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# Restorative Discipline as an Alternate to Retributive Discipline within the Juvenile Court System: An Analysis of the Metro County Juvenile Court Community Restorative Board

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## ACCEPTANCE

This dissertation, RESTORATIVE DISCIPLINE AS AN ALTERNATE TO RETRIBUTIVE DISCIPLINE WITHIN THE JUVENILE COURT SYSTEM: AN ANALYSIS OF THE METRO COUNTY JUVENILE COURT COMMUNITY RESTORATIVE BOARD, by AJAMU ABIOLA BANJOKO, was prepared under the direction of the candidate's Dissertation Advisory Committee. It is accepted by the committee members in partial fulfillment of the requirements for the degree Doctor of Philosophy in the College of Education, Georgia State University.

The Dissertation Advisory Committee and the student's Department Chair, as representatives of the faculty, certify that this dissertation has met all standards of excellence and scholarship as determined by the faculty. The Dean of the College of Education concurs.

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Ajamu Abiola Banjoko

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## ABSTRACT

### RESTORATIVE DISCIPLINE AS AN ALTERNATE TO RETRIBUTIVE DISCIPLINE WITHIN THE JUVENILE COURT SYSTEM: AN ANALYSIS OF THE METRO COUNTY JUVENILE COURT COMMUNITY RESTORATIVE BOARD

by  
Ajamu A. Banjoko

Giroux (2003) indicated that the prison industry has become a major economic industry with many states spending more money on prison reforms than on educational reforms. Juvenile delinquent behavior should be punished but fair treatment and equal rights for all human beings under the rule of law is paramount to punishment. Casella (2001) indicated that the prison population has sky-rocketed, and by 1995 forty-eight states passed laws to facilitate the prosecution of juveniles as adults and therefore children are placed in adult prisons where they are at a higher risk of not only attack and rape, but of suicide. The research established a rationale for restorative justice discipline as an alternate to punitive retributive discipline in order to potentially decrease the number of youth offenders facing incarceration. Crime control is the responsibility of all citizens not just the government and this responsibility reflects the foundational tenets of restorative justice.

Bazemore and Umbreit (1995) suggested that restorative justice is not an alternative to punishment it is an alternate punishment to bad or unwanted behavior. A qualitative case study was used to analyze and explore the disciplinary functions and procedures of the Metro County Juvenile Court Community Restorative Boards. The perceptions of two board members and three juvenile court officials was analyzed in an effort to better understand how and why Community Restorative Boards implement

restorative justice discipline toward youth offenders. Data were gathered through narrative interviews and participatory observations in order to better understand the emerging phenomenon of restorative discipline within the juvenile justice system as an alternate to punitive retributive discipline.

The study analyzed the dynamics of the school to prison pipeline through zero tolerance school policies, examined the juvenile justice system and the sentencing of youth offenders in criminal court. The study also examined the usage of traditional retributive discipline and restorative discipline within the juvenile court system. The study provided empirical data that support the infusion of a complimentary or supplementary restorative justice disciplinary approach toward adjudicating youth offenders within the juvenile court system. Bazemore and Umbreit (1995) suggested that utilizing a restorative justice disciplinary model increases the opportunity for young people to be held accountable for their misbehavior by actively participating in the process of establishing consequences to help repair the harm that they have caused to an individual, the community, and themselves.

RESTORATIVE DISCIPLINE AS AN ALTERNATE TO RETRIBUTIVE DISCIPLINE  
WITHIN THE JUVENILE COURT SYSTEM: AN ANALYSIS OF THE  
METRO COUNTY JUVENILE COURT  
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by  
Ajamu A. Banjoko

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in

Educational Policy Studies  
in

the Department of Educational Policy Studies  
in

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Atlanta, GA  
2009

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## CHAPTER 1

### INTRODUCTION

Giroux (2003) indicated that the prison industry has become a major economic industry with many states spending more money on prison reforms than on educational reforms. Juvenile delinquent behavior should be punished but fair treatment and equal rights for all human beings under the rule of law is paramount to punishment. Casella (2001) stated, "Prison populations have sky-rocketed, and by 1995 forty-eight states passed laws to facilitate the prosecution of juveniles as adults and to therefore place children in adult prisons where they are at a higher risk of not only attack and rape, but of suicide (p. 4)." The research analyzed and explored the functions and procedures of a restorative justice discipline model within juvenile court. Van Ness (2005) defined restorative justice as a theory that emphasizes repairing the harm caused or revealed by criminal behavior and restoration is best accomplished through cooperative processes that include all stakeholders. Retributive justice refers to a broad ideological framework that gives priority to punishment and lesser emphasis to rehabilitative goals (Bazemore & Umbreit, 1995).

The current research provided researchers and policymakers in the field of juvenile justice an opportunity to hear the voices of restorative justice practitioners in their efforts to adjudicate youth offenders within the juvenile court system. Casella (2001) indicated that everyone who has ever filled out a job application, sought some form of social services, or applied for a driver's license knows that there is nothing that hurts young people more or that prevents them from obtaining a job and getting their lives together

than a criminal record. Youth incarceration not only provides short-term remedies to behavior problems but oftentimes incarceration fails to meet sound equal justice principles for all youth.

### Purpose of the Study

The purpose of this study was to analyze and explore the disciplinary functions and procedures of the Metro County Juvenile Court Community Restorative Boards. The perception of two board members and three juvenile court officials were analyzed in an effort to better understand how and why Community Restorative Boards implement restorative justice discipline toward youth offenders. Durkheim (1961), noted that “supporters of punishment believe that respect for discipline ... originates in the fear of sanctions curbing violation of the rule, and we must punish the child... so that he doesn’t misbehave again and to prevent others from imitating him (pp.160-161).” Furthermore, Mulvey and Reppucci (1984) indicated that punishment has been integrated into juvenile justice by providing due process and earlier treatment opportunities to indicate that diversion and deinstitutionalization of individualized treatment at earlier stages of juvenile justice processing and more proportionality-based punitive measures for serious delinquent youth is necessary. Criminal justice officials have the enormous task of deciding how best to cope with increasing crime rates. Some advocates push strenuously for rehabilitation and greater leniency in sentencing, while others push for harsher penalties (Kury, Ferdinand, & Obergfell, 2003). The study analyzed the justification for the use of the restorative justice disciplinary model as an alternate to the punitive retributive model of disciplining youth offenders within the Metro

County Juvenile Court System. The following research questions guided the overall course of this study.

#### Research Questions

1. What are the functions of the Metro County Juvenile Court Community Restorative Boards and how do they operate when dealing with disciplinary cases of youth offenders?
2. How have restorative justice practitioners within the juvenile justice system implement restorative justice discipline on youth offenders?
3. How do restorative justice practitioners within the juvenile court system think about restorative justice as a form of discipline?

#### Background of the Problem

##### Youth Offenders and Overrepresentation in Juvenile Incarceration

Giroux (2003) indicated that American youth are being subjected to intolerable social injustices by way of criminal association and suggested that young people have been demonized through a constant bombardment of deviant images by the media and politicians who are looking for easy solutions to crime prevention. In 2006, 16% of the national adult prison population was composed of youth offenders between the ages of 18 and 24. In total, more than 219,600 youth offenders were incarcerated in either a state adult or Federal prison (Sabol, Minton, & Harrison, 2007). In addition, there were over 37,000 youth offenders serving time in state juvenile correctional facilities (Snyder & Sickmund, 2006). The vast majority of these youth offenders will return to their

neighborhoods to live out the rest of their lives labeled as a criminal. Research has shown the lasting effects long-term incarceration will have on youth offender's future behavior (Taylor, 1996; Hawkins, et al., 2000; Sickmund, et. al., 2008). Furthermore, the confinement of youth offenders to the juvenile justice system has debilitating effects on the youth offender, victim, family, and their community.

### The Effects of Incarceration on Youth Offender

Youth offenders are fairly common in the U.S. criminal justice system (Snyder, 2006). Youth offenders who are incarcerated are likely to learn social rules and norms that encourage exploitation and retaliation from other delinquents who are incarcerated for the sake of social mobility, which affect their chances for release. Family members, schools, or social services agencies refer some of these children directly to the court; however the first contact for most children is an arrest by law enforcement (Snyder, Espiritu, Huizinga, Loeber, & Petechuk, 2003). The confinement of youth offenders has the potential to place them at a much greater risk of being labeled and scrutinized for their poor behavior. Taylor (1996) indicated that once a youth has been categorized as a delinquent, often a self-fulfilling prophecy is set in motion. Unable to break free of the stigma, he/she may begin to structure his/her identity around this label. The effects are frequent future criminal behavior, diminished employment and educational opportunities, and the receipt of a new label--one of society's least accepted (Snyder, et. al., 2003). Youth may begin to gravitate toward the experience of having emotional distress, which could lead to decreases in their self-worth, distrust of their community's structure, and feelings of helplessness. Child delinquents present unique challenges

that need to be addressed and intervening before minor offenses become more serious and before the occasional offender becomes a chronic offender is important.

Traditional criminal judicial processes force offenders into the role of the defendant, where in order to avoid punishment; they often detach themselves by denying responsibility. The juvenile justice system takes advantage of youth offenders by incarcerating them for minor offenses (Fagan, 2008). For instance, the majority of youth in residential facilities have been adjudicated for nonviolent offenses, including drugs (8.6%), technical violations (13.3%) and status offenses (6.6%), which include offenses that would not be a crime if committed by an adult. Sixty-six percent of committed youth were adjudicated for non-violent offenses such as these (Sickmund, et al., 2008). The incarceration of youth offenders has a definite effect on families and communities.

### The Effects of Youth Incarceration on the Family and Community

Families are responsible for making sure that children understand what is socially accepted and what is against social and legal norms. Therefore, the impact of youth incarceration places a heavy burden on families by assigning responsibility to the parent for the misbehavior of children. Families must transfer morals and values in order to lead children to abide by rules that they are likely to perceive as arbitrary. The (National Evaluation and Technical Assistance Center for the Education of Children and Youth Who are Neglected, Delinquent, or At Risk, 2006) indicated that family life bears a strong relation to juvenile delinquency and families who make an investment in the educational and service planning for their incarcerated children are likely to feel some

ownership and commitment to follow through with making sure that the youth offender does not re-offend. In general, consistent friendly parental guidance seems to protect children from delinquency across neighborhoods, with the exception of the most disrupted and deprived (Gorman-Smith, Tolan, & Henry 1999).

Problems arising from juvenile crime are a serious concern for many local communities and family life is certainly impacted by juvenile delinquency. Families involved in public child welfare systems and the courts can have barriers such as social and emotional isolation, lack of assurance about what is “normal” perhaps leading to harsh self-judgment, self-protectiveness, or fear of speaking out, high stress and frequent crisis situations along with a lack of awareness of options for change, and lack of hope in the possibility of change (Rafael, & Pion-Berlin, 1999). An emerging pattern of behavior leads to concern about a parent’s ability to cope in a healthy way with the stresses of parenting a juvenile delinquent. Rafael and Pion-Berlin (1999) noted that the upheaval and trauma of having a family member who is a juvenile delinquent could create instability for the other relatives. Not only does the family have to cope with the needs of the child who is in trouble, but they may also have to raise other siblings so that they want offend in the future. In addition, the family has to face the ethical issues of responsibility to the victims of the child's crime. Clear, Rose, and Ryder (2001) indicated that families must usually attend group-counseling sessions, which can be disruptive and costly during the time when the child is in detention or on probation.

The child’s safety is always the primary concern, but parents are encouraged to participate in the entire juvenile justice process so that their child can eventually make a healthy transition back into the community (Farrington, 2002). Youth offenders who lack

socially acceptable opportunities may cause them to become frustrated with society, which may encourage them to search for alternative criminal means to success. Neighborhoods influence children's behavior by providing the values that lead them to perceive how to act (Clear, Rose, and Ryder, 2001). Families, communities, and law enforcement agencies are challenged with making neighborhoods safe. Therefore, prompting the confinement of large amounts of youth offenders for their potential dangerousness, which helps create factors that influence juvenile delinquency.

### Factors Influencing Youth Incarceration

Youth violence is defined as aggressive behaviors that may result in injury or death committed by and against youth. Identifying and addressing the predictors of youth violence at appropriate points in youth development is important for prevention (Hawkins, Herrenkohl, Farrington, Brewer, Catalano, Harachi, & Cothorn, 2000). Only during the last fifteen years have researchers clearly identified risk factors that produce delinquency and the interventions that consistently reduce the likelihood that it will occur (Dryfoos 1991; Hawkins, Catalano, & Miller, 1992; Greenwood, 2008). Greenwood (2008) found that some of the identified risk factors for delinquency are dynamic, involving the quality of parenting, peer association, and school involvement. Thornberry, Huizinga, and Loeber (2004) investigated a host of risk factors involving child behavior, family functioning, peer behavior, school performance, and neighborhood characteristics that proceed to delinquency. Two topics, child maltreatment and school involvement are summarized to further illustrate the factors influencing the confinement of youth offenders.



## Child Maltreatment

Prior research indicates that child maltreatment such as sexual abuse, physical abuse, and parental neglect occurs at some point prior to age 18 is a risk factor for delinquency (Zingraff et al., 1993; Thornberry et al., 2001; Stouthamer-Loeber et al., 2002). Researchers who have attempted to explain the factors around youth delinquency have argued that childhood maltreatment is a risk factor for delinquency. Findings from the Stouthamer-Loeber et al. (2002) study showed that certain family interaction and demographic handicaps were related to maltreatment as well as to persistent serious delinquency. When accounting for family and demographic factors, having been maltreated had an independent effect on persistent serious delinquency. Thornberry et al., (2001) argued that subjects maltreated before age 12, who may or may not also have been maltreated between ages 12 and 18, were significantly more likely to be arrested and to self-report more delinquency, especially serious and violent delinquency. Zingraff et al., (1993) noted that maltreated children have higher rates of delinquency complaints than non-maltreated school and impoverished children, but the effects diminish considerably when the demographic and family structure variables are controlled. In the maltreatment-school comparison, an overall maltreatment effect remains for complaints in general and status offenses, but not for property or violent offenses. Therefore, children who are maltreated in school are likely to have poor school involvement potentially stemming from strict school disciplinary policies that mandates suspensions and expulsions, which are factors that influence contact with the juvenile or criminal justice system.

## School Involvement

The maltreatment of children in school affects their attendance, which is an important step in the process of attempting to educate young people within our society. A young person's lack of school attendance will certainly have an adverse affect on their amount of school involvement, which research suggest is a risk factor for dropping out of school and juvenile delinquency. Approximately 68 percent of state prison inmates in 1997 had not completed high school and 75 percent of youths under the age of eighteen who have been sentenced to adult prisons have not passed the tenth grade (Wald & Losen, 2003). Petteruti, Walsh, and Velazquez (2009) found that forty-one percent of adults in prisons and jails do not have a high school diploma; and the U.S. Department of Education reported that dropouts are 3.5 times more likely than high school graduates to be arrested.

Giroux (2003) indicated that schools across the country are becoming more and more like prisons with regards to using punishment as the chosen form of social control for infractions against the established rules. Wald and Losen (2003) suggested that lack of school involvement increases the likelihood of youth participating in criminal activities or ending up incarcerated. Schools have adopted punitive disciplinary policies that refer students who misbehave to the juvenile or criminal justice system for displaying a certain type of unwanted behavior that goes against school rules. The term zero tolerance – referring to policies that punish all offenses severely, no matter how minor – grew out of state and federal drug enforcement policies in the 1980s (Skiba & Peterson, 1999). This law mandated an expulsion of one calendar year for possession of a weapon or drugs and referral of students who violate the law to the criminal or

juvenile justice system. Giroux (2003) said that American youth are being subjected to intolerable social injustices by way of criminal association through zero tolerance policies. School districts across the country have adopted and utilized zero tolerance disciplinary approaches towards school infractions at disproportionate rates in comparison to other forms of discipline, which creates and maintains a school to prison relationship that is very punitive. Casella (2001) indicated that zero tolerance is the link between schools and prisons, which is not only a policy that steers students from classrooms, through the labyrinths of the justice system, and into the prison cell, but it is a philosophy that is shared by both schools and prisons in equal measure. In the next chapter the literature review will explain the dynamics of the school-to-prison pipeline, and analyze the relationship between the juvenile justice system and youth offender sentencing. Finally, the chapter will illuminate the differences between punitive retributive justice and restorative justice.

### Definition of Terms

For the purpose of this study the following definitions will be used:

1. *Restorative justice (RJ)* is a form of criminal justice that views harmful behavior as a violation against an individual or group rather than a violation against institutional laws or rules; its primary objective is to maintain or restore peace to a violent or potentially violent situation (Braithwaite, 1989; Zehr, 1990; Bazemore & Umbreit, 1995; Bazemore & Pranis, 1997).
2. *Zero tolerance policy* is a term – referring to policies that punish all offenses severely, no matter how minor – that grew out of state and federal drug

enforcement policies in the 1980s. Zero tolerance school policies give school administrators the authority to suspend or expel students for up to a year or more as a form of punishment and refer students to the criminal justice system (Skiba & Peterson 1999, p. 373).

