort of tie, formally or informally, to the criminal justice system.

According to Bazemore and Earle (2002), the extent to which the criminal justice system should be involved depends on whether or not its involvement will “empower and protect” the victim to achieve a satisfactory solution through restorative justice (p. 166). I agree with this statement but also contend that the criminal justice system’s participation is necessary for other reasons as well, such as maintaining public safety, investigating facts, and facilitating processes (Zehr & Mika, 1998).

Although Austin is a liberal town, it is situated within a state that is well-known for its conservatism and punitive proclivities; therefore, if Austin hopes to generate support from state representatives or intends to expand its restorative initiatives beyond county lines, it will face a less formidable battle by including the criminal justice system as a major stakeholder in the process. While I strongly encourage a close partnership with the criminal justice system when developing and implementing an initiative, the Austin community must decide the appropriate role for it to play.

Recommendations for Austin

Despite the focus placed by stakeholders, researchers, and practitioners on using a collaborative community approach to develop and implement restorative justice initiatives, none of the program experts I interviewed followed this route. Instead, each of the programs was the brainchild of one person who championed the idea of using

restorative justice for domestic violence, and played an instrumental role in generating community support and participation in the process. Certainly, a collaborative community approach has merit and should be incorporated into the overall effort to develop an initiative – and, indeed, in some instances (most notably CCP, MCS, R.A.V.E., and RSVP) the community was (or is) heavily involved in the development process – but it may be that the leadership of one person is essential to getting the ball rolling. Therefore, it may be necessary for someone in Austin to rise to the challenge of spearheading the effort of devising a restorative justice response to domestic violence. It is not necessary for this person to be an expert in restorative justice or domestic violence, but it is critical that they be enthusiastic, driven, and committed to the principles of restorative justice.

Austin’s champion will bear the responsibility of defining the community of stakeholders who must be involved in the process. It is vital that this person become well-educated about the issues surrounding the intersection of restorative justice and domestic violence, even if they are already an expert in one of these areas, prior to inviting stakeholders to participate in the process. In order to do this, the champion could consult with other experts in the fields of restorative justice and domestic violence, get involved with existing local initiatives, and research the issues and concerns to determine the stakeholders and their potential roles in the process. Additionally, the champion should become acquainted with the people, agencies, and resources Austin has to offer, as many of them will be important to the development, implementation, and/or support of the initiative. Finally, I urge the champion to make a significant effort to ensure that

stakeholders from minority and underserved groups are included: The coalition of stakeholders *must* be representative of the broader Austin community.

Once all of the stakeholders are assembled, an educational process should be undertaken to ensure that everyone involved has all of the information necessary to fully inform their ideas and concerns regarding the use of restorative justice for domestic violence. This process, which I recommend include both “academic” and “real-world” components, should aim to expand stakeholders’ current conceptualizations of restorative justice and domestic violence. The “academic” component should include overviews of restorative justice and domestic violence, with an emphasis on developing a thorough understanding of the issues both including and beyond the theories of patriarchy, power, and control. Particular focus should also be placed on understanding the broad continuum of domestic abuse offenses and the sometimes unacknowledged existence of abuse perpetrated by females and within same-sex couples. The “real-world” component could consist of stakeholders sharing their own experiences, perceptions, and knowledge of restorative justice, domestic violence, and how they intersect.

The educational process should last as long as is necessary to ensure all stakeholders are knowledgeable about restorative justice principles, the dynamics of domestic violence, and their fellow stakeholders’ positions on key issues. If restorative justice is to be useful in addressing domestic violence, adequate time must be given to this process to ensure empowerment and allow for the discovery of all relevant information (Bazemore & Earle, 2002).

