DEPARTMENT OF CORRECTIONS

Policy Number:	~~102.400~~207.010
Title:	**Restorative Justice Services and Programs**
Effective Date:	~~xx/xx/xx~~9/16/26

PURPOSE: This policy establishes the expectations for implementing and maintaining restorative justice (RJ) programming within the Minnesota Department of Corrections (DOC). The RJ program seeks to promote accountability, healing, and positive behavioral change by providing opportunities for individuals who have caused harm to understand the impact of their actions and to take meaningful steps toward repair.

APPLICABILITY: All DOC staff, contractors, and volunteers; Any person with a court-ordered commitment to the custody of the commissioner of corrections; Any person harmed by a person with a court-ordered commitment to the custody of the commissioner of corrections.

DEFINITIONS:

Co-facilitator - A trained incarcerated person responsible for preparing and leading RJ classes/programming with another incarcerated person or staff member.

Facilitator - A trained staff member or approved external partner responsible for preparing, guiding, and documenting RJ facilitated dialogues.

Participant - Any person engaged in RJ programming or processes.

Restorative justice (RJ) - A way of thinking about harm and responding to crime that emphasizes accountability and repair. It is based on cultural practices that have existed around the world for centuries. An ideal RJ process does these things: it names details of harm; addresses the needs of harm survivors; provides opportunities for people who caused harm to understand and repair it; includes people who have been indirectly harmed; and shows concern for everyone involved.

Restorative justice committee - A community-based group of formerly incarcerated people who have experience with restorative justice, provide input and feedback to the victim services & restorative justice (VSRJ) unit, and respond to requests from the community for speakers, process facilitators, and educators.

Restorative justice council - A facility-based council comprised of incarcerated people and staff who work to further RJ practices within the facility. Staff and incarcerated people are expected to collaborate and have equal status in decision-making. Incarcerated people have primary responsibility for selecting the activities the council ~~will offer~~offers and participates in; staff has primary responsibility for providing administrative support to accomplish these goals.

Restorative justice program - The unit based at central office that leads RJ work for the entire DOC and is responsible for designing, implementing, and evaluating the work.

~~**Surrogate dialogue –** A . . .~~

PROCEDURES:

A. Guiding principles

1. Participation in any aspect of the restorative justice (RJ) program is voluntary~~. People will not be coerced, leveraged, rewarded, or punished~~ and must not be mandated or required. The ~~department~~Minnesota Department of Corrections (DOC) must not coerce, leverage, reward, or punish people for participating or not participating.

2. Participation in restorative programming that requires victim/survivor initiation or participation cannot affect ~~be connected to~~ sentence reduction, classification changes, disciplinary outcomes, or facility privileges. Staff must not imply or guarantee such outcomes. Victim offender dialogues (VOD) is an example of a restorative program that requires victim/survivor initiation.

~~2.~~3. Participation in restorative programming that does not require victim/survivor participation can affect sentence reduction, classification changes, disciplinary outcomes, and facility privileges. An RJ class is an example of a restorative program that does not require victim/survivor participation.

~~3.~~4. Achieving ~~S~~safety, ~~and~~ security, and accountability requires cultivating~~are most effectively achieved through support and accountability; this requires~~ trust, support, and relationships.

~~4.~~5. RJ is a trauma-informed and person-centered practice.

B. Expectations for restorative justice programming facilitation

1. The staff of the RJ program are the ~~Minnesota Department of Corrections (~~DOC~~)~~ subject matter experts on restorative justice and responsible for the fidelity and quality of the program. Any staff, contractors, or volunteers seeking to implement, amend, suspend, or terminate any aspect of the RJ program must notify the RJ program staff in the victim services & restorative justice (VSRJ) unit, the VSRJ unit director, and the facility executive team before doing so. If a suspension of programming is necessary for security reasons, notice must~~ay~~ be provided ~~to the facilitator~~ within 48 hours or as soon as possible.

2. Facility-based RJ councils are an extension of the RJ program. RJ councils do not operate independently of the RJ program. RJ program staff are collaborative and supportive partners of the incarcerated people and facility staff serving on the RJ councils. Any staff seeking to suspend or terminate any person's participation or any activity related to the RJ councils must notify the RJ program staff within the VSRJ unit and the facility executive team before doing so. If a suspension

of a participant is necessary for security reasons, notice may be provided to the participant and the RJ program within 48 hours or as soon as possible.

3. Anyone, staff or incarcerated person, who is facilitating RJ programming ~~will~~must be trained on RJ philosophy and practices~~.~~ before facilitating programming. Training ~~will be~~is provided by the RJ council and/or coordinated with RJ program staff.

C. Restorative processes and programming

1. RJ program staff in the VSRJ unit are responsible for leading the following processes and programs.

a) Victim-offender dialogues

(1) ~~Victim-offender dialogues (~~VOD~~s)~~ are initiated by the survivor of a specific harm to facilitate communication with the person(s) who harmed them. Participation is voluntary for all parties. All parties are vetted and prepared according to RJ best practices.

(2) All VOD processes are coordinated through the VSRJ unit and comply with all facility and department policies and safety measures.