3. *Gun Free School Act of 1994* is when Congress passed a law, which insisted that states develop and mandate zero tolerance school policies or risk being denied federal resources. This law mandates an expulsion of one calendar year for possession of a weapon and referral of students who violate the law to the criminal or juvenile justice system (Skiba & Peterson, 1999).
4. *Short-term suspension* is removal of a student from his/her regular education program for up to ten days for disciplinary reasons (Cadet, 2001).
5. *Long-term suspension* is removal of a student from his/her regular education program for more than ten days for disciplinary reasons (Cadet, 2001).
6. *Expulsion* occurs when a student is barred from attending school either permanently or for a specified long period of time, such as one year for disciplinary reasons (Cadet, 2001).
7. *Safe and Drug-Free Schools and Communities Act* (SDFSCA), Title IV-A is the federal government's major initiative to prevent drug abuse and violence in and around schools, which was amended by the No Child Left Behind Act (NCLB) in January of 2002.
8. *Maltreatment* means to treat in a rough or cruel way or abuse.
9. *Incarceration* is a means of forced confinement for the incarcerated individual.
10. *Imprisonment* is the most conventional means of incarceration.

11. *Delinquency* means a violation of the law committed by a person prior to his eighteenth birthday, which would have been a crime if committed by an adult (Bunch, 2004).
12. *Illinois Juvenile Court Act of 1899* established the first juvenile court statute that provided a legal description of juvenile delinquency and separate juvenile court dockets and records (Bunch, 2004).
13. *Retributive discipline* is a theory of criminal justice wherein punishments are justified on the grounds that the criminal has created an imbalance in the social order that must be addressed by action against the criminal. The theory is often associated with harsh punishment, and the phrase an eye for an eye, a tooth for a tooth is a commonly heard justification for this theory (Szablowinski, 2008).

### Significance of the Study

The current study is significant because restorative justice discipline has the potential to supplement or compliment punitive retributive discipline in the juvenile justice system, which could potentially decrease the amount of children being adjudicated and incarcerated for minor infractions within the juvenile and criminal court system. The study is also significant because of the theoretical implications that restorative discipline has as an alternate to punitive retributive discipline in the juvenile justice system. The current study supplements restorative justice research by investigating the disciplinary phenomenon within the Metro County Juvenile Court in an attempt to examine the implementation of this form of juvenile justice. There has been an influx of children being sent to the prison system in recent years. Petteruti, Walsh, &

Velazquez (2009) found that approximately 93,000 young people are held in juvenile justice facilities across the United States. Juvenile justice officials operating under a functional restorative justice approach towards discipline can potentially help reduce the amount of young people being locked away in prison. The United States has increasingly moved towards treating children more like adults and in ways that increasingly mimic the adult criminal justice system (Casella, 2001).

Youth offenders are increasingly sanctioned with very stringent punishments within the juvenile court. This form of stringent punishment is referred as punitive retributive justice. Retributive justice refers to a broad ideological framework that gives priority to punishment and lesser emphasis to rehabilitative goals (Bazemore & Umbreit, 1995). Retributive discipline measures do little to teach youth offenders how to alter their behaviors that caused their incarceration or encourage any type of continuing education in safe conduct. Retributive discipline does not provide the youth offender with democratic processes whereby problems can be solved through open lines of communications (Bazemore & Umbreit, 1995). Youth offenders require adult guidance in every aspect of their lives in hopes of growing into responsible adult citizens. Retributive discipline focuses too much on punishment and exclusion rather than discipline and inclusion as the preferred response to poor judgment and misbehavior of youth offenders (Bazemore & Umbreit, 1995). Juvenile justice systems must find a balance between the punishment of the youth offender's misbehavior and some type of intervention that would help stop the unwanted behavior without infringing upon the equal protection and civil rights of all children.

Juvenile court systems can create protective factors by offering a positive and safe environment while setting high yet achievable social expectations, and facilitating social success. Juvenile detention centers have been identified as being places where youth violence and delinquency can be perpetuated if effective leadership is not in place (Kuanliang, Sorensen, & Cunningham, 2008). The purpose of this study is to analyze the functions, procedures, and the disciplinary perceptions of two board members and three juvenile court officials of the Metro County Juvenile Court Community Restorative Boards in an effort to better understand how and why Community Restorative Boards have implemented a restorative justice disciplinary model toward youth offenders. The study analyzes theoretical implications of restorative discipline as an alternate to retributive discipline. Restorative disciplinary practices can potentially reduce the number of children who are incarcerated within the juvenile or criminal justice system (Bazemore & Umbreit, 1995). Restorative justice disciplinary practices such as victim-offender mediation conferences allows all parties involved in an altercation to tell their story, in order to reach a consensus of how to respond to harmful behavior in ways that will attempt to help heal everybody involved in a conflict rather than isolating, excluding, criminalizing, and incarcerating children involved in delinquent behavior (Braithwaite, 1989; Zehr, 1990; Bazemore & Umbreit, 1995; Bazemore & Pranis, 1997).

### Rationale

Crime control is the responsibility of all citizens not just the government. The collective responsibility of correcting harmful behavior that affects all individuals involved in that behavior reflects the foundational tenets of restorative justice. Restorative justice is a form of criminal justice that views harmful behavior as a violation

against an individual or group rather than a violation against institutional laws or rules; its primary objective is to maintain or restore peace to a violent or potentially violent situation (Braithwaite, 1989; Zehr, 1990; Bazemore & Umbreit, 1995; Bazemore & Pranis, 1997). Restorative justice discipline has the potential to supplement or compliment punitive discipline within the juvenile justice system. Foucault (1975) indicated that contemporary institutions such as the prison represent the evolution of disciplinary power from the raw, primal force of public torture, to a sophisticated, well planned, efficient, and complete system of control through punitive discipline. Schiff (1998) argued that in the current political debates where crime and justice take center stage and cries of get tough on criminals dominate the policy agenda, it is important to develop and present research that can be used to politically support a restorative discipline agenda. Youth who violate the law undoubtedly disrupt the social structures within society by harming other people and themselves through their actions, which understandably warrants some form of punishment. Longer and longer prison sentences have often been our response to crime (Ferdinand, 1991). However, this has not proven to be healing to the victims and it has created an ever-growing prison system. Ferdinand (1991) cited Foucault (1975) as suggesting that the justice system before all else perpetuates order in civil society by its threat of punishment, however ineffective it may be in rehabilitating offenders. It is obvious that the government is able to punish only a small amount of the criminal offenses that are committed. Szablowinski (2008) argued that the enormous amount of criminal offenders, the high cost of judicial proceedings, the time it takes to adjudicate each trial, and the deficiencies of the judicial



system often contribute to this limitation. Restorative discipline could be utilized to combat some of these issues.

Youth who misbehave may not consider their behavior as being dangerous; therefore what is dangerous in society is subjective and is usually decided by law enforcement agencies. Youth are being punished for their perceived danger. Casella (2003) stated that preventive detention is a means of crime control that relies on detaining and isolating potentially dangerous offenders, sometimes referred to as punishing dangerousness. Community safety should be a priority and the people within the community have the right and responsibility to keep their communities safe without state and local law enforcement agencies implementing exclusionary punitive discipline such as mandatory minimum sentencing and prosecuting youth offenders as adults. Bazemore and Schiff (2005) indicated that unfortunately, victims and communities are overlooked as stakeholders in the aftermath of a crime, which contributes to an overarching feeling of fear in communities and a feeling of isolation by victims.

## CHAPTER 2

### LITERATURE REVIEW

The purpose of this chapter is to review the literature related to the school-to-prison pipeline, examine the juvenile justice system and youth offender sentencing in criminal courts, and discuss aspects of traditional retributive discipline and restorative discipline within the juvenile court system. This review of literature presents the restorative justice disciplinary approach toward adjudicating youth offenders within the juvenile court system. First, this chapter begins with a review of the literature on the school-to-prison pipeline, which is the relationship that schools have developed with the criminal justice system through the usage of zero tolerance mandatory disciplinary referrals (Casella, 2001, 2003; Christle, et al., 2005; Skiba, et al., 2006). Second, the chapter offers the history, rationale, and impact of the juvenile court system on youth offenders (Caldwell, 1961; Garlock, 1979; Ferdinand, 1991; Bunch, 2004; Platt, 2009). Third, the chapter examines the history and rationale of youth sentencing in criminal courts (Garlock, 1979; Snyder et al., 2000; Sickmund, 2003; Bunch, 2004). Fourth, the chapter gives the history, rationale, and impact of traditional retributive discipline and restorative justice discipline within the juvenile justice system. Finally the literature review will end with a discussion of restorative justice discipline as an alternate to retributive disciplinary within the juvenile justice system (Zehr, 1990; Feld, 1990; Bazemore & Umbreit, 1995; Yandell, 1998; Van Ness & Strong, 2002; Bunch, 2004; Hopkins, 2004).

## History of the School-to-Prison Pipeline

The New York Civil Liberties Union (2007) fact sheet indicated that the school to prison pipeline is a nationwide system of local, state and federal education and public policies that pushes students out of school and into the criminal justice system. Casella (2001) stated, "Zero tolerance is the link between schools and prisons. Not only is it a policy that steers students from classrooms, through the labyrinths of the justice system, and into the prison cell, but it is a philosophy that is shared by both schools and prisons in equal measure" (p. 6). Foucault (1975) argued that prison is a place where the government may regulate an individual's waking and sleeping, number and duration of meals, quality and ration of food, the nature and product of labor, and so on. Foucault went on to characterize the contemporary schoolhouse as another manifestation of this same style of discipline. The modern schoolhouse is a place of surveillance, where students are lined up into predictable rows of desks, watched over by the all-seeing eye of the teacher (Foucault, 1975). These pedagogical machines are designed to train young people to accept particular versions of truth, and to penalize them for even slight deviations in behavior or level of knowledge and these claims, certainly radical, warrant close analysis (Foucault, 1975).

Karp and Breslin (2001) argued that in the United States what we have seen in the past decade is a retrenchment of school disciplinary policies based on authoritative control and greater collaboration between school administrators with private security and local police. "Prison populations have sky-rocketed, and with hardly a peep, by 1995 forty-eight states passed laws to facilitate the prosecution of juveniles as adults – and to therefore place children in adult prisons where they are at a higher risk of not

only attack and rape, but of suicide” (Casella, 2001, p. 4). Zero tolerance policies are administrative rules intended to address specific problems associated with school safety and discipline.

School administrators’ willingness to use zero tolerance discipline as a form of punishment increases the potential for the incarceration of children who misbehave within the school environment. Wald and Losen (2003) indicated that the school-to-prison pipeline captures a process by which schools that enforce zero tolerance contribute to the flow of youth into the criminal justice system and to the criminalization of school misbehavior. Violation of school rules under the zero tolerance school policy must be referred to the criminal justice system according to the definition of the law under the Gun Free School Act of 1994. The Gun Free School Act of 1994 is a law passed by Congress, which insist that states develop and mandate zero tolerance school policies or risk being denied federal resources. This law mandates an expulsion of one calendar year for possession of a weapon and referral of students who violate the law to the criminal or juvenile justice system (Skiba & Peterson, 1999). Casella (2001) argued that school’s zero tolerance policies have been the rationale for the deployment of school police officers, the suspension and expulsion of students for misbehaving in class, and the buildup of security devices in schools. Martin (2001) stated, “Zero tolerance has become a one-size-fits-all solution to all the problems that schools confront” (p. 4).

Giroux (2003) indicated that American youth are being subjected to intolerable social injustices by way of criminal association through zero tolerance policies. Schools are not crime-infested places where young people are on violent rampages. For

instance, Snyder (2008), stated, "Between 1994 and 2004, the juvenile arrest rate for Violent Crime Index offenses fell 49%, reaching its lowest level since at least 1980. However, this long-term downward trend was broken in 2005 with a 2% annual increase in Violent Crime Index Arrest followed by a 4% increase in 2006" (p. 1). Statistics clearly indicate a rise in juvenile arrest in recent years, which has the potential of influencing how the United States criminal justice system will punish juvenile delinquents in the future. The increase in juvenile arrest can potentially warrant alternative measures of punishing youth offenders without solely relying on locking children up in prison. Casella (2001) suggested that the United States of America has become a nation that is controlled by the fear of violence, which encourages certain people within our society to accept policies that appear to be tough on crimes through the usage of zero tolerance towards any unwarranted behavior.

#### Rationale for School-to-Prison Pipeline

Schools across the country have increased their dependence on using more severe consequences in response to student disruption, which has resulted in an increase of referrals of students being sent to the juvenile justice system for infractions that were once handled in school (Christle, Jolivette, & Nelson, 2005). In the 1990's school shootings across the country sparked a prevalent discussion about enacting zero tolerance school policies, which automatically refers children to the juvenile or criminal justice system for certain crimes committed on school property. There is a trend in public education of treating problems with a one-size fits-all solution that fails to recognize the cost of exclusion as a sanction. Exclusionary policies should be used as

a last response instead of a first response to improper school behavior (Haft, 2000). Children who are expelled from school underneath the cloak of zero tolerance have their opportunities stifled by this educational policy and practice (Casella, 2004). The policy does not provide the children or teachers democratic processes whereby problems can be solve through open lines of communications (Lyons, & Drew, 2006). School administrators who utilize zero tolerance discipline as their first course of action towards unwanted student misbehavior increase the potential for school-aged children to be placed in the criminal or juvenile justice system.

The NAACP Legal Defense and Educational Fund, Inc. (2006) suggested that in addition to impacting students' behavior, the lack of sufficient resources in our schools also creates perverse incentives for school officials to remove children from school. Ironically, some of the hallmarks of modern education reform— including demands for greater accountability, extensive testing regimes, and harsh sanctions imposed on schools and teachers—actually encourage schools to funnel out those students whom they believe are likely to drag down a school's test scores. Rather than address the systemic problems that lead to poor educational performance, harsh discipline policies provide schools with a convenient method to remove certain students and thereby mask educational deficiencies. Second, the overuse of suspensions, expulsions and arrests is itself a reflection of this lack of resources.

The NAACP Legal Defense and Educational Fund, Inc. (2006) also suggested that due to a lack of guidance counselors and useful intervention programs, they have few alternatives at their disposal. So they too often take the easier road by suspending or expelling students or, in some cases, using law enforcement agencies and juvenile

courts as their disciplinary arm. In the end, however, the easy way out is also the costliest. When kids are removed from school, they end up in inferior settings such as suspension centers, alternative schools, and juvenile prisons—places where meaningful educational services are practically nonexistent and students with histories of behavioral problems can negatively influence one another.

### Impact of School-to-Prison Pipeline on Minority Youth

Academic failure, exclusionary discipline practices, and dropping out of school have been identified as key elements in a school-to-prison pipeline (Chistle, Jolivet, & Nelson, 2005). Empirical studies in the following section will illustrate how exclusionary discipline practices within the school environment impede the school involvement of minority youth, which has been implicated as one of many factors influencing youth incarceration. Casella (2001) argued that zero tolerance policy treated children like adults in taking a mandatory minimum sentencing approach to punishing and deterring children from delinquency. Petit and Western (2004) provided data that showed juveniles who have experienced incarceration are likely to have been suspended or expelled from school. The authors also suggested that school administrators have reacted to unforeseen violence strictly adhering to the legal ramifications of zero tolerance school policies, which has unfortunately increased the referral and incarceration rates of minority youth.

Freeman (2007) noted that a student's personality might play a role in determining who gets suspended and placed in the school-to-prison pipeline. For instance, the attitude of a student may determine if a school administrator will exercise

their authority to suspend or expel a child. Freeman cited studies conducted by the Center on Juvenile and Criminal Justice (CJCJ), which suggest that disciplinary procedures may be administered discriminatorily against certain at-risk students.

Freeman suggested that school administrators use a list of characteristics for student profiling, which includes: Parental troubles and a dislike for popular students. Freeman (2007) suggested that students who exhibit certain behaviors that are deemed improper might have to go through the following: Transfer to another school, sent to counseling, sent to an alternative educational program, or expelled from school. Freeman argued that children are subject to vague school rules and regulations that push students out of the classroom into the courtroom.

Snyder (2008) found that the violent crime index arrest rate (i.e., arrest per 100,000 juveniles in the racial group) in 2006 for black juveniles (934) was 5 times the rates for white juveniles (184) and American Indian juveniles (174) and 12 times the rate of Asian juveniles (78). Data suggested that school systems have commonly used exclusionary disciplinary measures as their chosen form of punishment for students who exhibit extreme behavioral problems (Snyder, 2008). However, violent crimes in schools do not appear to occur at random as the media portrays it. The United States Department of Justice, Bureau of Justice Statistics indicated that contrary to public perception, violent crime in schools has declined dramatically since 1994 (School Crime and Safety, 2005). It seems conceptually likely that school suspension and expulsion constitute the critical links between school zero tolerance policies and students' involvement in the juvenile justice system (Skiba, et al, 2006). The presence of police



officers in the schools is a clear indication that students who violate school rules or violate the law will be charged and arrested.

The Gun-Free School Act of 1994 mandates an automatic referral of student offenders to the local police, which is the pipeline that connects schools to the criminal justice system. For example, the New York Civil Liberties Union (2007) fact sheet indicated that the school-to-prison pipeline occurs in various ways. First, zero tolerance policies directly and indirectly feed the school to prison pipeline in that they unreasonably target normal, non-violent adolescent behavior. Second, zero tolerance policies move youth into the juvenile and criminal justice systems by involving police personnel in minor disciplinary matters. Third, zero tolerance policies bring criminal charges against students for actions that would not be considered criminal if committed by an adult.