Once the educational foundation has been laid, stakeholders can begin developing an initiative. As evidenced by the results of this study, there are several factors and concerns that stakeholders will want to address through this process. I will not reiterate them here. Instead, I will offer recommendations on the type of approach the community can take to address these factors and concerns. First, stakeholders might think about employing restorative processes throughout the entire development and implementation stages. For example, before dialogue begins, they could agree on certain values – such as respect, honesty, and confidentiality – that will guide the process. Stakeholders might sit in a circle and pass around a talking piece in order to ensure every voice is represented and heard. Stakeholders could also be encouraged to use personal narratives to help illustrate their points. According to Pranis (2002):

Extensive community dialogue using restorative processes to share pain and express feelings is necessary for community members to learn how to listen to and hear one another before these processes are used for specific crimes. (p. 34)

Additionally, using restorative processes will expose stakeholders to firsthand experience of the types of cultural, gender-related, racial, economic, political, and other biases that could arise between participants in the domestic violence initiative. However, they will also be able to experience the effectiveness of restorative processes for mitigating these biases.

Second, stakeholders should clarify their goals and what they hope to accomplish by using restorative justice to address domestic violence. They should agree on what traditional restorative justice components are appropriate or inappropriate for domestic violence (e.g., apology, face-to-face encounters, restitution). They must also determine

which situations restorative justice should be used for and what modalities offer the most potential to meet the needs of victims, offenders, and community members. For example: Should restorative justice be used in cases in which weapons are involved or there is serious bodily injury? Should the same process that is used with couples who have separated be used for couples who remain together? Should children be involved in restorative processes? Why or why not? In other words, stakeholders should not proceed until everyone involved is absolutely clear on, and in agreement with, the goals, purpose, and scope of the initiative.

When trying to determine how specific situations or offenses should be handled and what processes should be used to address them, it is important that stakeholders remember that restorative justice is a general response to crime that is focused on repairing harm; it is not a specific program model (Bazemore & Earle, 2002). If stakeholders try to make existing modalities work for situations that require more innovative responses, it will be “easy to identify roadblocks to applications in other contexts” (Bazemore & Earle, 2002, p. 155). Whatever processes are agreed upon must be adaptable and creative enough to deal with the realities of the situations they face. Strict adherence to restorative justice principles will ensure success despite varying approaches (Bazemore & Earle, 2002).

Third, stakeholders should make every attempt to learn from what existing programs are doing to effectively address issues and concerns. However, I caution stakeholders from getting “caught up” in the success of other initiatives and jumping to the conclusion that what works in another community will work in Austin. Before

adapting any compelling processes or program components, stakeholders should critically assess them to determine whether or not they are appropriate for meeting the needs of the *Austin* community. Stakeholders should also be aware of other local initiatives and work, to the extent possible, to establish partnerships with them in order to encourage the exchange of information, avoid duplicating services, and promote a comprehensive, coordinated response to domestic violence.

Regardless of the specific modalities or components it encompasses, the initiative Austin develops should incorporate the basic mechanisms named by stakeholders in this study; that is, it must be a victim-centered, victim-initiated, voluntary endeavor that holds offenders accountable and includes a comprehensive safety plan for victims. However, I offer one caveat regarding the inclusion of a safety plan. In Chapter Two, I cited Stubbs' (2002) observation that restorative justice and domestic violence movements clash on their conceptions of victim agency. The domestic violence movement has often been criticized for its tendency to deny women agency; restorative justice, on the other hand, has been criticized for assuming victims have complete agency. Clearly, restorative justice theory stipulates that the entire restorative process be victim-centered (Umbreit, 1999; Zehr, 2002) and I agree that in all aspects of the process, victims should control the agenda. However, I suggest victim agency becomes even more critical when determining how safety planning should be approached. While I believe it is necessary to have safety measures in place before, during, and after the process, it should be left to the individual victim to determine whether or not those safety measures are necessary and/or appropriate for her or him. To impose such measures on victims who do not want or

need them replicates the power and control dynamics inherent in their relationships and evokes the patriarchal notion that victims require paternalistic protections.

The processes chosen by Austin must also be culturally sensitive. I cannot stress this recommendation enough, especially given the city's large immigrant and Hispanic populations. Kelly (2002) suggests five questions stakeholders should address when deciding whether or not a restorative process is culturally appropriate:

- Do restorative values reflect cultural values?
- Are restorative processes culturally relevant?
- Is the practice and implementation of the restorative justice program culturally sensitive?
- Does the restorative justice program empower the community?
- Do restorative justice programs meet the desired outcomes of the community?