(3) Procedural documents are maintained by the VSRJ unit and are available upon request.

~~(3)~~(4) Additional restorative processes, such as dialogues involving surrogates and facilitated letter exchanges, follow the same procedure as VOD.

b) Apology letters

(1) The apology letter bank is a repository of apology letters written by people with an obligation to the DOC. Coordinating an apology letter bank includes providing guidance and education on victim-centered and trauma-informed apologies, vetting and accepting apology letters into the bank, logging requests for apology letters from victims/survivors, and delivering letters at the request of the intended recipient(s).

(2) No one can be directed or required to write an apology letter.

(3) Apology letters are only delivered upon request and only delivered to those to whom the letter is written, in accordance with Minn. Stat. § 611A.06, subd. 3b.

(4) Final approved apology letters are retained by the VSRJ unit and are not subject to a retention policy.

(5) Procedural documents are maintained by the VSRJ unit and are available upon request.

c) Victim impact or empathy-building curricula.

d) The community-based RJ committee and all associated activities, including speaking engagements, training, and facilitation of RJ programming.

~~e)~~ Additional facilitated processes: ~~(surrogate dialogues, letter exchanges, etc.)~~

(1) As resources allow, other facilitated exchanges from requests between incarcerated people and individuals impacted by the harm are responded to.

(2) Procedural documents are maintained by the VSRJ unit and are available upon request.

(3) Requests for restorative processes, pilot projects, and more can be submitted to the VSRJ unit for review and response.

2. The RJ program staff in the VSRJ unit are responsible for providing support to facility staff and incarcerated people for the following processes and programming.
   a) Facility-based RJ councils and all associated activities
      (1) Procedural and guidance documents are maintained by the VSRJ unit and are available upon request.
      (2) Development and delivery of classes including, but not limited to, restorative justice 101, restorative justice 201, trauma healing workshop, and the houses of healing.
      (3) Annual celebrations of RJ week and national crime victim rights' week
      (4) Guest speakers, talking circles, and experiential activities.
      (5) Fundraisers
         (a) Fundraisers are conducted in partnership with DOC finance and are outlined in policy 104.100C. For information about operating guidelines and guidance for fundraisers, see the forms Restorative Justice Fundraisers: Financial Services-Resident Accounts-Operating Guidelines (attached) and Restorative Justice Fundraisers: General Guidance (attached).
         (b) Programmatic procedural documents are maintained by the VSRJ unit and are available upon request.
      (6) Community reparative projects (constructive activities contributing to facility or community well-being)

   b) Facility-based ~~employment~~work assignments for incarcerated people in accordance with DOC Policy 204.010, "Incarcerated Person Assignment and Compensation Plan."
      (1) Specific job classifications and position descriptions have been developed in consultation with and are subject to the oversight of the VSRJ unit.

   c) Staff positions:
      (1) Inclusion of RJ as a duty or responsibility within a staff position description must be submitted to the VSRJ unit for review.

D. Confidentiality
   1. Per Minn. Stat. § 13.891 and 595.02, subd. 1b, the identities of the RJ participants are private data, and any information shared during RJ processes are not admissible in court unless they are subject to mandatory reporting laws or disclosure is necessary to prevent death, great bodily harm, or the commission of a crime.

   2. RJ activities do not replace investigative processes, nor may information from restorative sessions be used for disciplinary action.

3. If an incarcerated person requests, their history of involvement with RJ can be included in official documentation provided to an end-of-confinement review committee, the supervised release board, the clemency review commission, the board of pardons, or during proceedings for prosecutor-initiated sentence adjustments. Staff ~~will~~must not include any identifying information of victim/survivor participants, ~~nor will they include~~or any copies of apology letters written to specific victims/survivors.

4. The content of a letter of apology is private data on individuals, except that the letter may be provided to the intended recipient upon request.

5. If the board of pardons, the clemency review commission, or a court requests, the VSRJ unit ~~will~~must confirm submission of an apology letter but ~~will~~must not provide a copy of the letter or disclose the contents of the letter.

E. Security concerns

1. If DOC staff have concerns about the safety or integrity of any aspect of the RJ program (program content, staff, contractors, volunteers), they are ~~expected~~ encouraged to bring those concerns directly to the VSRJ director. If staff file an incident report involving the RJ program, that report ~~will~~must follow the process as outlined by policy~~, but will also~~and be forwarded to the VSRJ director.

INTERNAL CONTROLS:

A. Data from the RJ program is included in the biennial report to the legislature and is posted on the DOC's public website.

B. RJ programming class completions are maintained in the ~~Correctional Operations Management System and OnBase databases~~electronic operations management system.

C. RJ program information and contact information are available on the DOC's public website.

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

REFERENCES: Minn. Stat. §§ 13.891, 595.02, and 611A.06.
Policy 100.010: Mission, Values, Vision, and Goals of DOC
Policy 104.100C: Facility Funding – 6001 Social Welfare

REPLACES: Not Applicable

ATTACHMENTS: Restorative Justice Fundraisers: Financial Services-Resident Accounts-Operating Guidelines (102.400A)
Restorative Justice Fundraisers: General Guidance (102.400B)

APPROVALS:
Commissioner of Corrections