The pipeline to prison ensures that a child who has been suspended is more likely to be retained in grade, drop out, commit a crime and/or end up incarcerated as an adult (Osher, et.al, 2003). The school-to-prison pipeline disproportionately limits the opportunities of our most vulnerable youth, especially African American, Latinos, and students with disabilities (Robbins, 2005). Yet, the school-to-prison pipeline does not correspond with an increase in school violence because the majority of incarcerated youth are convicted of non-violent, low-level offenses (Christle, Jolivette, & Nelson, 2005). Suspension is not considered to be an effective disciplinary measure because suspensions may aggravate student-to-student and student-to-teacher problems within a school instead of mitigating them (Costrenbaker & Markson, 1998). Suspension leads to more suspensions, increased dropout rates, low-test scores, poor academic

achievement, and loss of reputation among peers, social isolation, psychological problems, and juvenile delinquency. Suspension records are common among persons who find their way into the criminal justice system (Brooks et al., 2000). Casella (2001) indicated that student removals only provide short-term remedies to behavior problems and oftentimes fail to meet sound equal educational principles for all students but especially for minority youth.

Students of color are more likely than white students to be suspended or expelled for willful acts, often labeled as disobedience, disruption, or disrespect for authority (Black, 2004). Societal discrimination and racism serve as an active force that negatively influences the cultural identity of minority youth in school. School administrators have the leverage to dictate their authority, control, and potential biases in interpreting the rules mandated by zero tolerance (Skiba, 2006). Institutions such as schools and law enforcement agencies are the most obvious places whereby the display of cultural advantages and disadvantages can be vividly portrayed. Achilles, Krezmien, and Leone (2006) argued that numerous empirical studies have shown that minority youth are being expelled from school at alarming rates, which has proven to be an indicating factor of youth incarceration.

Browne (2003) analyzed how law enforcement agencies in certain states have a negative effect on the educational potential of minority school-age children. The author suggested that zero tolerance policies put thousands of minority children out of the school system and into the juvenile justice system. The author conducted a mixed-method study that analyzed statistical data from Florida, Texas, and the Maryland public school system. The results of the study found that students were being arrested for

petty offenses and negative effects of turning schools into prison-like secure environments. Skiba, Michael, Nardo, and Peterson (2000) conducted a study that explored gender, racial, and socioeconomic disparities in school discipline. The authors set out to test alternative hypotheses concerning disproportionate school disciplinary practices. The authors utilized office referrals, suspensions, and expulsions in this study, which indicated a systematic over-representation of African American youth. Data was analyzed from the disciplinary records of students from 19 middle schools between the 1994 to 1995 school years. The chi-square statistical analysis test was used to show that racial and gender disparities were evident, even when controlling for socioeconomic status. The results from the study indicated that African-American students appeared to be referred to the office for less serious and more subjective reasons, which resulted in a disproportional amount of suspension among minority students.

Johnson (2002) utilized data from a case study that was done in the San Diego City School District, which describes how disciplinary policies and school administrators help create obstacles for Black and Latino students. The author suggested that zero tolerance school policies were a direct result of public school violence such as shootings, which have oftentimes been carried out by middle-class white males. The author contends that the effects of zero tolerance policies such as expulsions and suspensions have been disproportionately used against low-income Black males. During the 1999 to 2000 academic year, there were 11,839 suspensions, almost 10% of the total population of 140,743. Latino students represented 45% and Black students

represented 31% of the reported suspensions in a school district with 37% Latino, 27% White, and 17% Black students (Johnson, 2002).

Brown (2007) analyzed the school experiences of 37 students who were suspended or expelled from an urban public alternative high school in the Northeast in the 2004 to 2005 school year. The study was focused on the importance of classroom instruction time and how losing this time affects the academic achievement of students excluded from school. The study highlights how zero tolerance school policies affects the social and emotional experiences of students who are excluded from public school education. One student stated, "It affects me a lot because I would miss work and when I go back I won't know what we doing (16-year-old, male, 10th grader)." Another student stated, "Because while I was out of school I missed a lot of things I could of learned (17-year-old, Black male, 11th grader)." Another student stated, "It affected my education because I was out of school for 8 months and I got kept back. (15-year-old, Black male, 9th grader, p. 446)."

The author utilized her personal accounts as a teacher at the alternative school to help clarify the different experiences of students who were excluded from their regular public school. Survey data and school records on the expulsion and suspension rates of the participants were analyzed as a means of extracting pertinent information concerning their feelings about being excluded from school. The results of the study indicated that minority students have high rates of exclusion because of their allegedly anti-social behavior and lack of respect for authority. Students in this study were disappointed in the due process of the zero tolerance policy and they felt that it was unfairly misused against them for minor infractions. Thorson's (1996) study interviewed

fourteen high school students from different racial, educational, and gendered backgrounds on topics ranging from behavior problems at school to parental involvement in school discipline. The study was conducted during Saturday detention at a public high school in Southern California. The participants in the study expressed the importance of having the opportunity to discuss the topic of school discipline with an adult. The students were selected to participate in this study through selective sampling based on their placement in the Saturday detention sessions. The author utilized an ethnographic research method and a phenomenological framework in order to investigate how students perceived school discipline. Data from the study suggested that the students who were disciplined by the school administrator believed that rules were necessary and that they should be followed. However, data also indicated that the students were frustrated because they did not understand the rules, or the teacher was unfair, or the punishment did not fit the rule that was broken.

Arcia (2007) examined the suspension percentages among three-sixth grade transition groups. The author suggested that suspension rates are higher in the middle school grades than the elementary grades. The author stated, "Higher middle school suspensions may be a result of behavioral changes in students as they age and/or as a result of the characteristics of middle schools" (p. 456). The suspension data were gathered from the school district's database, which indicated the type of offense and the duration of the suspension. The suspensions of Black and Latino students by grade and by transition group were analyzed by utilizing the chi-square test, which indicated that Black students were suspended 1.5 to 2 times the percentages of Latino students. The author also analyzed racial/ethnic and grade-level suspension rates of minorities,

which indicated that older minority students are dealt with more harshly than younger minority students.

Verdugo (2002) examined statistical data from the U.S. Department of Education, Office of Civil Rights in the years 1996 to 1997 in order to point out the disparities of the expulsions and suspension rates of racial minorities in comparison to Whites. The author suggested that minority students are more likely to be suspended because they appear threatening or because they are disrespectful which are all value judgments. The author also indicated that White students are punished for clearer violations such as weapons or drugs which limit the amount of ambiguity in the requirements stipulated for punishment within the zero tolerance policy. However, the author indicated that punishments for African American students are more subjective to the lens of the administrator or teacher.

Freeman (2007) analyzed the problems associated with school suspension and suspension hearings. The article explains why providing students with legal support at suspension hearings will help promote due process and encourage better decision-making on the part of the student. The author stated, "Low-income and minority students are deprived of their due process rights before, during, and after suspension hearings" (p. 638). The author also suggested that the seriousness that surrounds student suspension hearings should prompt school officials to make sure that students are given fair treatment under the due process law, which is the bedrock of any legal proceedings. The author noted that expulsions and suspensions have proven not to be an effective school disciplinary procedure. Furthermore, suspension tends to lead to more suspensions and juvenile delinquency among poor minority students. The article

also discussed *Goss vs. Lopez*, which is a Supreme Court case that addressed the issue of whether students who were subject to out-of-school suspension of 10 days or less were entitled to due process protections. In a five-to-four decision, the Court held that, even for short-duration suspensions students are entitled to due process.

Achilles, Krezmien, and Leone (2006) noted that the student suspension rates based on race and disability increased significantly for African American students in comparison to White and other students. The study suggested that there have been concerns about the equity and effectiveness of the zero tolerance school policy since its inception. Black (2004) indicated that critics are concerned that zero tolerance school policies identify minority children as being potentially dangerous. The policy runs the risk of punishing students who do not threaten the safety or well being of the school environment. Black (2004) suggested that school administrators could implement school policies that are more compassionate, inclusive, and fair in order to improve student behavioral outcomes. School administrators possess the power to suspend or expel any student from the educational process through the usage of zero tolerance school policies as a form of student discipline.

Skiba (2000) and Cadet (2001) distinguished the difference between suspension and expulsion, indicating that suspension is removal of a student from his/her regular education program for up to ten days while an expulsion occurs when a student is barred from attending school either permanently or for a specified long-term period. The student is therefore limited in his/her ability to experience an equal education and participate in a democratic school environment. The sole purpose of the zero tolerance policy is to exclude intolerable behavior as a disciplinary measure (Skiba, 2000). Zero

tolerance school policy has given the public a false sense of school safety and security (Skiba, 2000). Students should be made aware of their rights and should be allowed to create mechanisms to help protect their rights. The unequal treatment of minority students in schools can be systemic and subtle which makes it hard to pinpoint unequal treatment let alone effectively alter the treatment. Furthermore, the subtle inappropriate treatment that is experience by youth during school can potentially cause social problems, which perpetuates institutional racism (Robbins, 2005).

### Institutional Racism

Institutional racism is a term which describes practices in the United States nearly as old as the nation itself, which appears to be of recent coinage, possibly first used by Stokely Carmichael and Charles V. Hamilton in their widely read book, *"Black Power"* (Knowles & Prewitt, 1969). Institutional racism occurs when "any nation that permits race to affect the distribution of benefits from social policies" (p. 6). Zero tolerance school policies undoubtedly affect the equal distribution of educational benefits of African Americans and other minority students. Knowles and Prewitt (1969) stated, "Institutions are fairly stable social arrangements and practices through which collective actions are taken" (p. 5). The educational system and criminal justice system would be considered institutions that enforce laws by which all of us must live by within society or risk being punished. For example, the criminal justice system and educational system in Jena, Louisiana, prosecuted and excluded several young African American students under the zero tolerance school policy for attacking another student during school hours.



The ideological patterns of institutional racism go all the way back to slavery in America, which was a system that legally marginalized and brutalized African Americans for hundreds of years. Knowles and Prewitt (1969) stated, "Second-class citizenship quickly became a social fact as well as a legal status" (p. 6). The enslavement of Africans created unjust patterns of punishment and discipline that is still prevalent within our current society. Zero tolerance policies are just the latest form of unjust laws that are disproportionately utilized for punishing and restricting the progress of minorities in the United States of America (Giroux, 2003). Unjust laws support institutional racism by restricting the social mobility of minorities. Knowles and Prewitt (1969) provided a compelling story about institutional injustice by arguing that "the murder by KKK members and law enforcement officials of three civil rights workers in Mississippi was an act of individual racism. That the sovereign state of Mississippi refused to indict the killers was institutional racism" (p. 4).

School authorities often rationalize the hostility evident in drop-out rates, absenteeism, discipline problems, and complaints by teachers of lack of parental concern by saying that poor people, culturally deprived people or the disadvantaged do not value education (Knowles & Prewitt, 1969). School officials who take this stance towards educating poor minority students perpetuate institutional racism. Ableser (2002) argued that suspension and expulsion, as a result of a zero tolerance policy, not only undermines equal opportunity, it prevents any opportunity at all. School administrators have the tough task of creating safe and secure learning environments for all students, which has to require a certain amount of disciplinary flexibility. Robbins (2005) outlined several fundamental ways that zero tolerance policies deprive minority

students. First, zero tolerance policies create barriers that hinder dialogue between students and administrators. Second, zero tolerance policies establish limitations on the possibilities of using democratic language in order to help solve problems. Third, zero tolerance policies stifle social growth of minorities by reproducing historical and material inequalities because of the absence of open dialogue and inquiry. Mukuria (2002) pointed out that principals in low suspension rate schools tended to involve teachers in disciplinary decisions and tended to perceive their disciplinary policy as a “flexible guideline” rather than a “rigid document” (p. 441). The most important fundamental difference between retributive and restorative discipline is that retributive discipline focus on punishment and restorative discipline directs rehabilitation through mediation. Restorative justice discipline allows for less rigid standards for punishment and more inclusive decision-making from all parties involved in an altercation throughout the disciplinary process. Zero tolerance policies put thousands of children out of the school system and into the juvenile justice system (Browne, 2003).

### History of Juvenile Court System

Incarceration was considered to be a progressive and humanitarian alternative to the brutality of earlier approaches, and for the first time special places of confinement for juveniles was created in houses of refuge (Platt, 2009). Child advocate groups supported houses of refuge in order to keep children from being exposed to the vile influence of adult criminals. Platt (2009) indicated that the first houses of refuge appeared in New York and Pennsylvania in the 1820s and were designed not just for young criminals but also for a multitude of children with different problems such as runaways, vagrants, and other disobedient youths who were vulnerable to the

corrupting influences of urban life. Houses of refuge were places designed to persuade disobedient and wild poor children to conform to the ideal respectful child (Platt, 2009). By the nineteenth century, however, houses of refuge, along with orphan asylums, began to be perceived as prison-like warehouses that often bred criminality rather than preventing it (Monroe, 1959; Robert, 1972; Alexander, 1982). Child advocates started to criticize the use of corporal punishment in these institutions and started to look for alternative methods of reforming disobedient youth. The juvenile court movement started in America with the adoption of the first juvenile court statute by the state of Illinois, the Juvenile Court Act of 1899, and has since spread to all fifty states, the District of Columbia, and Puerto Rico (Bunch, 2004). The Juvenile Court Act of 1899 gave a legal meaning to the term juvenile delinquency and created a separate court that dealt with youth offenders in a non-criminal manner.

The Act specified that all children found to be within the jurisdiction of the court should be given a level of care and discipline similar to "that which should be given by its parents" (§ 3 [1899 Ill. Laws 131, 132]). Children who misbehaved according to the standards of the law were deemed as wayward children or juvenile delinquents. The Illinois state government used the term wayward to describe the disobedience of a child prior to the establishment of the Juvenile Court Act of 1899. Garlock (1979) indicated that by 1925 there were juvenile courts of varying descriptions in all but two states, and most of these had jurisdiction over wayward children. The Juvenile Court Act of 1899 gave the juvenile court authority to control the fate of a variety of delinquent youths.

These young people included:

Any child who for any reason is destitute or homeless or abandoned; or dependent on the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable person ... and any child under the age of 8 years who is found peddling or selling any article or singing or playing any musical instrument upon the street or giving any public entertainment. (§ 3 [1899 Ill. Laws 131, 132]).

Unless children were criminals, the criminal courts had no jurisdiction over them but the doctrine of *parens patriae* could be used towards these children, which is a legal document that allowed civil courts to step in and take custody of these children (Ferdinand, 1991). The juvenile court movement was grounded in the idea that children, by their nature, lacked the capacity to be held accountable, and therefore, they were incapable of criminal responsibility (Caldwell, 1961; Garlock, 1979; Ferdinand, 1991; Bunch, 2004). The juvenile court movement was lead by child welfare practitioners and advocates that believed that all children should be held accountable for their actions.

#### Rationale for the Juvenile Court System

Bunch (2004) indicated that the ideas of crime and punishment were to be forsaken, and instead the child was to be treated and rehabilitated and the procedures were to be clinical rather than punitive. The rehabilitative model of disciplining youth offenders became the foundation that the juvenile court system was based upon. The

rehabilitative model was designed to treat youth offenders individually without simply determining the guilt or innocence of a child. Benefits of the juvenile court process included: (a) the avoidance of stigmatizing juveniles by categorizing them as criminals, (b) promoting the civil, rather than the criminal nature of the court process, and (c) ensure a level of privacy of the juvenile court records, protecting the youth offender from their misbehavior (Bunch, 2004). The rationale for the establishment of the juvenile court system was predicated on the non-adversarial and flexible approach to cases involving youth offenders. Juvenile court cases were treated as civil non-criminal actions and the ultimate goal was to help guide and support a youth offender toward a life of a responsible, law abiding adult (Caldwell, 1961; Ferdinand, 1991; Bunch, 2004). In 1909, Judge Julian Mack, who was one of the first judges to preside over the country's first juvenile court in Cook County, Illinois, stated the intent and the rationale for the establishment of the juvenile court as the following:

The child who must be brought into court should, of course, be made to know that he is face to face with the power of the state, but he should at the same time, and more emphatically, be made to feel that he is the object of its care and solicitude. The ordinary trappings of the courtroom are out of place in such hearings. The judge on a bench, looking down upon the boy standing at the bar, can never evoke a proper sympathetic spirit. Seated at a desk, with the child at his side, where he can on occasion put his arm around his shoulder and draw the lad to him, the judge, while losing none of his judicial dignity, will gain immensely in the effectiveness of his work (Mack, 1909).

Judge Mack took a personal but staunch approach towards the adjudication of youth offenders that serve as the model of the true and original intent and rationalization of the juvenile court system. Garlock (1979) argued that the current juvenile court system assumes that it is the youth's deviant and delinquent behavior that needs to be altered, and not some external factor such as his or her family situation, school, poverty, or general sense of powerlessness. Rehabilitation and justice can be blended effectively in the juvenile justice system if dependable alternatives to youth confinement can be made available to judges and other juvenile court officials (Feld, 1990; Ferdinand, 1991; Fagan, 2008). The juvenile court systems have changed dramatically since the time of their inception and these changes have had some severe consequences on the treatment and the sentencing of youth offenders.