Other cultural factors, such as value conflicts, language barriers, cultural biases and expectations, must also be considered (Behrendt, 2002).

The recommendation that stakeholders ensure that the process developed is culturally sensitive and appropriate should not be presumed to apply only to minority and underserved populations. I suggest these same questions be asked when evaluating the needs of the dominant cultures and groups in Austin. Similarly, stakeholders could consider incorporating components such as socio-education that cut across racial, ethnic, cultural, gender, class, and sexual orientation lines to include everyone in the process of

learning about and understanding the privileges we are afforded based on certain personal characteristics or economic conditions.

After the initiative has been successfully developed and implemented, the Austin community will need to determine how it will make certain the initiative receives continued support. This is the challenge the R.A.V.E. program is currently facing and it is planning to incorporate components to address the issue. Based on the results of this study, I propose stakeholders adopt the following four suggestions and commit the necessary time and resources to them in order to ensure their initiative is well-sustained:

- Create and maintain an outreach effort to continually deliver education to the community and develop ongoing funding sources
- Establish an advisory committee to oversee the entire program and/or specific components (ideally, this will be done before the program is implemented)
- Engage in ongoing empirical and informal evaluations of the process
- Be willing to openly admit mistakes, learn from them, and actively involve the community in fixing ineffective components

Suggestions for Future Research

This study examined the intersection between domestic violence and restorative justice by learning about the concerns of stakeholders, studying existing programs to learn what they are doing to address the concerns stakeholders expressed, and using the information gathered to assess the position of Austin, Texas to develop, implement, and support a restorative justice initiative. The concerns of stakeholders in other communities may vary considerably from those identified by Austin stakeholders; thus,

future research should investigate how concerns compare across communities in an effort to make recommendations that are broader in scope. Researchers should also examine the client bases of the programs identified in this study to determine more specifically how their chosen modalities address the continuum of abusive situations and meet the needs of different cultural and ethnic groups. Future research might also identify tools or assessments that would be useful for effectively screening domestic violence victims, offenders, and community members who are interested in participating in a restorative justice initiative. Such screening tools could assist not only in identifying appropriate candidates but also in determining the most effective process for meeting the needs of everyone involved. Finally, if restorative justice principles are to be successfully applied to domestic violence, researchers must reexamine the theory's underlying assumptions about crime and amend them to recognize the characteristics that set domestic violence apart from all other incident-based offenses.

Conclusions

“What is needed is the creation of a culture of safety.” So beseeches Busch (2002, p. 247) who also states that in order for restorative justice to be completely successful it must be culturally specific, engage in thorough pre-process planning, and have the safety of all participants as its primary focus. Pranis (2002) suggests that the goals of restorative justice are suitable for domestic violence, but different strategies are required to make them work. A healing framework should be used, one that emphasizes story-telling, safety, vindication, responsibility, and healing. Expectations must be clearly communicated in order to effectively bind those involved to a common standard.

Processes must also be respectful, reflective, and create a space for every voice to be heard (Pranis, 2002).

Additionally, successful restorative justice practitioners must be able to balance practically applying the principles of restorative justice, deciding on the appropriate level of involvement for all stakeholders, and meeting the often competing goals of public safety, offender accountability, and offender and victim reintegration (Bazemore and Earle, 2002). Kelly (2002) adds that successful restorative approaches must use a holistic strategy and be supported by the criminal justice system. Finally, Coker (2002) suggests that the two most important questions to ask when thinking about applying restorative justice to domestic violence are: Who determines the problem? and, how will it be constructed?

The findings of this study are supported by the theoretical recommendations of these researchers. These findings, coupled with my own recommendations, will hopefully bring researchers, practitioners and advocates one step closer to being able to envision a multitude of creative and innovative ways to practically apply restorative justice to domestic violence. Additionally, I hope the findings will help inform the Austin community of its next steps toward enhancing its current position relative to developing, implementing, and supporting a restorative justice initiative for domestic violence. Austin has all the resources necessary to accomplish this goal. If Austin stakeholders are able to combine the remaining pieces of the puzzle into a comprehensive, collaborative effort, the possibilities for effectively addressing domestic violence in Austin, Texas will be tremendous.

APPENDIX A:

STAKEHOLDER INTERVIEW GUIDE

1. **Tell me what you know about restorative justice.**
2. **When you think about using restorative justice principles to address interpersonal violence, what comes to your mind?**
 - Probe:* How would you envision it being developed?
 - Probe:* What organizations might have to be involved?
 - Probe:* What concerns do you have about this initiative?
 - Probe:* What pieces would you want to clearly think through?
3. **What expertise can your agency offer that might be beneficial to developing this kind of initiative? What role might you see your agency playing?**
4. **Based on your experience *in Austin*, how do you think *this* community would respond to a restorative justice initiative?**
 - Probe:* What agencies and players would be favorable to trying this initiative?
 - Probe:* What agencies would not be favorable to trying this initiative?
 - Probe:* Are there other barriers that need to be considered?
 - Probe:* What do you see as being the biggest challenges?
 - Probe:* How would your agency address those challenges?
 - Probe:* What do you see as being the potential benefits of this type of initiative?
5. **Who in the Austin community do you think would be most likely to choose or be referred to a restorative justice program (e.g., in terms of demographics such as race/ethnicity)?**
 - Probe:* Who do you think would benefit most from a restorative justice initiative?
 - Probe:* Who do you think it would be most difficult to get involved? What do you see as being the challenges/barriers to getting these people involved?
6. **Tell me about any other issues or thoughts that come to mind when thinking about restorative justice and interpersonal violence.**

APPENDIX B:

PROGRAM EXPERT INTERVIEW GUIDE

1. Tell me about the development and implementation of your program.

A. Program Development

Probe: How did the idea come about?

Probe: Describe your role in the development process.

Probe: Describe your reaction when this idea was first introduced.

Probe: What happened when you first started talking to people about the idea?

Probe: At what point was the community (ask interviewee to define) involved? How did the community react?

Probe: What was the role of the criminal justice system? Describe their reaction to the idea.

Probe: What support did you receive from the city/state/government/private agencies?

B. Program Implementation

Probe: Tell me the story of how the idea became a reality.

Probe: Describe the program to me.

Probe: How long has the program been in existence? How has it evolved over time?

Probe: Tell me how the community's reaction/involvement has evolved over time.

Probe: Tell me about your experiences with the criminal justice system now.

Probe: Tell me where in the criminal justice process your program currently fits? Where else might you see your program fitting?

2. Tell me about how the community is involved in the program.

Probe: Who was involved in the development and start-up? How were they involved?

Probe: Who is involved in each case? How do you involve them?

Probe: What resources are available in the community? How do you utilize these resources?

Probe: Describe the resources currently lacking. Tell me how these resources would impact the program?

3. Tell me about the people directly involved in your program.

Probe: Tell me about your staff (age, gender, race/ethnicity, languages, professional background)

Probe: Tell me about the people who sit on your board. What is their role?

Probe: Describe any training your staff and/or board members receive.

Probe: Tell me about the people who come through the program (age, gender, race/ethnicity, languages, socio-economic status, offense)

Probe: How do they find out about your program?

Probe: How do you determine which cases "qualify?"

Probe: Tell me about your screening process (if any). Who do you screen?

What are you looking for?

Probe: How do you assess the needs of the participants?

4. If I were to come to one of your programs, what would I see?

Probe: How are you personally involved in the process?

Probe: How do you prepare the victim/offender for the meeting?

Probe: How do you personally prepare for the meeting?

Probe: Tell me about any specific precautions, procedures, or steps you follow throughout the meeting.

Probe: What precautions do you take before, during, and after the meeting? How long before and after the meeting do you use these precautions?

Probe: How do you assess issues of safety?

Probe: What do you see as being the goal(s) of the process?

5. Tell me about your experiences doing this work.

Probe: What do you see as the strengths of your program?

Probe: Tell me about what factors you think contribute to these strengths.

Probe: What areas of your program do you think need improvement or are problematic?

Probe: What do you think it would take to improve these areas?

Probe: If I asked members of the community questions (a-e), how do you think they would respond?

Probe: Tell me about two of your most challenging cases.