#### History of Sentencing Youth Offenders in Criminal Court

Garlock (1979) indicated that as the 19<sup>th</sup> century progressed, a majority of juvenile court officials seemed to be in agreement with the notion of housing youth offenders in institutions by themselves, although some states felt that it would be necessary to place juvenile delinquents with criminal violators. In some states, provisions that enabled transfer of certain juveniles to criminal court were in place before the 1920s. Other states have permitted transfers since at least the 1940s. For many years, all states have had at least one provision for trying certain youth of juvenile age as adults in criminal court (Sickmund, 2003). Juvenile court policies in most states advocate for more strict sentencing policies that incarcerate youth offenders who commit violent crimes or drug offenses to adult facilities. Bunch (2004) found that there

are several factors that may come into consideration when states transfer a juvenile offender to an adult criminal court, which are lowering the chronological age for adult court jurisdiction, listing specific offenses that would place the juvenile beyond the juvenile court jurisdiction, providing for either prosecutorial or judicial waiver of jurisdiction to the adult criminal court, and employing a concurrent jurisdiction device that allows both the juvenile court and the criminal court jurisdiction over a child under certain circumstances. However, Bunch (2004) suggested that before any of these considerations are validated there must be a juvenile court hearing with a presiding juvenile court judge in order to outline the case for a juvenile transfer to the adult criminal court, and all of the youth offender's social service records must be accessible before any final decisions are made. The current juvenile court system is in a no-nonsense era of transferring youth offenders into adult criminal courts.

Adams and Addie (2009) found that in 2005, U.S. courts with juvenile jurisdiction handled 1.7 million delinquency cases. More than half (56%) of these cases were handled formally, which means that a petition was filed requesting a transfer hearing. In other words, more youth offenders are being forced to the adult criminal courts. The number of delinquency cases judicially transferred peaked in 1994 at 13,000 cases. This represented an 80% increase over the number of cases transferred in 1985 (7,200). The percentages of youth offender's being transferred to the adult criminal court is alarming but in recent years percentages have steadily decline due to the fact the most states have developed an minimum age level that a child can be transferred to an adult criminal court (Griffin, Torbet, & Szymanski, 1998; Snyder & Sickmund, 2006). Although a minimum age level has been established, nearly all states (45) have

discretionary judicial transfer provisions, in which juvenile court judges have discretion to transfer jurisdiction over individual juveniles to clear the way for criminal court prosecutions (Adams & Addie, 2009). The number of waived person offense cases increased 129% between 1985 and 1994. The result was an overall increase of 45% between 1985 and 2005. By comparison, waived drug offense cases peaked in 1991, 413% greater than the 1985 number (Adams & Addie, 2009). From 1993 to 2005, personal assault offenses outnumbered property offenses among transfer cases. Before 1993, property offense cases outnumbered personal assault offense cases among transfers at times by a ratio of nearly 2 to 1. In summary, research shows that there has been a steady increase in the number of youth offenders who are transferred to adult criminal court. According to Adams and Addie (2009) states have shown a willingness to transfer and sentence youth offenders in the adult criminal courts.

#### Rationale for Sentencing Youth Offenders in Criminal Court

Snyder, Sickmund, & Poe-Yamagata (2000) conducted a national research study with four different juvenile court systems, which was designed to improve the understanding of the differences between cases transferred to criminal court and similar cases retained in juvenile court. The four studies identified the factors juvenile court official considered when transferring cases from the juvenile to the criminal justice system. The researchers selected counties in South Carolina, Pennsylvania, and Utah for their study sites that had large samples of cases that met the state's transfer criteria and contained sufficient detail on the crime incident, the youth's court history, and case processing characteristics to model the decision-making process in the jurisdiction.



Snyder, Sickmund, & Poe-Yamagata (2000) found that the studies in South Carolina and Utah considered all cases in which the prosecutor requested a judicial transfer to criminal court; and, one of the two Pennsylvania studies compared the characteristics of juveniles transferred in 1994 with those transferred in 1986 to assess whether the waiver criteria had changed during this period—a period during which the state's transfer legislation had not changed, but public attitudes toward juvenile transfers were changing. The second study in Pennsylvania explored the decision-making process for cases involving young offenders that began in criminal court rather than juvenile court under Pennsylvania's 1996 statutory exclusion legislation.

Snyder, Sickmund, & Poe-Yamagata (2000) found that juvenile court judges concurred with most waiver requests made by prosecutors in South Carolina and Utah and two factors distinguished cases that were waived from those that were not, which were the extent of a juvenile's court history and the seriousness of his or her offense. In both South Carolina and Utah, the juvenile court was less likely to approve a transfer request in cases involving juveniles who did not have an extensive history with the court. However, the courts in these states approved transfer requests in the vast majority of cases involving juveniles who had no formal juvenile court record prior to the transfer incident (Snyder, Sickmund, & Poe-Yamagata, 2000). In South Carolina, the seriousness of the personal assault offense was also a key determinant in the transfer decision. Regardless of a youth offender's juvenile court history, cases involving serious person offenses were more likely to be approved for transfer than any other types of cases. Waiver was most likely to be granted in cases involving serious person offenders who used weapons and seriously injured someone, regardless of the offenders' court

history (Snyder, Sickmund, & Poe-Yamagata, 2000). Even first-time offenders in Utah were waived if they seriously injured their victim. For other types of cases, the court looked to a youth's court history to decide whether to transfer the matter to criminal court. In these cases, youth with long criminal histories were more likely to be transferred than those with shorter criminal histories.

#### Disproportionate Sentencing of Youth Offenders in Criminal Court

Snyder, et al., (2000) found that the juvenile courts in the three counties in Pennsylvania judicially transferred 277 youth in 1995. Of the 473 youth excluded from juvenile court jurisdiction in these counties, in 1996, a total of 109 were convicted in criminal court. Assuming that the cases were still open in criminal court at the end of the study period resulted in the same proportion of convictions and dismissals, approximately 135 of the 473 excluded youth eventually would have been convicted in criminal court. Snyder, et al., (2000) found that these numbers suggest that the ultimate impact of Pennsylvania's 1996 exclusion legislation was to retain in criminal court those cases that the juvenile court would have judicially transferred had it been given the opportunity. Therefore, considering only case outcomes, the impact of Pennsylvania's new exclusion statute was negligible.

Snyder, Sickmund, & Poe-Yamagata, (2000) found that in a 10-year period from 1985 through 1994, South Carolina family courts considered 595 requests for transfer to criminal court, involving 557 juveniles. The vast majority of transfer requests involved males (95 percent), most involved blacks (80 percent), and most involved juveniles age 16 or older at the time the case was referred to family court. Therefore, youth age 17 or

older were candidates for judicial transfer when they were under the continuing jurisdiction of the juvenile court for a previous offense committed before the youth was 17 years old. Snyder, et al., (2000) found that during the 8 years from 1988 through 1995, Utah juvenile courts considered requests to transfer 225 youth to criminal court. These juveniles were predominantly male (96 percent), most were non-Hispanic whites (57 percent), and nearly 70 percent were age 17 or older at the time the case was referred to court. Like the juveniles for whom waiver was requested in South Carolina, many juveniles in Utah's transfer request cases had accrued long offense histories with the juvenile court. Most of the transfer requests involved youth with at least one formally handled referral prior to the transfer request case, and most had at least one prior court case.

Snyder, Sickmund, & Poe-Yamagata (2000) found that between 1986 and 1994, there was no change in the size of Pennsylvania's juvenile population or in the overall number of juvenile arrests in the state. The number of juvenile violent crime arrests increased moderately—with arrests for Violent Crime Index offenses up 32 percent. The overall number of juvenile arrests in Pennsylvania changed little between 1986 and 1994, the number of juvenile arrests for aggravated assault and drug offenses increased substantially. In 1986, the juvenile court handled just over 700 drug cases, and by 1994, the drug caseload had increased to well over 2,000—an increase of more than 200 percent. Snyder, Sickmund, & Poe-Yamagata (2000) found that these studies show that the juvenile court supports the prosecutor's request for transfer in approximately four out of five cases, which implies that these two key decision makers generally agree about who should be transferred and who should not. It may be that the

high proportion of judicial approval of transfer requests found that prosecutors are able to gauge which cases juvenile court judges will agree to transfer and request transfers in only those cases.

Bishop et al. (1996) compared case outcomes for nearly 3,000 juveniles transferred to criminal court in Florida with outcomes for a comparison group of juveniles retained in juvenile court. The groups were matched along several dimensions, including offense, age, race, sex, and prior offenses. A one year follow-up study found that transferred youth had a higher rate of re-arrest, were re-arrested for more serious offenses, and were re-arrested within a shorter time than youth retained in juvenile court. The research also found that transfer to criminal court was intended for the most serious juvenile offenders, many transferred juveniles were not violent offenders, but repeat property offenders, thus necessitating the need for juvenile incarceration for the sake of crime prevention. Cotton (2000) indicated that incapacitation uses imprisonment to arrest and remove the offender from society to protect it from the danger he poses. High arrest rates imply the removal of the more active criminals from opportunities to commit crimes, and the attempt to cite a negative relationship between arrest and crime rates as evidence of deterrence should first be focused on the incapacitation of offenders as the explanation for a reduction in crime (Hellum, 1979). The increase in the arrest and incarceration rates of youth offenders in criminal courts have sparked major debates as to how to respond to juvenile delinquent cases within the justice system ((Hellum, 1979; Fagan, 1991, 2008; Bishop, et al., 1996; Snyder, 2008; Adams & Addie, 2009).

### Criminal Justice vs. Juvenile Justice Response to Youth Crime

The absence of a clear and coherent sanctioning framework for juvenile offenders has been a prominent concern within the justice system (Bazemore & Umbreit, 1995). In recent years the court system has developed and maintained the dominant retributive approach towards punishing youth offenders. Retributive justice refers to a broad ideological framework that gives priority to punishment and lesser emphasis to rehabilitative goals, places central focus on punishment as the primary rationale for decision making, and expands the role of formal, adversarial, adjudicatory, and dispositional processes (Feld, 1990; Bazemore & Umbreit, 1995). The retributive approach towards punishment encourages strict consequences towards lawbreakers so that future lawbreakers will understand that society disagrees with their behavior and dire consequences will follow poor decision-making or bad judgment. Bunch (2004) argued that the modern American criminal justice system focuses on punishing youth offenders by putting them behind bars and that the system for punishing youth offenders has moved away from the original goals of the juvenile court system of rehabilitation and deterrence, instead serving only retributive and punitive purposes. Retribution is punitive by design, which focuses on the punishment of the offender regardless of the surrounding circumstances and the suppression of criminal behavior by any and all means is at the root of retributive punishment. Retributive justice focus solely on the criminal and his act is primarily concerned with past events and dispensing out punishment (Bazemore & Umbreit, 1995; Bunch, 2004; Szablowinski, 2008).

Supporters of retributive justice believe that based upon the principles of retributive justice, legal justice can be fair without being vengeful. Supporters of

retributive justice think that retribution is only done for a wrong, is in response to an action for which someone might be criminally at fault, establishes a limit to the amount of punishment that will be dispensed out according to the seriousness of the offense, and requires that there is no need for the offender to have any special ties with the victim (Bunch, 2004). There are some promoters of punishment that view discipline as being both retributive and rehabilitative, which cannot be separated. Yandell (1998) presented three reasons that support his belief that punishment should be viewed as retributive and rehabilitative. First, punishment as retribution alone insists that only the guilty should be disciplined, which holds the guilty person accountable for their misbehavior. Rehabilitation alone treats the offender passively, which does not allow for an offender to take full responsibility for their actions due to the belief that an offender must be cured from their poor behavior. Second, retributive justice only intends for the offender to be punished relative to the seriousness of the crime that was committed, which could encourage legal revenge. Rehabilitative justice is only focused on attempting to find a cure or correcting the offender without regards to inflicting punishment according to the level of the incident. Last, discipline is interested in promoting a sense of justice with the offender receiving what is deserved, which could lead to a retributive and rehabilitative punishment complementing each other. Szablowinski (2008) argued that punitive justice appears logical; however, it does not seem to be effective because the central focus of the judicial process is on the punishment of the offender, which leaves out the victim's primary interest of the effects of crime, healing the relationship between the offended party and the offender. The restoration of the offender, victim, and community is rarely taken into account in the

dispensing of punitive punishment. Furthermore, Bunch (2004) argued that retributive justice fails to take into account the needs of the community.

Few opportunities are provided for lawbreakers to actively make amends for their crimes or to practice productive behavior that might facilitate habilitation and reintegration (Bazemore & Umbreit, 1995). Brunk (2000) outlined four theories of dealing with criminal offenses as retribution, deterrence, rehabilitation, and restitution. Retribution focuses on making the wrong right by punishing the offender. Deterrence means that society is protected from future wrongs by punishing the offender. Rehabilitation focuses on curing or reforming the offender through punishment. Restitution focuses on making the wrongs right by compensating the victim. All of these theories pertain to what should be done to criminal offenders, and none addresses what should be done for crime victims. Restorative justice provides a fifth theory of dealing with criminal offenses and addresses the concerns of crime victims. Zehr (1990) indicated that youth who have an opportunity to participate in a restorative disciplinary process understand that rules are not abstract constructions created to make lives difficult but have grown out of a genuine dialogue about human needs which they all share; that failing to meet others' needs can cause distress and harm; and that this wrongdoing is first and foremost a violation of a person or group of people rather than of rules. Gilbert and Settles (2007) indicated that restorative justice views crime as harmful to individuals, their neighborhoods, the surrounding communities, and even the offender.

## History of Restorative Justice Discipline

The historical context for restorative justice in schools began in the mid-1990s as community-based policing gained favor around the globe. In Australia, for example, Morrison (2007) indicated that Margaret Thorsborne, a school-based guidance counselor in a large high school in Queensland, had heard about community conferencing, an approach that police in New South Wales were trialing to divert young offenders from court. School-based conferences were initially adopted in order to curtail bullying by allowing the victim, bully, and their parents to meet face-to-face in order to address the conflict. School administrators began to utilize restorative justice practices such as peer mediations and family conferences in order to negate more punitive forms of punishment for school infractions. Hopkins (2004) analyzed the first documented attempt to introduce restorative justice into a criminal justice system developed in Ontario Canada in 1975, which was called Victim-Offender Reconciliation Project. Most victims valued being listened to, being able to ask questions, to explain how they had been affected, to ask for reparation, to see that the offender was remorseful (Zehr, 1990; Skiba, & Peterson, 2000; Van Ness & Strong, 2002).

The New Zealand youth justice system developed the family group conferencing in 1990, which supported the practice of allowing family group members of youth victims and offenders to deal with the misbehavior of their children (Van Ness & Strong, 2002). One of the major components of family group conferencing is that most of the decision-making power is in the hands of the young person, their family, and the victims. Restorative conferencing is another disciplinary process that was created in 1993 by British police officers that were seeking an alternative method of dealing with youth



offenders. Restorative conferencing is a process whereby a neutral facilitator conducts a meeting between the offender, victims, family members and friends in order to confront the offender about their misbehavior without labeling them as being bad people. Hopkins (2004) indicated that restorative conferences often follows a scripted format, in which questions are intended to pull out the thoughts and emotions of all individuals who are present. Zehr (2002) argued that restorative justice advocates were concerned about needs not being met in the usual justice process. Restorative justice in America began with an experimental program in the Minnesota Department of Corrections in 1972, which used victim-offender meetings with adult inmates who were eligible for early release from prison (Bazemore & Schiff, 2005). While current North American restorative justice practices began in the 1970's the movement was not widely accepted and implemented until the 1990's in response to increasing juvenile violence and increasing incarceration rates.

#### Rationale for Restorative Justice Discipline

Wachtel and McCold (1999, 2001) suggested that merging empowerment and ownership with mutual accountability, restorative practices can provide a way of regulating and reinforcing standards of appropriate behavior by emphasizing collective responsibility for caring about and caring for each other. Braithwaite (1989) suggested that restorative justice seeks to help individuals manage their disagreements or conflicts by providing inclusive comprehensive solutions that are created by the victims, offenders, and everyone else involved. Zehr (1990) indicated that it is important to mediate the situation with the victim, offender, and community in a search for solutions that will strive for repairing, restoring, and reassuring justice. Van Ness and Strong

(2002) suggested that restorative justice practices such as victim-offender mediation conferences allow all parties involved in an altercation to tell their story, in order to reach a consensus of how to respond to harmful behavior in ways that will attempt to help heal everybody involved in a conflict. Individuals who violate other people are allowed the opportunity for redemption and repentance in an effort to illustrate their remorse as a result of restorative justice discipline.

Van Ness and Strong (2002) indicated that a restorative justice approach to criminal justice seeks to make things right by repairing damage caused by the offender against victims, their families, and the community by way of a shared physical, financial, or emotional restitution. A certain level of civility is necessary in order to promote healthy relationships and civility means to display courteous polite behavior (Vincent, Wangaard, & Weimer, 2004). The first practice of civility is the establishment of good etiquettes and rituals that encourage good behavior. The second practice of civility is on the moral and social obligations to create a civil society. The third practice of civility is displaying behavior of love and caring that are established through behavior aimed towards the concern for others (Vincent, et al., 2004). Juvenile courts must nurture self-discipline so that youth offenders will grow up to be civil adults who establish boundaries and solid structures that promote respectful behavior. The practice of civil behavior ultimately would lead to habits of civility, which helps children respond better to authoritative adults (Vincent, et al., 2004). Children will usually comply with authority if the rules are specific and not vague or general. Restorative justice discipline practices have the potential to increase the range of effective options for addressing violence and disruption within the juvenile court (Bazemore & Umbreit, 1995). Juvenile court systems

that teach youth offenders how to manage their anger through conflict resolution and social instruction offer diversionary strategies to help keep youth offenders from incarceration. Children who misbehave should be given an opportunity to restore the damage that they may have caused by asking for forgiveness and or participating in some form of community service without being labeled as criminals.