Probe: Tell me about two of your most successful cases.

Probe: If you could do everything over, what would you change?

Probe: If you were to teach someone else how to start/run a program like yours, what would you tell them?

6. Tell me about how you evaluate individual cases and the program as a whole.

Probe: Who is involved in the oversight or evaluation of the program? What is their role?

Probe: What kinds of information do you collect for evaluation?

Probe: Who provides this information (e.g., clients, community, officials)?

Probe: In your experience, what are typical outcomes (victim, offender, community)?

Probe: From the information you collect, what are the typical outcomes?

Probe: What type of research (if any) are you doing on the program?

Probe: What have you learned doing this work?

7. Tell me about the impact this program has had.

Probe: What has happened since this program started?

Probe: How has it impacted the typical path a case takes?

Probe: How has it impacted the victim? the offender? the community?

Probe: How has it impacted the criminal justice system?

Probe: How has it impacted you?

Probe: When you think about the program, what aspects do you find yourself reflecting on?

Probe: When you talk to other people about the program, what do you find yourself talking about?

- 8. Please share any other issues or information about your program that you think would be helpful to know.**

APPENDIX C:

INFORMED CONSENT

Informed Consent to Participate in Research The University of Texas at Austin

You are being asked to participate in a research study. This form provides you with information about the study. The Principal Investigator (the person in charge of this research) will provide you with a copy of this form to keep for your reference, and will also describe this study to you and answer all of your questions. Please read the information below and ask questions about anything you don't understand before deciding whether or not to take part. Your participation is entirely voluntary and you can refuse to participate without penalty or loss of benefits to which you are otherwise entitled.

Title: Using Restorative Justice to Address Interpersonal Violence: Is Austin Ready?

Principle Investigator: Andria Salucka
Women's and Gender Studies
The University of Texas at Austin
512-389-0649
asalucka@mail.utexas.edu

Purpose: To identify the most important factors to consider when deciding whether or not to develop, and how to develop, a restorative justice initiative to address domestic and sexual violence. Approximately 30 people will be interviewed for this study.

Procedures: You will be asked to answer questions regarding your professional experience with restorative justice and/or interpersonal violence.

Time: The total estimated time to participate in study is 30 minutes to one hour.

Risks/Benefits: The risk associated with this study is no greater than everyday life. Similarly, there are no benefits for participation in this study.

Compensation: No compensation will be provided for participation in this study.

Confidentiality and Privacy Protections: Your rights to confidentiality and privacy will be protected at all times. I will not ask you for any personally identifying information about yourself or the people you work with. All records of this study will be stored securely and kept confidential. **This study will be audiotaped.** Tapes will be coded so

that no personally identifying information is visible on them. Tapes will be locked in my office; no one else will have access to this office. Tapes will be heard only for research purposes by myself and/or my advisors. Tapes will be erased after they are coded and transcribed.

Contacts and Questions: If you have any questions about the study, please ask them before signing this form. If you would like contact information for my advisors or for the Institutional Review Board, please let the principle investigator know now and she will provide that information to you before the study begins.

You have been informed about this study's purpose, procedures, possible benefits and risks, and you have received a copy of this form. You have been given the opportunity to ask questions before you sign, and you have been told that you can ask other questions at any time. You voluntarily agree to participate in this study. By signing this form, you are not waiving any of your legal rights.

Printed Name of Subject

Date

Signature of Subject

Date

Signature of Principal Investigator

Date

REFERENCES

- Almeida, R. V., & Durkin, T. (1999). The cultural context model: Therapy for couples with domestic violence. *Journal of Marital and Family Therapy*, 25(3), 313-324.
- Armour, M. P. (2006). *Syllabus for restorative justice*. Unpublished manuscript, The University of Texas at Austin.
- Bazemore, G., & Earle, T. H. (2002). Balance in the response to family violence: Challenging restorative principles. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 153-177). United Kingdom: Cambridge University Press.
- Behrendt, L. (2002). Lessons from the mediation obsession: Ensuring that sentencing 'alternatives' focus on indigenous self-determination. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 178-190). United Kingdom: Cambridge University Press.
- Boyatzis, R. E. (1998). *Transforming qualitative information: Thematic analysis and code development*. Thousand Oaks, CA: Sage.
- Busch, R. (2002). Domestic violence and restorative justice initiatives: Who pays if we get it wrong? In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 223-248). United Kingdom: Cambridge University Press.
- Coates, R.B., Umbreit, M., & Vos, B. (2003). Restorative justice circles: An exploratory study. *Contemporary Justice Review*, 6(3), pp. 265-278.