### Theoretical Foundations of Restorative Justice Discipline

The theoretical framework of restorative justice is situated within the idea of restoring relationships through mediation and cooperation between everyone involved in an altercation. Restorative justice is a form of criminal justice that views harmful behavior as a violation against an individual or group rather than a violation against institutional laws or rules; its primary objective is to maintain or restore peace to a violent or potentially violent situation (Braithwaite, 1989; Zehr, 1990; Bazemore & Umbreit, 1995; Bazemore & Pranis, 1997). Practicing restorative justice in the juvenile court system has the potential to help modify youth offender's behavior toward wrongdoing, which will ultimately suit the needs of the victim, offender, and community. Braithwaite (1989) suggested that restorative justice seeks to help individuals manage their disagreements or conflicts by providing inclusive comprehensive solutions that are created by the victims, offenders, and everyone else involved. Zehr (1990) noted that it is important to mediate the situation with the victim, offender, and community in a search for solutions that will strive for repairing, restoring, and reassuring justice. Restorative justice is a perspective towards harmful behavior, which puts repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment (Wright, 1999; Hopkins, 2004).

Restorative justice is a theoretical approach to criminal justice with more emphasis being placed on inclusive methods of punishment. Van Ness (2005) indicated that restorative justice is a theory that emphasizes repairing the harm caused or revealed by criminal behavior and restoration is best accomplished through cooperative processes that include all stakeholders. Van Ness (2005) indicated that there are four theoretical core values, which are encounter, amends, reintegration, and inclusion. The first value of encounter is the notion that victims, offenders, and other individuals who may have been touched by delinquent behavior should meet with each other through mediation in order to come up with a mutual agreement on how to make things right. The second value of amends has to do with the wrongdoer taking steps to make amends for his or her crime in tangible ways. The most obvious ways to make amends are through genuine apologies from the offender and restitution, which involves payment or service to the victim in some capacity. The third value of reintegration is when both the victim and offender are reintegrated back into their communities as whole, contributing members of those communities. The reintegration process is a collaborative process that allows all parties involved in a harmful incident to regain their self-respect through moral, financial, and spiritual support of their respective communities. The fourth value of inclusion is the most important restorative value because it gives the victim, offender and affected community the opportunity to participate meaningfully in the subsequent justice process. Voluntary participation is a major premise of inclusion because individual participation reminds us about how harmful acts of individuals against each other ultimately impedes the lives of everyone involved in an incident, which should take precedent over the governmental rules, or

laws that are violated in the process. Crime control is the responsibility of all citizens not just the government and this responsibility reflects the foundational tenets of restorative justice. Hopkins (2004) indicated that dialogue creates opportunities for individuals to feel more valued, empowered, and vindicated in the disciplinary process.

Van Ness and Strong (2002) stated, "Criminal law is important because it vindicates the rights of secondary victims, it restrains and channels retributive emotions in society, and it is procedurally efficient" (p. 158). In order to change the process of handling rule breakers there must be an overall change in the public views about criminal behavior and human motivation within society. The restorative justice model argues that the goal when dealing with people who may have broken social rules should be to seek ways to heighten the future motivations that those people have to engage psychologically and behaviorally in society (Tyler, 2006). The restorative justice model towards punishment is predicated on motivating rule breakers to become more self-regulating in their future conduct. Tyler (2006) indicated that supporters of utilizing force for security and safety have acknowledged that negative attitudes towards enforcement are inevitably necessary consequences that are created by social control. Restorative justice discipline seeks to help youth offenders who continually challenge the law by allowing them an opportunity to be heard and listened to how their actions have altered the life of another individual. Rodriguez (2005) argued that "in theory, the collaborative effort between community members and criminal justice agencies produces an effective mechanism of crime reduction that may also lead to the solving of other community/neighborhood problems" (p. 105).

Van Ness and Strong (2002) indicated that rather than requiring all cultures and persons to apply a single set of values to particular conduct restorative justice accommodates pluralism. Crime is viewed differently by every culture and restorative justice allows for encounters, amends, reintegration and inclusion of all individuals who have suffered at the hands of violence. Restorative justice practices have the potential to decrease the rates of recidivism among youth offenders within the juvenile court system. Mukuria (2002) argued that practitioners should have more input on the decision-making process that pertains to disciplinary policies. Restorative justice principles include a variety of techniques that offers victims, offenders, and community members the opportunity to be involved in making decisions about disciplinary consequences.

#### Rationale for Restorative Discipline in Juvenile Courts

Bunch (2004) argued that the society's role is not simply to determine guilt or innocence of a child, but rather to look at the broader picture and address more difficult questions, such as: what is a child, how has a child become what they are in life, and what had best be done in a child's interest and in the interest of the state to save a child from a downward career. The juvenile justice system has been criticized for failing to be responsive to victims and the communities it serves (Schiff, 1998; Rodriguez, 2005). Citizens within the community are oftentimes fearful of youth offenders who eventually return back to the community after being arrested and detained for whatever crime that they committed. Ashely and Stevenson (2005) indicated that the rationale for restorative discipline within the juvenile correctional setting is to decrease the number of youth offenders sent to state detention facilities by identifying a particular group of youth

offenders who could be diverted to local community-based programs. The criminal justice system typically encourages people within the community to allow justice to run its course through the court system; however, local citizens can be vital to the reduction of crime.

Riveland (1999) indicated that during the mid-1970's, several jurisdictions enacted the community corrections act based on the premise that certain types of offenders could best be managed and treated in the community from which they came. The overflow of prisoners created a need for community corrections, which insisted that offenders should be reintegrated back into the communities. Reintegration is a key component of restorative justice. Communities become safer when members of the communities have the opportunity to express their concerns about criminal behavior and offer practical solutions that mitigate criminal or deviant behavior. The overcrowding of prisons forced prison administrators to create alternative programs such as restorative discipline and work opportunities for inmates so that the rise in cost for rehabilitating these inmates would decrease. Riveland (1999) also suggested that money would be saved by decreasing the construction of new prisons and that a portion of the money that came from the decrease of new prison construction could go towards creating and operating rehabilitative community programs within our society.

#### Implementation of Restorative Discipline in Juvenile Court

Ashely and Stevenson (2005) indicated that the balanced and restorative justice model was a concept developed in part by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in order to make the philosophy of

restorative justice applicable to the modern U.S. justice system. The authors also indicated that the balanced and restorative justice model has three major principles that guide the response to juvenile delinquency. The first principle is accountability which provide chances for the violator to be held responsible to the people they have harmed by encouraging the violator to fix whatever harm they may have caused to the best of their ability. The second principle is community safety, which understands the importance of establishing and promoting cohesive relationships within the community in order for community members to feel safe. The third principle is competency development, which attempts to enhance the emotional and social skills of youth offenders in order to curb their delinquent behavior and increase their self-esteem (Ashely and Stevenson, 2005).

As of March 2005, at least 16 states included balanced and restorative justice in the purpose clauses of their juvenile courts (Ashely & Stevenson, 2005). Brief summaries of five juvenile justice systems across the country were selected based on their state's continued commitment to implement a balanced and restorative justice approach towards disciplining youth offenders. The summaries will display the history, similarities and differences of juvenile court systems of similar size that are currently operating under the foundational tenets of restorative justice. The Metro County Juvenile Court System in Atlanta, Georgia, the Illinois Juvenile Court System, the Allegheny County Juvenile Court Services in Pittsburgh, Pennsylvania, the Dakota County Community Corrections in Minneapolis, and the Palm Beach County Juvenile Justice System in Florida have all adopted a balanced and restorative justice approach towards dealing with youth crime.



### Metro County Juvenile Justice System

The Metro County Press Release (2007) indicated that the Metro County Juvenile Court mission is to be committed to the care, safety and guidance of children; to respectful and just treatment of all involved; to the personal development and accountability of children and their families; to public safety, and to restoration of victims and communities. The Court is open from 8:30 a.m. to 5:00 p.m., Monday through Friday. The Metro County Juvenile Court created its first Community Restorative Boards on October 23, 2007, with the support of the Metro County Commissioners, the Atlanta City Council and communities throughout Metro County and the City of Atlanta. The Metro County Press Release (2007) also indicated that the Metro County Juvenile Court Judge Belinda E. Edwards swore in the first Community Restorative Board members on Thursday, October 18, 2007, at 5:30 p.m. in the Romae T. Powell Juvenile Justice Center at 395 Pryor Street in Atlanta. The members represent boards in Northwest Atlanta, Southwest and Southeast Atlanta and South Metro County. The ceremony was made public to the community.

Community Restorative Boards were created as a result of the growing concern about juvenile delinquency. The boards give communities the opportunity to resolve crime, while holding juveniles accountable for their actions. Restorative justice teaches young offenders that crime harms people, communities and relationships. More than 40 citizens across Metro County initially volunteered to serve on the first Community Restorative Boards. These citizen boards give juvenile offenders the opportunity to right their wrongs and redeem themselves, in their own eyes and in the eyes of the

community. Board activities included collaboration with the courts, police and corrections. The approach has proven to be an effective method of reducing crime in many jurisdictions. Funding for the Boards was provided by a five-year grant of nearly \$62,000 from the U.S. Department of Justice, Office of Juvenile Justice Delinquency Prevention, Project Safe Neighborhoods.

### Illinois Juvenile Justice System

The juvenile justice system in the state of Illinois utilizes the balanced and restorative justice model as a guide in adjudicating youth offenders. Ashely and Stevenson (2005) indicated that the Illinois Criminal Justice Information Authority (ICJIA) was developed in 1983 to enhance the research and development of the state's criminal justice system. The authors also indicated that in 1998, the Illinois' Juvenile Court Act was restructured to include a purpose and policy statement implementing the balanced and restorative justice model for all juvenile delinquency cases. Detention centers across the state of Illinois have started allowing youth offenders to perform community service and offering opportunities for victim restoration, which are part of the cornerstone for restorative discipline. The Illinois Juvenile Court System implements peacemaking circles, which brings together parties in conflict with each other to discuss and settle a problem. A trained facilitator who allows individuals to safely share their feelings and information related to the offense monitors the circle. Family members of the victim as well as the offender can participate in the circle conversation with permission from the youth detention center administration. Implementing the

peacemaking circle illustrates how the Illinois Juvenile Justice System is moving towards a restorative justice approach to handling youth conflict.

#### Allegheny County Juvenile Court Services

The Allegheny County Juvenile Court Services created the Community Intensive Supervision Project (CISP) in June of 1990, which is governed by the director of juvenile court services. The project started with three centers in Pittsburgh communities and immediately established two more centers in 1994 and 1995 respectfully. According to the U.S. Department of Justice (2009) the purpose of (CISP) is to provide an alternative to imprisonment for youth under court supervision who continue to commit delinquent acts. The project is consistent with the balanced and restorative justice model in that it emphasizes establishing neighborhood safety without using secure detention of juveniles. The project monitors the activities of each juvenile delinquent in order to ensure that the likelihood of the youth offender will not commit another crime while in the program. The staff members are trained to exemplify the importance of education and new expectations for juvenile delinquents so that an atmosphere of a more balanced and restorative justice system is created.

#### Dakota County Community Corrections

Dakota County Community Corrections began to shift from retributive punishment to restorative justice discipline in 1993 as part of their effort to create community safety and crime prevention. According to the U.S. Department of Justice (2009) on January 5, 1995, Dakota County Community Corrections drafted a new mission statement that highlighted the county's support of restorative justice principles.

The mission statement indicated that they are committed to preventing crime and repairing harm caused by crime by promoting community safety, accountability, and justice for victims, and respectful treatment for all involved. The Dakota County Department of Juvenile Justice consists of five different committees or groups that handle everything from assessment and case planning, intake support, community work service, victim restoration unit, and restorative justice marketing and financing. The organizational change began when key staff members were informed about the principles of restorative justice. Action groups were developed in order to organize and represent each area of the balanced and restorative justice model. The vision of the project was recommended by the action groups in order to create a mission statement. The mission statement was adopted and the implementation of the project began shortly afterwards. The U.S. Department of Justice (2009) indicated that the Dakota County restorative justice efforts have an approximately 80 percent support rate from the department.

#### Palm Beach County Juvenile Justice Department

The Palm Beach County Juvenile Justice Department began implementing restorative justice principles in 1993 when the department was selected to become a pilot site for the national balanced and restorative justice project. The U.S. Department of Justice (2009) indicated that Palm Beach County began implementing three basic strategies in order to create a functional restorative justice system within their juvenile court. Initially the court administration and the coordinator of the pilot study had to work together to promote the principles that supported their efforts to involved stakeholders,

victims, offenders, and the community in administering justice. The courts had to educate important community leaders in the district about the effectiveness of restorative justice principles through continued dialogue, debate, and forums. Finally, the courts had to develop and train talented staff members to lead the new restorative justice initiatives. Palm Beach County Juvenile Court allotted little attention to the victims of juvenile crime and in some cases avoided victims altogether prior to the implementation of the balanced and restorative justice model. The U.S. Department of Justice (2009) also indicated that Palm Beach Juvenile Court began to develop its infrastructure to support projects that provide youth with the opportunity to learn marketable skills, earn money for restitution, and act as responsible members of their communities. The court received two grants to fund support service projects for first- and second-degree misdemeanors of youth offenders, which involves the offending youth's participation in creating, planning, and implementing community service projects as a form of restitution for victims. The Juvenile Court of Palm Beach recognizes that it is hard to get direct victim involvement in criminal cases that would warrant restorative justice discipline of youth offenders. Therefore, staff members must be convinced of the idea of the need for a balanced and restorative justice model, because they will be responsible for the necessary continuous work with the victims and offenders.

#### Impact of Restorative Justice Discipline in Juvenile Court

Rodriguez (2005) used official juvenile court data and census information from an urban county in Arizona to examine the effectiveness of the restorative justice program from January 1999 through June 2001. The study sought to determine if recidivism

increased or decreased based upon the youth who participated in the program. Juveniles that were tracked for a 2-year period while under juvenile court jurisdiction and were followed for a 24-month period after a petition was filed with the court. The court used any additional petitions against the youth offender as an indicator to determine recidivism during this time. The results of the study suggested, "Juveniles who participated in the restorative justice program were less likely to recidivate than were offenders in standard supervision programs" (p. 121).

Nugent, Umbreit, Wiinamaki, and Paddock (2001) conducted a study to determine the extent to which four investigations of different evaluations of victim-offender mediation programs successfully measured the effectiveness of repeat offenders participating in the mediation process. The researchers evaluated the re-offense rates of four different victim-offender mediation programs in order to determine the impact that mediation had on the youth offenders who were referred to the program. The research analyzed the victim-offender mediation program data from a study conducted in Anderson, Tennessee, which randomly sampled 125 victim-offender mediation cases and 150 cases of non-mediated cases. The results indicated that victim-offender mediation participants re-offended at a rate of 37.5% lower than non-participants. Nugent et al. (2001) indicated that the results also showed that victim-offender mediation participants committed 58% fewer minor offenses and 31% fewer property and violent offenses than non-participants. The researchers analyzed the victim-offender mediation program data from a study conducted in two counties in Tennessee, which randomly sampled 203 victim-offender mediation cases and 217 non-mediated cases. The results of the study from this program evaluation indicated a

38.4% reduction in re-offenders associated with victim-offender mediation participation and 54% fewer minor offenses with 16% fewer violent offenses than non-participants.

Nugent et al., (2001) evaluated data from a victim-offender mediation program in California that compared the one and two year re-offense rates of a random sample of 131 victim-offender mediation participants and 152 non-participants in order to measure the affects of the victim-offender mediation process. The results of the study from this program evaluation indicated about 16% of victim-offender mediation participants re-offended during the first year in comparison to 19.1% of non-participants. The researchers evaluated data from a victim-offender mediation program in Tennessee, which investigated the relationship between participation in a victim-offender program and re-offense rates of 275 juveniles over a one-year period. Nugent et al., (2001) finally evaluated victim-offender mediation programs conducted over four states with a total of 320 juveniles, 160 of whom went through a victim-offender mediation program and the results indicated that participants had a lower re-offense rate at 18.1% after one year in comparison to non-participants at 26.9%.

Nugent, Williams, and Umbreit (2004) conducted a meta-analytic study of the relationship between participation in victim-offender mediation and the prevalence of subsequent delinquent behavior. The research evaluated results from 15 different studies at 19 different locations throughout the country that had a total sample size of 9,307 juveniles. This meta-analysis study evaluated data from victim-offender mediation programs that focused primarily on juveniles and programs that investigated the impact of mediated participation and delinquent behavior. Nugent, et al., (2004) found that the odds of victim-offender mediation participants of re-offending may be as

great as the odds of non-participants re-offending, which suggested a relationship between participating in victim-offender mediation and reduced delinquent activity.