- Coker, D. (2002). Transformative justice: Anti-subordination processes in cases of domestic violence. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 128-152). United Kingdom: Cambridge University Press.
- Daly, K. (2002). Sexual assault and restorative justice. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 62-88). United Kingdom: Cambridge University Press.
- Daly, K., & Stubbs, J. (in press). Feminist theory, feminist and anti-racist politics, and restorative justice. In G. Johnstone & D. van Ness (Eds.), *Handbook of restorative justice*. Cullompton, United Kingdom: Willan. Retrieved December 17, 2005, from Griffith University, Department of Criminology and Criminal Justice Web site: http://www.gu.edu.au/school/ccj/content_kdaly.html
- Edwards, A., & Haslett, J. (2003). *Domestic violence and restorative justice: Advancing the dialogue*. Paper presented at 6th International Conference on Restorative Justice, Vancouver, British Columbia. Retrieved December 21, 2005, from Simon Fraser University Web site: <http://www.sfu.ca/cfrj/fulltext/haslett.pdf>
- Frederick, L., & Lizdas, K. C. (2003). The role of restorative justice in the battered women's movement. *Battered Women's Justice Project*. Retrieved September 29, 2005, from Battered Women's Justice Project Web site: http://data.ipharos.com/bwjp/documents/restroative_justice.pdf
- Gilligan, J., & Lee, B. (2005). The Resolve to Stop the Violence Project: Reducing violence in the community through a jail-based initiative. *Journal of Public Health, 27*(2), 143-148.

- Grauwiler, P., & Mills, L. G. (2004). Moving beyond the criminal justice paradigm: A radical restorative justice approach to intimate abuse. *Journal of Sociology and Social Welfare, 31*(1).
- Hazlewood, L. (in press). Systems considerations in working with court ordered domestic violence offenders. In J. Hamel & T. Nicholls (Eds.), *Family approaches to domestic violence: A guide to gender-inclusive research and treatment*. New York: Springer.
- Herman, J. L. (2005). Justice from the victim's perspective. *Violence Against Women, 11*(5), 571-602.
- Hernández, P., Almeida, R., & Dolan-Del Vecchio, K. (2005). Critical consciousness, accountability, and empowerment: Key processes for helping families heal. *Family Process, 44*(1), 105-119.
- Hooper, S., & Busch, R. (1996). Domestic violence and restorative justice initiatives: The risks of a new panacea. *Waikato Law Review, 4*(1), n.p. Retrieved September 30, 2005, from http://www.waikato.ac.nz/law/wlr/special_1996/4_hooperbusch.html
- Hopkins, C. Q., Koss, M. P., & Bachar, K. J. (2004). Applying restorative justice to ongoing intimate violence: Problems and possibilities. *Saint Louis University Public Law Review, 23*, 289-311.
- Hudson, B. (2002). Restorative justice and gendered violence: Diversion of effective justice? *British Journal of Criminology, 42*, 616-634.

- Kelly, L. (2002). Using restorative justice principles to address family violence in aboriginal communities. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 206-222). United Kingdom: Cambridge University Press.
- Kvale, S. (1996). *InterViews: An introduction to qualitative research interviewing*. Thousand Oaks, CA: Sage.
- Leung, M. (1999). *The origins of restorative justice*. Unpublished manuscript. Retrieved September 29, 2005, from Canadian Forum on Civil Justice Web site: <http://www.cfcj-fcjc.org/full-text/leung.htm>
- Maloney, L., & Reddoch, G. (2003). *Restorative justice and family violence: A community-based effort to move from theory to practice*. Paper presented at 6th International Conference on Restorative Justice, Vancouver, British Columbia. Retrieved September 29, 2005, from Simon Fraser University <http://www.sfu.ca/cfrj/fulltext/maloney.pdf>
- McCold, P. (2004). What is the role of community in restorative justice theory and practice? In H. Zehr & B. Toews (Eds.), *Critical issues in restorative justice* (pp. 155-172). Monsey, NY: Criminal Justice Press.
- Morris, A. (2002). Children and family violence: Restorative messages from New Zealand. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 89-107). United Kingdom: Cambridge University Press.