The current study selected and evaluated the annual report summary of Metro County Juvenile Court in Atlanta, the Cuyahoga County Juvenile Court in Cleveland, and Allegheny County Juvenile Court in Pittsburgh in order to further illustrate the impact that restorative justice discipline has on youth offenders within the juvenile justice system. The three counties were purposely selected because of the balanced and restorative justice disciplinary model that all of their juvenile court systems implement and also because of their population size and demographics in relation to each other. The United States Census Bureau (2008) indicated that Metro County in Atlanta, Georgia had a population of 963,676 with an ethnic demographic profile of 48% European American, 42%, African American, 8% Hispanic American, and 2% Other. Allegheny County in Pittsburgh, Pennsylvania had a population of 1,226,174 with an ethnic demographic profile of 83% European American, 13% African American, and 4% Hispanic. Cuyahoga County in Cleveland, Ohio, had a population of 1,310,905 with an ethnic demographic profile of 66% European American, 29% African American, and 5% Hispanic. The evaluations of the annual summaries were also compared in terms of efficiency and effectiveness among each other.

The annual report of Metro County Juvenile Court Community Restorative Boards (2008) indicated that there were a total of 450 youth offenders referred to the Community Restorative Boards. In 2007, a total of 61 youth offenders did not show up to the community restorative conference to be sanctioned at a rate of 14% and 15 youth offenders participated in one-on-one conferences at a rate of 3%, which means that the



youth offender had a one-on-one conference with the probation officer. Out of the total number of youth offenders referred there were 276 males at a rate of 61% and 174 females at a rate of 39%. A total of 13 youth offenders were sanctioned to pay restitution totaling \$2020 and 86 youth offenders were ordered to complete 1,333 community service hours and 83 youth offenders successfully completed 1,096 hours. The report card summary of the Community Restorative Boards also indicated that out of 450 juveniles only 21 youth offenders recidivated. The total recidivism rate of youth offenders was based on 90 days from the date that each case was closed, which equaled to 16.5%.

The Allegheny County Balanced and Restorative Justice Juvenile Probation Annual Report (2008) indicated that there were a total of 53 juvenile cases referred to the Victim Offender Dialogue Program out of 6,091 youth offenders in 2008. The cases involved 71 victims and 63 juvenile offenders participating in the conference. The report indicated data on the gender breakdown of all cases referred to the Juvenile Court, which were 5000 males and 1091 females. All cases that went to the final mediation conference were successfully completed at a rate of 100%. A total of 674 juvenile offenders were ordered to pay \$336,361 dollars in restitution. A total of \$223,465 dollars in restitution was paid at a completion rate of 81%. The report indicated that a total of 1,533 juvenile offenders were ordered to complete community service hours. A total of 91,481 hours of community service was ordered and 90,672 hours were completed at a rate of 96%. The average age of juvenile offenders referred to the juvenile court was 16-years-old, and out of 2,040 closed cases 288 juvenile offenders recidivated at the rate of 14%.

The annual report of the Cuyahoga County Juvenile Court in Cleveland (2008) noted that there were 1,986 court ordered community service referrals and 1,213 referrals were successful with a carryover of 573 referrals to the following year of 2009. The report also noted that a total of 194 youth offenders completed community service hours on Saturdays with each youth averaging 40 hours. A total of \$26,904 in restitution from the youth offender had been collected from the time the community program started. The average restitution per youth offender is \$230. The research comparison indicated that the Metro County Juvenile Court Community Restorative Boards had a higher number of juvenile offenders referred to restorative boards than Allegheny County but lower than Cuyahoga County restorative boards. Metro County had 450 cases referred to the Community Restorative Boards; Allegheny County had 53 cases referred to the Community Accountability Panels out of 6,091 juvenile offenders that qualified to be referred to the community panels, and Cuyahoga County had 1,213 case referrals to their conferencing program. The Metro County Restorative Boards had a lower amount of youth who were ordered to pay restitution than Allegheny County Community Panels and Cuyahoga County Juvenile Court. Metro County had 13 juvenile offenders that paid \$2,020 dollars while Allegheny County had 674 juvenile offenders that paid \$233,465 dollars and Cuyahoga County Juvenile Court had 1,213 youth offenders that paid \$26,904.

The summary comparison also indicated that Metro County Restorative Boards had a lower number of juvenile offenders that were ordered to complete community service hours than Allegheny County and Cuyahoga County Juvenile Court. Metro County had 83 out of 86 juvenile offenders completing 1,096 hours out of 1,333 hours

ordered. Allegheny County had 1,533 juvenile offenders to complete 90,672 out of 91,481 hours of community service, and Cuyahoga County Juvenile Court had 194 youth offenders for a total of 51,200-community service. The Metro County Restorative Boards had a recidivism rate of 16.5%, which was higher than Allegheny County at 14% and Cuyahoga County Juvenile Court did not report any recidivism rates in their yearly annual report. The research indicates that Metro County Juvenile Court did a better job at referring juvenile offenders to restorative conferences than Allegheny County Juvenile Court but had much fewer referrals than Cuyahoga County Juvenile Court. The research also indicates that Allegheny County Community Panels had a lower recidivism rate than Metro County. The current research attempts to close the gap in the literature between the awareness and the implementation of restorative discipline practices within the juvenile court system.

### Summary of the Review of Literature

The national concerns over the problems of violence in our schools deepened in the early 1990's, which prompted Congress to pass the Gun-Free Schools Act in 1994 with the intention of withholding federal funds from states that failed to legislate and enforce policies that would combat school violence (Skiba & Peterson, 2000; Casella, 2003). The Gun-Free Schools Act of 1994 mandated the expulsion for at least a year of any student bringing a gun to school but allowed school administrators to modify the expulsion on a case-by-case basis. The rationale for zero tolerance is its purported efficacy in sending an unequivocal message to children and youth about the seriousness of certain behaviors and drawing clear lines of discipline between

appropriate and inappropriate behavior, all in the attempt to keep schools safe (Nuguera, 2003; Casella, 2003; Skiba et al., 2006). Zero tolerance policies are the link between schools and prisons. Not only is it a policy that steers students from classrooms, through the labyrinths of the justice system, and into the prison cell, but also it is a philosophy that is shared by both schools and prisons in equal measure (Casella, 2001). Opponents of zero tolerance school policies contend that zero tolerance policies have been ineffective from its inception (McCune, 2000). Tebo (2000) indicated that implementing zero tolerance school policies results in snaring large numbers of regular kids in a broad net designed to fish for troublemakers. Robbins (2005) indicated that the focal point of zero tolerance school policies is punishment and exclusion. The increase in the arrest and incarceration rates of youth offenders in criminal courts have sparked major debates as to how to respond to juvenile delinquent cases within the justice system (Hellum, 1979; Fagan, 1991, 2008; Bishop, et al., 1996; Snyder, 2008; Adams & Addie, 2009). Restorative justice views crimes as a harm to individuals, their neighborhoods, the surrounding communities, and even the offender and strives to promote healing through structured communication processes among victims, offenders, community representatives, and government officials (Gilbert & Settles, 2007; Hopkins, 2004). The victim has the need for information, the need for truth telling, the need for empowerment, and the need for vindication or restitution. The offender has the need for accountability, the need to experience personal transformation, the need for encouragement and support for integration into the community, and the need for temporary restraint, if necessary (Bazemore, 2005). Zehr (1990) indicated that restorative justice is concerned with the needs that crimes create.

Restorative justice has gained strength from a number of different events, including concern about the lack of formal rights belonging to victims of crimes (Stickle, 2008), programs created by the victim's rights movement (Stickle, 2008; Howarth, 2000), and the concern over overwhelming costs of high incarceration rates (Consedine, 1995; Petteruti, Walsh, & Velazquez, 2009). Advocates of restorative justice contend that it strives to promote peace and order for the community, vindication for the victim, and recompense for the offender (McCold, 2006). It also builds communities of care around individuals while not condoning harmful behavior, in other words holding individuals accountable for their actions (Morrison, 2002).

The nature of power and power relations in zero tolerance is from top to bottom, dominating, coercive, and imposing under the guise of maintenance of discipline (Solomon & Palmer, 2004). Opponents of zero tolerance see its most dangerous impact on blacks as a racial minority, including its construction of blacks as a group to be feared, to be monitored and channeled to restrictive learning environments (Solomon & Palmer, 2004). Noguero (2003) argued that stringent disciplinary measures, such as zero tolerance policies and procedures, are adopted less for their effectiveness than for their symbolic value. Restorative justice provides an opportunity for juvenile court systems to practice participatory democracy in their attempts to solve problems around incidents of misconduct they find challenging or disturbing, as well as an opportunity to explore how the life chances of the offenders, victims, and their families might be improved, and how the system might be transformed in ways likely to minimize the chance of further harm (Cameron & Thorsborne, 2001).

The purpose of this study was to analyze the disciplinary functions and procedures of the Metro County Juvenile Court Community Restorative Boards. The perceptions of two board members and three juvenile court officials were analyzed in an effort to better understand the implementation of restorative justice discipline toward youth offenders. The research is an attempt to add to the literature about a restorative justice disciplinary approach within the juvenile justice system that could potentially decrease the number of youth that are incarcerated each year. The overarching guiding research questions for this study are how and why does the Metro County Juvenile Court Community Restorative Boards implement restorative discipline towards youth offenders, and how do they operate when dealing with disciplinary cases of youth offenders? The current research has utilized a qualitative case study to analyze data from volunteer board members on the Community Restorative Boards and juvenile court officials that work the Community Restorative Boards in an attempt to better understand the emergence of restorative justice discipline as an alternate to traditional retributive discipline within the juvenile court system.

## CHAPTER 3

### METHODS AND PROCEDURES

#### Overview

The current chapter discusses the methodology and research procedures used to explore the beliefs, views, values, perceptions, and procedures of two board members and three juvenile court officials of the Metro County Juvenile Court Community Restorative Boards. The chapter is organized by the following sections: Methodological rationale, research questions, research setting, sample population, negotiating entre, role as the researcher, data collection plan, data management plan, data analysis, confidentiality and ethical considerations, guidelines for interpreting findings, and guidelines for the dissemination of results.

#### Methodological rationale

A qualitative case study was used to analyze how two board members and three juvenile court officials of the Metro County Juvenile Court Community Restorative Board implement a restorative justice disciplinary model toward youth offenders. Board members meet with youth offenders, families, and victims after a crime has been committed in order to discuss the impact of the crime on the victim and community. Juvenile court officials ensure that quality support and counseling services are provided to all program clients and provide leadership to staff in the day-to-day operation of the community restorative boards as well as operational accountability to ensure both financial and service goals are achieved or exceeded. Yin (1994) indicated that there are five significant components of a case study research design, which are questions,

propositions, units of analysis, rationale linking the data to the propositions, and the criteria for interpreting the results. This study seeks to explore how and why the Metro County Juvenile Court Community Restorative Boards implement restorative justice discipline toward youth offenders. Yin (1994) indicated that, case studies are the preferred strategy when “how” and “why” questions are being posed, when the researcher has limited control over events, and when the focus is on a modern phenomenon within some real life context. The study’s research proposition is that the Metro County Community Restorative Boards implement restorative justice discipline because they would like to decrease the number of youth offenders who are being adjudicated and incarcerated for non-violent first-time offenses. The unit of analysis for this study is a small group of five individuals that have a minimum of three years of work experience and knowledge about the process of utilizing a restorative justice disciplinary model towards youth offenders within the juvenile court system. The Metro County Juvenile Court allowed the researcher to conduct interviews and observations of the Northwest Community Restorative Board over six-months, from March to August of 2009, which was predetermined by the juvenile court administrator prior to the start of the investigation.

The scope of the research focused on the implementation of processing youth offenders through the community restorative board conferences. Yin (1994) suggested that the case study inquiry relies on multiple sources of evidence. Data in this study were gathered through narrative interviews, participatory observations, and document analysis within the Metro County Juvenile Court system.



Merriam (1998) suggested that a qualitative study is an intensive, holistic description and analysis of a single instance, phenomenon, or social unit with boundaries. The current case study was bounded because of the amount of time that the juvenile court administrator allotted for the researcher to conduct the study. Yin (1994) noted that for almost any topic that might be chosen, specific time boundaries are needed to define the beginning and end of the case. The number of participants that were selected also bound the case study because there were not enough available participants that could be interviewed and observed to provide pertinent information regarding the research topic. Merriam (1998) added that one technique for assessing the boundedness of the topic is to ask how finite the data collection would be, that is, whether there is a limit to the number of people involved who could be interviewed or a finite amount of time for observations.

The researcher attempted to better understand how and why restorative justice practitioners implemented restorative justice disciplinary model towards youth offenders involved in community restorative conferences. Marshall and Rossman (2003) noted that people must assign meaning to their experiences so that their experiences can be understood. Eisenhart (2001) suggested that only by watching carefully what people do and say, following their example, and slowly becoming a part of their group, activities, conversations, and connections do we stand some chance of grasping what is meaningful to them. Observing and examining the perceptions of restorative justice practitioners within the juvenile court system enabled the researcher to analyze how juvenile court officials and restorative board members developed and maintained a more balanced and restorative justice approach towards disciplining youth offenders.

This approach is already being implemented within several juvenile court systems as an alternate to the traditional retributive disciplinary model that saturates the current juvenile justice system.

#### The core or guiding research question(s)

Locke, Spirduso, and Silverman (2007) stated, "All research emerges from a perceived problem, some unsatisfactory situation in the world that we want to confront" (p. 44). The problem that this study attempts to confront is predicated on creating a restorative justice disciplinary approach as a compliment or supplement to the disproportionate usage of retributive discipline within the juvenile court system. The guiding research questions for this investigation are as follows:

1. What are the functions of the Metro County Juvenile Court Community Restorative Boards and how do they operate when dealing with disciplinary cases of youth offenders?
2. How have restorative justice practitioners within the juvenile court system implement restorative justice discipline on youth offenders?
3. How do restorative justice practitioners within the juvenile court system think about restorative justice as a form of discipline?

#### The research setting

The current study serves as an attempt to understand and explore the implementation of restorative discipline within the Metro County Juvenile Court System. The Northwest Community Restorative Board is a single unit within a system of seven

boards that are situated within the Metro County Juvenile Court. The setting for this study was in the Metro County Juvenile Court, which is located in downtown Atlanta, Georgia. The Metro County Juvenile Court is one of the largest in the state of Georgia and would be considered urban due to the amount of children the court serves. The Metro County Juvenile Court Probation Department's Diversion Unit refers juvenile delinquent cases to the Community Restorative Boards. The Probation Department's Diversion Unit receives referrals from law enforcement agencies, schools, private citizens, and juvenile court judges. The Community Restorative Boards' Diversion Intake process work with youth offenders between the ages of 7-17 and their families, based on the belief that not all cases are best handled through a court hearing. The Community Restorative Boards serve as a part of the Probation Department's Diversion Program and the probationary officer is responsible for making sure that each case is properly assessed. The researcher analyzed the Metro County Juvenile Court Community Restorative Board 2007–2008 Report Card Summary, which outlined the following data: Total number of cases conferenced by each board, including the number of cases with "no shows" and one-on-one conferences, which are conferences that are held between the youth offender, parents of the youth offender and the probation officer in lieu of the community board members; number of juvenile offenders referred by gender; percentage of conferences scheduled by boards; number of board members' volunteer service hours including restorative conference hours and training hours; the amount of restitution ordered and paid along with the number of youth ordered and completing restitution payments; number of youth ordered and completing community

service hours; average age of youth referred to the Community Restorative Boards; and total recidivism rate for the year.

The summary report also indicated that there are seven Community Restorative Boards. The researcher observed the Northwest Community Restorative Board for this study. The boards were assigned a number of cases throughout the year, which are as follows: The South Fulton Board had a total of 117 conferences at a rate of 26%; the Southeast Board had a total of 74 conferences at a rate of 16%; the Northwest Board, which is the board that the researcher analyzed for this study had a total of 89 conferences at a rate of 20%; the Southwest (A) Board had a total of 91 conferences at a rate of 20%; and the Southwest (B) Board had a total of 79 conferences at a rate of 18%.

#### Demographics of sample population

A purposeful sample was used in this study to select two board members and three juvenile court officials of the Metro County Juvenile Court Community Restorative Board for a total of five participants. Purposeful sampling is based on the assumption that the investigator wants to discover, understand, and gain insight from a sample population (Merriam, 1998). The researcher created pseudonyms for each participant, which are as follows: Mrs. Judge, Mr. Roll, Mrs. Heaven, Mr. Leader, and Mr. Chance. The participants had to reflect a certain criteria in order to be purposely selected for this study. The participants had to have worked with juvenile delinquents in some capacity at the Metro County Juvenile Court since the inception of the Community Restorative Boards; had to have been an administrator of the Metro County Juvenile Court Community Restorative Boards since its inception; and had to have been involved with

the Community Restorative Boards for at least three years in order to ensure that each participant had thorough knowledge of the Metro County Juvenile Court Community Restorative Board.

The participants were contacted either by phone, electronic mail, or personal contact for the purpose of recruitment to participate in this study. The participants were given an abstract about the study and they were screened for inclusion criteria if they displayed interest in participating in the study. The selected participants were given an informed consent document to review and sign if they chose to participate in the study. The informed consent document outlined their responsibilities and commitment to the study. Merriam (1998) noted that convenience sampling is just what is implied by the term; you select a sample based on time, money, location, and availability of sites or respondents. The researcher experienced accessibility issues when trying to obtain permission to interview the probation officer who helped facilitate the Northwest Community Restorative Boards. The probation officer's immediate supervisor did not allow the researcher to conduct any interviews with this official who worked with the board members. The Metro County Juvenile Court judge was not interviewed for this study because the researcher was informed that the judge does not work directly with the Boards and that time will not permit the judge to be an active participant. Therefore, the researcher selected participants who were well informed with the culture of the Metro County Juvenile Court and who implemented restorative justice disciplinary practices towards youth offenders.

### Duties of Community Restorative Board Members

The community restorative board is made up of anywhere between three to five volunteers who formally meet with the youth offender, victims, and parents at the Metro County Juvenile Court from 6:00 p. m. to 8:00 p. m. deliberating over criminal cases. The board officials provided the researcher a copy of each board member's resume and job description that outlined their responsibilities. Mr. Roll and Mrs. Judge were the two board members who participated in this study and they have three primary duties during restorative conferences. The first duty of each board member consists of meeting with youth offenders, families, and victims after a crime has been committed in order to discuss the impact of the crime on the victim and community. The second duty of each board member consists of developing a consensus about how to make things right. The third duty of each board member consists of providing a reparative solution or sanction against the youth offender. A key role of the board member is to help the youth offender accept responsibility for the harm done. The restorative board members hear the case, administer sanctions, and request the parent and the youth offender to sign an Informal Adjustment Agreement, which outlines the stipulations of the sanctions. A copy of the Informal Adjustment Agreement is located in the Appendix. The restorative sanctions may include but are not limited to seeking counseling services, attending anger management classes, performing community service, and paying restitution to the victim.

The board members analyzed the case notes and police reports of each youth offender, which was provided to them by the probation officer. Board members randomly selected the facilitator of the community restorative conference based upon a

predetermined unspoken rotation of who facilitated the last conference. The board members decide on who will facilitate each conference at which time they advise the probation officer to bring in the first youth offender and their family. The facilitator started each conference thanking each person for participating in this process. The facilitator also stated their role and asked everyone to introduce themselves and their function in this process. The facilitator took a few minutes to explain the restorative process that will be used and the expectations of each board member within this process. The facilitator started each conference advising that the board members will only focus on the incident that brought everyone here today and that they will be exploring how the youth offender's behavior affected the victim so that they can help repair the harm that was caused by this behavior. The facilitator also indicated this was a voluntary process and that anyone can choose to end his or her participation at any time.

The facilitator talked briefly about the restorative conference rules, which insist that all participants are expected to treat each other with respect, allow each person the opportunity to speak, uninterrupted, for as long as needed in order to express their feelings, no threatening and/or abusive language or actions will be permitted, and statements made here today will be kept confidential and private. First, the board members asked the youth offender to explain what happened and how their choices affected the victims and the community, so that everyone present could have a clear understanding of what occurred. If the victim was in the room, they were given an opportunity to tell the board how the youth offender's actions have affected them. Second, the board members asked the parents or guardians of the youth offender to

give a statement about the youth offender's behavior and character. The victim was invited to the proceeding but had an option to orally participate or not. Third, the board members asked the youth offenders and their parents to make some suggestions as to how they could help repair the harm that was caused to the victim, at which time they had an option to make some suggestions. Board members took notes during the entire time in order to paraphrase what took place during the conference, which helped influence youth offender's sanctions. Fourth, the facilitator summarized what was stated during the conference in order to give people an opportunity to correct or clarify their statements before the board members began to deliberate. Fifth, the board members asked the probation officer to bring the family and the youth offender back into the room, at which time the sanctions would be explained to them. In conclusion, the facilitator asks everyone if they agreed to the sanctions and suggest that the youth offender and parent sign the Informal Adjustment Agreement. The facilitator then thanks everyone for the effort and attention they put into the conference in order to help prevent the youth offender from misbehaving in the future.

#### Duties of the Community Restorative Board Officials

The researcher interviewed three juvenile court officials, who are as follows: Mr. Leader, Mr. Chance, and Mrs. Heaven. Mr. Leader is a Director within the Metro County Juvenile Court and his position is responsible for the overall fiscal performance of the Community Restorative Boards. He also ensures that quality support and counseling services are provided to all program clients and provides leadership to staff in the day-to-day operation of the facilities, as well as, operational accountability to ensure both financial and service goals are achieved or exceeded. Responsibilities



include but are not limited to: Program supervision as well as administrative functions in the court and family services department of the juvenile court. Mr. Leader is also responsible for the quality of the casework and the efficient quantitative work of staff. He serves on professional and lay committees outside the agency as well.

Mr. Chance is a coordinator within the Metro County Juvenile Court and his position is responsible for reviewing crime reports of potential restorative cases. The restorative board coordinator advises the victim about the restorative process and invites the victim as well as their parents to the pre-conference. He maintains telephone contact with victims, offenders, support people, communities, schools, police officers, volunteers, etc. to explain the process and schedules restorative justice conferences and training. He works collaboratively and communicates regularly with partners and other referring agencies. He maintains clear and complete records in each restorative case file and monitors the completion of youth offender contracts. He also maintains a database of volunteers and provides training for volunteer community members. He collaborates on a bi-weekly update to volunteer facilitators and community members. He also creates weekly staff updates outlining cases and completions. He interfaces with different representatives from criminal justice agencies throughout the metro area. Mr. Chance also tracks statistical program information (including recidivism) on a database. He brainstorms and solves problems with volunteer board members and staff as well as facilitates restorative justice conferences as needed. He also assists with program marketing by making public presentations at community meetings.

Mrs. Heaven is a program manager within the Metro County Juvenile Court and her position is responsible for participating in the development of service delivery plans for

each client that incorporates all special needs. She monitors client behavior and implements program behavior management procedures as needed. She also serves as a positive role model to youth offenders while following program guidelines for professional conduct and code of ethics. Mrs. Heaven assists clients in working on program goals and provides client services in areas of growth, responsibility, education, vocation, legal, and needs related to family and friends. She also assists in the training of other staff as well as assigned volunteers and interns, and attends court hearings of all clients that are assigned to her.

The probation officer who organized the Northwest Community Restorative Board conferences was not interviewed but he was mentioned in the researcher's observational notes. The researcher was denied access to interview the probation officers due to the probation officer's limited amount of experience working with the Northwest Community Restorative Boards. However, the researcher felt obligated to provide the readers with a description of the probation officer's job description. The probation officer is responsible for thoroughly investigating the youth offender's personal history, background and environment. He also reports findings to the court and is prepared to make appropriate recommendations on case dispositions. The officer also conducts restorative board pre-conferences with youth offenders and their families; assists in referring youth offenders to social resources in the community and enforces court orders. He also recommends revoking of probation and/or modification of court orders when necessary. The officer refers youth offenders to community agencies that offer specialized services required for a particular individual's needs, and contacts

collateral sources for information to evaluate or verify current information on youth offender's adjustment.

The first step the probation officer must take is to contact the youth offender, victim of the crime, and their parents by mailing a formal letter to their address. Second, the officer schedules the youth offender for the (YASI) Youth Assessment Screening Instrument, which is an innovative model for assessment of risk, needs and protective factors in youth populations. YASI features measurements of both risks and strengths in juvenile populations with other high-risk youth so that the level of services that a youth may need is administered during this restorative process. A copy of the (YASI) document is located in the Appendix. Third, the officer advises the youth offender of their rights and is given an option to sign waiver forms if they agree to participate in the process. If they do not agree, the youth offender will receive a regular court date to go before the juvenile court judge. The restorative board coordinator provides a monthly community restorative board schedule of hearing dates for the probation officer. Fourth, the probation officer schedules restorative conference dates for the youth offender who agrees to participate in the process. Fifth, the officer serves an official subpoena to the parent and youth offender for the restorative board conference, at which time a confirmation is provided that the youth offender is admitting to the charges. Finally, the officer attends the pre-conference on the scheduled date with all of the youth offenders and their families thirty minutes prior to the arrival of the restorative board members. The officer explains the formalities of the conference to everyone involved with the case during this pre-conference. The probation officer is responsible for monitoring each case for compliance. If the youth offender successfully completes the sanctions, the

juvenile court does not prosecute the youth offender's case. The case is closed and the record is sealed. However, if the youth offender fails to complete the sanctions, the youth is prosecuted to the full extent of the law. Table 1 provides demographic characteristics of the five restorative justice practitioners of the Metro County Juvenile Court Community Restorative Boards, including their gender, race, age, religion, educational backgrounds, income, and professional work experiences.

TABLE 1: *Participants' Gender, Race, Age, Religion and Years of Experience*

Participant	Gender	Race	Age	Religion	Years Highest Exp. Education
Mrs. Judge	Female	Black	60	Christian	30 Master's
Mr. Roll	Male	Black	43	Christian	5 Bachelor's
Mrs. Heaven	Female	Black	40	Christian	8 Bachelor's
Mr. Leader	Male	Black	56	Christian	20 Master's
Mr. Chance	Male	Black	47	Christian	10 Bachelor's

All five participants who agreed to be interviewed for this study were African Americans who professed Christianity as their faith, two were females and three were males. The oldest participant was 60 years old and the youngest was 40 years old. Three of the participants had been involved in restorative justice service for ten years or more. They had accumulated a total of 73 years of restorative justice experiences, with an average of nearly 15 years per participant. The participants indicated they had received some type of training in restorative justice. Three of the participants became involved in restorative work through employment with the juvenile court. The participants made the decision to get involved in juvenile restorative justice at some

point during their professional careers. Table 2 shows how participants first became involve in restorative justice work.

TABLE 2: *The Beginning of Practitioners' Involvement in Restorative Work*

Type of Involvement	# of Participants
College Intern at Juvenile Court	1
Volunteer Probation Worker	1
Employment with Juvenile Court	3

As indicated in Table 3 all of the participants had graduated from college. Participants' college backgrounds reflect various disciplines related to the social services profession and the understanding of human behavior in the social environment. Two of the participants have earned their master's degrees and three had completed undergraduate programs awarding the bachelor's degrees. The master's degrees were earned in Social Work and Humanities/African American Studies. Two participants earned undergraduate degrees in social sciences, specifically political science, sociology, and psychology.

TABLE 3: *Participants' Highest Educational levels and College major*

College Major	Degree	# of Participants
African American Studies	Master's	1
Political Science	Bachelor's	1
Sociology/Psychology	Bachelor's	1
Sociology/Social Work	Master's	1
Unknown	Bachelor's	1

No participant advanced beyond the master's degree to earn his or her doctorate. One male participant earning the bachelor's degree did not indicate his college major. Table 4 indicates that all of the participants had been married at some point in time and had eleven children altogether. Three participants had indicated they were currently divorced or widowed. Two participants stated that they were currently married. Four participants indicated they had two children each. One married male had three children. Table 5 shows the distribution of income among the participants. All of the participants were middle-class African Americans earning annual incomes between \$45,000 and \$75,000 a year.

TABLE 4: *Participants' Marital Status and Number of Children.*

Participant	Marital Status	# Children
Mr. Roll	Married	3
Mrs. Judge	Widowed	2
Mrs. Heaven	Divorced	2
Mr. Leader	Divorced	2
Mr. Chance	Married	2

TABLE 5: *Participants' Annual Income*

Annual Income	# of Participants
\$45,000-\$54,999	2
\$55,000-\$64,999	1
\$65,000-\$74,999	2

One of the two participants earning the highest incomes was an official of the Metro County Juvenile Court Community Restorative Board serving in an administrative capacity, and the other was a volunteer board member employed at a wireless phone company.

### Negotiating entre

The researcher submitted a letter along with an abstract of the research proposal to the Metro County Juvenile Court administration requesting permission to conduct a study exploring the implementation of the Community Restorative Board's disciplinary model towards youth offenders. The researcher provided an abstract describing the study to each potential participant. The researcher hand delivered an informed consent form to each participant who showed interest in possibly participating in the study. Yin (1994) noted that before attempting to interview participants, you must adhere to the participant's schedule and availability, not your own. The researcher created a bi-weekly interview and observation schedule with each participant based on the days and times that they were available to meet, which happened to fall on the Community Restorative Boards conference days.

The researcher observed the Northwest Community Restorative Board members facilitate and deliberate over cases on the second and fourth Tuesday of each month starting in March and ending in August of 2009 between 5:30 p.m. and 8:00 p.m. Mr. Chance gave the researcher a copy of the bi-monthly restorative board calendar. The researcher has attached a copy of the Community Restorative Board bi-monthly conference calendar in the Appendix. The calendar shows the meeting dates of seven community restorative boards, which are the Southwest A Board, Southwest B Board,

South Annex A Board, South Annex B Board, Northwest A Board, Southeast A Board, and the Countywide Board. These boards are located throughout the entire Metro County. One probation officer is assigned to each of these boards. The calendar has the meeting times and the contact information of each probation officer that is assigned to each board. The researcher developed a relationship with the probation officer who was assigned to the Northwest Board by discussing the purpose of the study with him once entrance was approved.

#### The role of the researcher

The role of the researcher in this study was as a participant observer who built rapport with the participants within their work environment. The researcher established rapport with the participants by showing respect for their time, rules, regulations, and physical work environment. The researcher interviewed and observed two board members and three juvenile court officials on the Metro County Juvenile Court Community Restorative Boards for this study. The researcher was not a full participant or a complete observer in this study. Marshall and Rossman (2006) noted that a full participant goes about life in a role or set of roles designed in the setting and a complete observer does not engage in social interaction and may even shun involvement in the environment being studied. The researcher became immersed within the Metro County Juvenile Court environment in order to interview, take notes, and observe the procedures of how advocates for restorative justice discipline handled disciplinary cases of youth offenders.



Yin (1994) suggested that a participant-observation is a special mode of observation in which you are not merely a passive observer. Instead, you may assume a variety of roles within a case study situation and may actually participate in the events being studied. The researcher went through two major transformations throughout the course of this study that influenced his role as a participant observer of the Northwest Community Restorative Board. First, during the researcher's initial observation he did not sit at the conference table to take notes but on the side of the table near the back. However, the board members immediately called the researcher to the conference table during the deliberation process of the very first case that the researcher observed. The board members asked the researcher for his opinion about the youth offender at which time the researcher provided a response and had a sense that the board members were expecting him to be actively involved in the sanctioning process. The researcher became actively involved on the first day of observation, which was an indication of how much responsibility the board members were willing to give the researcher for future observations. Second, midway through the research the probation officer who coordinated the Northwest Community Restorative Board asked the researcher to go through the Metro County Juvenile Court training to become a sworn member of the Northwest Board. The researcher thanked the probation officer for his consideration and explained to him that he would volunteer for the next available training that is scheduled after the allotted six-month time period that the Metro County Juvenile Court gave him to complete the study. Over the course to this study the board members began to expect more and more of the researcher's input regarding each case that was observed. Furthermore, the researcher noticed that the probation officer gave the board

members total autonomy throughout the course of each case that was observed during the study. Based upon the researcher's observational notes, it appeared that the board members had total control over the entire restorative conference without soliciting any input from the probation officer who coordinated the conference for the juvenile court.

The researcher attempted to bracket his personal reflections about what was seen and heard during the course of this study so that the analysis of the data would not be tainted or misconstrued. The researcher wrote bi-weekly memos about any concerns or issues that conflicted with the researcher's beliefs and values. Merriam (1998) noted that besides writing field notes during observations, you write memos to yourself about methodological aspects of the study, about emerging findings, about your own reactions and reflections. The memos were written immediately after an observation or an interview with the participants so that the conflicting or interesting issues were still fresh on the researcher's mind. The memos allowed the researcher to be more self-reflective on issues that had the potential of causing the researcher to allow his personal views cloud his judgment and line of questioning towards the participants. For instance, during the first observation the researcher did not think that it was appropriate for him to make comments on the sanctioning process because it was his first time at a restorative conference. Therefore, the researcher wrote a memo that same day stating, "I felt uncomfortable with being pulled into the conference without any formal training in the process." The researcher thought that self-reflective memos enhanced the possibility of establishing and maintaining trustworthy relationships with all of the participants who were involved in the study. The researcher did not conduct a bracketing interview during this study, but wrote personal memos to himself that

reflected some of the researcher's conflicting issues. Personal reflections allowed the researcher to create a sense of familiarity with the participant's experiences that may have been difficult to understand initially. The researcher gathered information by way of recording the participants' responses so that the data could be analyzed and transcribed for validity.

The researcher provided the participants with information regarding the purpose of the study so that trustworthiness could be established between all parties involved. Therefore, the researcher informed the participants about the process and purpose of the study before and during the research. The participants were asked by the researcher in this study to help develop a time schedule and calendar that would enable the participants to maximize the amount of time that they may have available. The researcher displayed a certain level of flexibility regarding the rules and regulations of the Metro County Juvenile Court, which were followed each day that research was conducted. For instance, the researcher had to go through a metal detective device before entering into the research site each day that research was conducted. The researcher was also subjected to personal searches by deputy sheriffs of the juvenile court. Flexibility simply means that the researcher was expected to show a certain level of understanding of the rules and regulations in the research environment.

#### Data collection plan

The primary data collection method was in-depth, open-ended interviews, which were created from an interview guide of questions (Bowen, 2005). The participants were asked if they would mind being tape recorded for the purpose of documenting their

exact words for this study. The researcher used a tape recorder for all of the interviews conducted with the participants once the participant's permission was given. The researcher did not take notes during the course of the interviews in order to remain focused on the participant's words and physical gestures. The open-ended interview questions were designed to help the participants provide a detailed description of their experiences working with the Community Restorative Board. Yin (1994) suggested that the most widely used case study interviews are of an open-ended nature, in which you can ask key respondents for the facts of the matter as well as for the respondents' opinions about the events.