- Morris, A., & Gelsthorpe, L. (2004). Re-visioning men's violence against female partners. In E. McLaughlin, R. Fergusson, G. Hughes, & L. Westmarland (Eds.), *Restorative justice: Critical issues* (pp. 127-140). Thousand Oaks, CA: Sage. (Original work published 2003)
- National Center for Injury Prevention and Control. (2006). *Intimate partner violence: Fact sheet*. Retrieved March 11, 2006, from Centers for Disease Control Web site: <http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm#top>
- Padgett, D. K. (1998). *Qualitative methods in social work research: Challenges and rewards*. Thousand Oaks, CA: Sage.
- Parker, L. (2003). A social justice model for clinical social work practice. *Affilia*, 18(3), 272-288.
- Patton, M. Q. (1990). *Qualitative evaluation and research methods* (2nd ed.). Newberry Park, CA: Sage.
- Pelikan, C. (2000). *Victim-offender mediation in domestic violence cases - A research report*. Paper presented at United Nations Crime Congress: Ancillary Meeting, Vienna, Austria. Retrieved December 17, 2005, from Prison Fellowship International: Restorative Justice Online Web site: <http://www.restorativejustice.org/resources/docs/pelikan3>
- Pennell, J., & Burford, G. (1995). *Family group decision making: New roles for 'old' partners in resolving family violence: Implementation report, Vol. 1*. St. John's, NF: Memorial University of Newfoundland.

- Pennell, J., & Burford, G. (2000). Family Group Decision Making: Protecting children and women. *Child Welfare, 79*(2), 131-158.
- Pranis, K. (2002). Restorative values and confronting family violence. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 23-41). United Kingdom: Cambridge University Press.
- Schwartz, S., Hennessey, M., & Levitas, L. (2003). Restorative justice and the transformation of jails: An urban sheriff's case study in reducing violence. *Police Practice and Research, 4*(4), 399-410.
- Sokoloff, N. J., & Dupont, I. (2005). Domestic violence at the intersections of race, class, and gender: Challenges and contributions to understanding violence against marginalized women in diverse communities. *Violence Against Women, 11*(1), 38-64.
- Strang, H., & Braithwaite, J. (Eds.). (2002). *Restorative justice and family violence*. United Kingdom: Cambridge University Press.
- Stubbs, J. (2002). Domestic violence and women's safety: Feminist challenges to restorative justice. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 42-61). United Kingdom: Cambridge University Press.
- Stubbs, J. (2004). Restorative justice, domestic violence, and family violence. *Australian Domestic & Family Violence Clearinghouse: Issues Paper 9*. Retrieved October 3, 2005, from Australian Domestic and Family Violence Clearinghouse Web site: <http://www.austdvclearinghouse.unsw.edu.au/Publications.htm#Issues%20Papers>

- Umbreit, M. S. (1999). *What is restorative justice?* Retrieved October 20, 2005, from Center for Restorative Justice and Peacemaking, University of Minnesota School of Social Work Web site:
http://rjp.umn.edu/Copy_of_Restorative_Justice_Principles-43ea0f281841a.html
- Umbreit, M. S. (2001). *Handbook of victim offender mediation*. San Francisco: Jossey-Bass.
- Van Ness, D. W., & Strong, K. H. (2002). *Restoring justice* (2nd ed.). Cincinnati, OH: Anderson.
- Zehr, H. (2002). *The little book of restorative justice*. Intercourse, PA: Good Books.
- Zehr, H. (2005). *Changing lenses*. Scottsdale, PA: Herald Press.
- Zehr, H. & Mika, H. (1998). Fundamental principles of restorative justice. *The Contemporary Justice Review*, 1(1), 47-55.

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