Beginning in March 2009, the researcher conducted five one-hour interviews with each juvenile court board official (Mrs. Heaven, Mr. Leader, and Mr. Chance) for a total of fifteen interviews. The timeframe for the interviews was from March through August of 2009 over the course of six months. The juvenile court officials were interviewed during their lunch break so that they could relax and not be interrupted by anyone during this time. The researcher interviewed each juvenile court official once a month at a rate of three interviews per month for a total of fifteen combined interviews. The researcher also conducted five one-hour interviews with each board member, Mr. Roll and Mrs. Judge, for a total of ten interviews averaging two interviews per month based upon the Northwest Community Restorative Board bi-monthly meeting schedule. The researcher allowed each board member to schedule their interviews at different times on the same day that the Community Restorative Board convened for conferences. For instance, the researcher would schedule interviews from 2:00 p. m. to 4:00 p. m. so that the interviews could end right before the start of the pre-conference at 5:30 p.m. The

researcher would interview Mr. Roll at 2:00 p.m. on the first Tuesday and interview Mrs. Judge at 4:00 p. m. on the third Tuesday of each month. The researcher did not observe any boards during the month of August because during this time the board members and juvenile court officials were allowed the opportunity to member-check their transcribed interview data. The data that were gathered provided a thick description of the disciplinary accounts of three members and two officials on the Metro County Juvenile Court Community Restorative Boards. The researcher allowed for a certain amount of flexibility in the participant's conversation during the interviews, which means that the participants were able to talk freely about issues pertaining to their knowledge of the community restorative boards. However, the researcher re-directed the participants back to the original question when necessary, in order to maintain a certain amount of structure during the interviews.

The researcher also gathered information by becoming a participant observer in the study and taking notes on how each board member interacted with everyone during the restorative conference. The researcher conducted one-hour participatory observations of the Northwest Community Restorative Board facilitating conferences for a total of ten cases over five-months averaging two cases per month. The Northwest Board convened twice a month on the first and third Tuesday of each month according to their bi-monthly calendar. The researcher observed the board members during the time in which they had scheduled conferences. Marshall and Rossman (2006) suggested that observations include the systematic noting and recording of events, behaviors, and objects within the social environment selected for study. The researcher's field notes provided detailed descriptions about what was observed in a

nonjudgmental and unbiased way. Participant observations allowed the researcher to write down pertinent information that might not have been readily discovered during interviews. The researcher created a formatted plan of note-taking during the study, which consisted of a descriptive note-taking category and a category for personal comments. While collecting data, the researcher paid close attention to developing themes that emerged throughout all of the interviews.

Additional data collection methods included analyzing official documents of the Metro County Juvenile Court Community Restorative Boards. The probation officer that coordinated each Northwest Community Restorative Board conference provided the researcher a copy of the police report and informal adjustment agreement for each youth offender that came before the board conferences. The Metro County Community Restorative Board coordinator gave the researcher an official copy of the training manual that was used to train new volunteer citizens on the board. The coordinator provided the researcher with an unpublished 2007-2008 copy of the annual report for all of the Metro County Community Restorative Boards. The coordinator also gave the researcher a copy of every official document that governed the implementation of the Metro County Restorative Boards. The researcher was given these documents periodically throughout the course of the study.

The Metro County Community Restorative Board officials are authorized to use several formal documents that are prescribed by the juvenile court to issue to youth offenders, victims, and parents who are involved in restorative conference proceedings. In this section of the paper, the researcher briefly explained the formal documents that are utilized by the juvenile court officials. The documents are as follows: Restorative

board child notification letter, victim notification letter, community restorative board referral form, community restorative board conference notification log, rules of informal supervision letter, community restorative board volunteer application, informal adjustment agreement and order, community service site assignment form, and parental/legal guardian waiver of jurisdiction and consent form. The researcher has attached a copy of all of the documents in the Appendix.

The probation officer is responsible for mailing out all of the forms. The restorative board child notification letter is mailed to the parents/guardians of the youth offender. The letter indicates the official complaint and that the Metro County Juvenile Court Restorative Board will handle the case. The notification also advise the parents of the youth offender to bring their child to the juvenile court on a set date and time in order to discuss the case further and complete a risk assessment form. The victim notification letter informs the victim about the complaint and explains the process of the restorative board conference. The letter informs the victim about the date, time, and location of the scheduled conference. The letter also provides the contact information of the probation officer assigned to the case. The probation officer fills out a community restorative board referral form once the youth offender's case is assigned. The referral form outlines the youth offender's personal information such as their name, address, telephone number, parents, and the nature of the offense. The victim's information is also on the form as well as the restorative board conference date.

The community restorative board conference notification log is a form that is used by the probation officer to confirm the completion of the restorative board hearing and the satisfactory or unsatisfactory completion of the youth offender's sanctions. A

letter explaining the rules of informal supervision is mailed to the youth offender and their parent shortly after the completion of a restorative board conference. The letter outlines the obligations of the child such as attending school, obeying the law, adhering to curfews, and reminding them of their mandatory completion date. The parents are told they must report and monitor the behavior of their child to encourage completion of the sanctions agreed upon at the restorative conference.

The volunteer application for the community restorative boards is processed through the Metro County Juvenile Court. The application is standard for all volunteers. The volunteers must provide information concerning their employment history, educational background, interest area, and criminal background information. They also have to sign a release of information form that authorizes the Metro County Juvenile Court to receive a criminal background check. The Metro County Juvenile Court has worked out a process whereby an agreement is reached between the youth offender, parents/guardians and the Community Restorative Boards. The agreement is entitled Community Restorative Board Informal Adjustment Agreement and Order, which stipulates the following: (1) a youth offender is subject to the jurisdiction of the court; (2) advice without adjudication is in the best interest of the public and the child when the child has admitted to the charges; (3) the child and his/her parent/guardian have consented to the informal adjustment with the knowledge that consent is not obligatory; (4) acknowledgment that everyone has been advised by a copy of this informal adjustment that any violation of any provisions may result in filing a petition at any time; and (5) all parties agree to waive any time limits associated with the filing of the petition.



The youth offender has to acknowledge and agree to the sanctions before signing the informal adjustment agreement. The parents/guardians of the youth offender must also sign the agreement after the board has sanctioned their child. If the youth offender completes the agreement within the 30-90 day period, the probation officer will recommend that the case be dismissed. If the youth offender fails to complete the agreement within the time period, the juvenile court judge may step in and issue sanctions much greater than that of the Community Restorative Board. The community service site assignment agreement is a form that informs the youth offender's parent/guardian about the time, location, and date of all community service hours to be completed. The parental waiver of jurisdiction and consent to protective order is a form that the parent of the youth offender signs if they choose to voluntarily waive their rights and understand that a protective order restrains the conduct of the youth offender.

#### Data management plan

The researcher gathered all of the documents produced throughout the study. The researcher created a database of informative documents, which included the participant's transcribed interviews, observational case study notes, and document analysis of Metro County Juvenile Court Community Restorative Board reports. The researcher stored all recorded and written research materials in a locked cabinet within the business office of his dissertation committee chairperson at Georgia State University as a primary file and created electronic folders on his personal home computer as a secondary file. The researcher kept the key to the locked cabinet on his key chain at all times and changed his computer's password every 30 days until the study was completed and validated by the participants. Yin (1989) also pointed out that an

annotated bibliography of all documents would help manage storage and retrieval of pertinent information that could be used to duplicate the study at a later time. The researcher kept a running record of all documents gathered during the study and wrote brief notations of the purpose of each document.

### Data analysis

Merriam (1998) indicated that data analysis starts with the first interview, the first observation, and the first document read. Beginning in March, 2009, the researcher conducted five one-hour interviews with each juvenile court board official (Mrs. Heaven, Mr. Leader, and Mr. Chance) for a total of fifteen interviews up until August of 2009 over the course of six months. The researcher interviewed each juvenile court official once a month at a rate of three interviews per month for a total of fifteen combined interviews. The researcher also conducted five one-hour interviews with each board member (Mr. Roll and Mrs. Judge) for a total of ten interviews averaging two interviews per month based upon the Northwest Community Restorative Board bi-monthly meetings. The researcher also conducted one-hour participatory observations of the Northwest Community Restorative Board during their conferences for a total of ten cases over a five-month period. The Northwest Board convened twice a month on the first and third Tuesday of each month according to their bi-monthly calendar.

LeCompte and Preissle (1993) suggested that purely inductive research starts with collecting data, conducting empirical observations, and building theoretical categories and propositions from relationships discovered among the data. Content analysis was used to examine the frequency of words in order to create thematic categories regarding the functions of the Metro County Community Restorative Board's

disciplinary process and perceptions of the board members and juvenile court officials. The researcher followed several steps during the content analysis process. First, the researcher developed profiles for each of the participants in this study. The researcher was able to compare each participant's statements once his or her profiles were developed. Second, the researcher recorded and transcribed the participant's interviews word for word. Third, the researcher read the data within each transcribed interview three times in order to examine them for similarities, patterns, trends, idea, attitudes, words, and phrases. The researcher created a conceptual coding table, which is a format that was created in Microsoft word toolbar, so that the researcher could visually code the interviews and field notes all at once by inserting key words or phrases under different inductive categories that emerged from the data. The table was designed by the researcher to help categorize the data into themes. Fourth, the researcher initially highlighted all the key words and phrases with a yellow marker and went back to read each transcript so that notations could be made by each key word or phrase on the right side of the margins on the transcripts. The researcher did not notate the names of each participant next to their words or key phrases in the conceptual map, but the researcher did highlight their words in the transcribed interview of each participant. The researcher always referred back to the transcribed interviews in order to delegate the words or key phrases to the participants that said them. Fifth, the researcher triangulated all the data so that the researcher could compare and contrast the coded information from the data. Triangulation of data means to use multiple data sources to help understand a phenomenon. Once the researcher had entered the notations in the conceptual map table, the researcher rated the significance of the notes and observations based upon

how many times the participants mentioned specific key words and phrases. The highlighted words and phrases within the conceptual table became the common themes and patterns, which emerged when the notes were categorized by level of significance. The researcher critiqued the data in a way that allowed him to create a picture of the experiences of each participant. The researcher transcribed and thematically coded all of the participant interviews at which time the researcher solicited assistance from three graduate students to serve as raters and to point out the commonalities and similarities within the data. The raters agreed that the researcher's thematic codes that emerged from the data were consistent. The agreement indicated how much consensus there was between each graduate student and the researcher. The three raters in this study agreed that the thematic codes of the participant interview data were thoroughly outlined.

### Confidentiality and ethical considerations

The researcher addressed confidentiality issues throughout every phase of the study. The confidentiality of every aspect of the study was articulated to each participant before the study began and during the study. The researcher maintained confidentiality of the participants by creating pseudonyms for their names. The researcher also created a pseudonym for the research site that was under study, which was called the Metro County Juvenile Court Community Restorative Board. The researcher took and passed a course given by the Collaborative Institute Training Initiative (CITI), which outlined the confidentiality and ethical principles that govern the research on human subjects.

Locke, Spirduso, and Silverman (2007) noted that planning, conducting, and reporting research make sense only so long as the social contract among scholars is honored – everyone tells the truth as well as he or she can know it. Ethical considerations are important because the researcher had the task of interpreting the words and actions of each participant, which should not be misconstrued. The researcher followed the protocol for informed consent prior to the study and during the study. The participants were informed about the nature of the study, benefits, limitations, and possible risks of participating in the study. The researcher advised each participant that they were free to withdraw their consent to participate in the study at any time. Locke, Spirduso, and Silverman (2007) asked the question “if participants give cooperation, time, effort, and access to what is, by right, theirs to control (not least of all their privacy), and what does the researcher give in return (p. 33)?” The researcher provided reciprocity in the form of a letter thanking each participant as a small token of appreciation for his or her time at the conclusion of the study.

#### Guidelines for interpreting findings

The findings of the study must prove to have a certain level of trustworthiness, which depends upon the validity, and reliability of the study. Merriam (1998) noted that internal validity deals with the question of how research findings match reality. The current study implemented several strategies that examined the words and actions of the participants in the research study. Internal validity is enhanced by triangulation, which is using multiple sources of data to confirm the emergent results of the study (Merriam, 1998). The researcher conducted interviews, participant observations, and

document analysis for this particular study. The researcher allowed each participant in the study to review the transcribed data that was recorded during the course of the study, which is called member-checking. Member-checking mean taking data and tentative interpretations back to the people from whom they were derived and asking if the results are plausible.

The researcher became embedded within the lives of the participants in order to provide a thorough depiction of the participant's experiences. Long-term observation at the research site or repeated observations of the same phenomenon – gathering data over a period of time in order to increase the validity of the findings is extremely important to any research. The researcher expected and anticipated collecting data for this study for at least six months in the field. Interpreting findings of a study also rely upon the reliability or dependability of the data. Reliability refers to the extent to which research findings can be replicated. However, dependability occurs when a researcher wishes outsiders to concur that, given the data collected, the results make sense – they are consistent and dependable (Merriam, 1998). External validity is concerned with the extent that the results of one study can be applied to other situations. The researcher's study was limited to two board members and three juvenile court officials on the Metro County Juvenile Court Community Restorative Board, which limited the external validity of the study. The researcher wrote self-reflective memos describing what he observed and heard throughout the study. Memos were written to assist the researcher with troubling issues that needed clarification and interpretation. The process of interpreting the data requires the researcher to address the initial questions raised in the study supported by a level of theory. Emergent themes of the participant's language and

actions were reasoned out so that connections could be made throughout the findings of the study.

#### Guidelines for dissemination of results

The researcher secured the results of the study for member-checking and approval prior to disseminating the information that was gathered. The researcher stated earlier that member-checking means taking data and tentative interpretations back to the people from whom they were derived and asking the participants if the results are plausible. Merriam (1998) noted that exposure of a case through publication or other means of dissemination has several risks, which includes the problem of presenting the case in a way that is offensive to the participants. The researcher is morally and ethically responsible for minimizing the risk of breaching the confidentiality of the participants in the study. However, Merriam (1998) also suggested that policies, guidelines, and recommendations for dealing with the ethical dimensions of qualitative research are available to researchers, but actual ethical practice comes down to the individual researcher's own responses. The focus of this research methodology was on connecting previous data in this field of study with theory, while emphasizing who said what during the study.

#### Limitations of the Methodology

Yin (1994) suggested that every case study has its limitations. The current study had several limitations that were out of the researcher's control. The researcher conducted a qualitative case study that focused only on the Northwest Community Restorative Board instead of all seven Community Restorative Boards. The research

participants were limited to five individuals. Therefore, the context of the case study limited the generalizability of the findings, which means that a single case or a small nonrandom sample is selected precisely because the researcher wishes to understand the particular in depth, not to find out what is generally true of the many (Merriam, 1998). Another limitation of the study is the analysis of the perceptions and attitudes of the participants. The participants can provide certain socially desirable answers in some cases, rather than the truth if they fear that they are not provided confidentiality. Additionally, responses to the questionnaire and interview questions are based upon the participant's perceptions, which may fail to capture the actual implementation of the restorative justice disciplinary model. The participant's perceptions may become distorted due to their personal experiences, values, recent experiences, and what type of day that person was having when the questions were answered.

### Summary

A qualitative case study was used in this research to analyze how and why the Metro County Juvenile Court Community Restorative Board implements restorative justice discipline toward youth offenders. The study examined the perceptions and knowledge of board members and officials, regarding their role implementing the restorative justice disciplinary model within the Metro County Juvenile Court Community Restorative Boards. The researcher did not have a pre-existing hypothesis regarding restorative justice disciplinary outcomes and challenges. The researcher used a qualitative case study design for this study because of how this approach attempted to make meaning out of the participant's experiences under study. The research setting was conducive to answering the proposed questions that the current study addressed.



The participants of the study were purposely selected based on a certain criteria that would ensure information conducive to this research.

## CHAPTER 4

### ANALYSIS OF DATA AND FINDINGS

The purpose of this chapter is to present the findings of this research study. This chapter has two major sections. The first section is devoted to providing descriptive data from the participant's interviews. The second section is devoted to providing descriptive data from document analysis and the researcher's participant observation notes. The data collected is represented from 15 interviews with three juvenile court officials and 10 interviews with two board members of the Metro County Juvenile Court Community Restorative Boards. The data collected is also represented by document analysis of the Metro County Juvenile Court training manual for the community restorative boards. The researcher also collected data by observing and taking notes of 10 restorative conferences conducted on the Northwest Community Restorative Board. The researcher conducted a qualitative case study to analyze how and why the Metro County Community Restorative Boards implemented a restorative justice disciplinary model toward youth offenders. The obtained data was coded to look for prevalent themes within the participant's interviews. The participants were given pseudonyms to protect their identity and to maintain confidentiality throughout the study. The data was organized by major themes found in the data itself, with each section representing a theme that derived from the significance in the participant's responses. Significance in the responses means that a majority of the participants in the research study gave the same or very close responses. For instance, the researcher interviewed five restorative justice practitioners on how they defined the meaning of restorative justice discipline, and five out of five participants indicated similar meanings in that restorative justice

holds youth offenders accountable for their behavior, so that they can attempt to repair the harm their actions caused to another person. These similar responses were merged to create a major theme. Therefore, the researcher decided that the first major theme in chapter four would be *repairing harm through community accountability*. The researcher presented data to support ten major themes throughout the chapter. The second major theme is *creating disciplinary sanctions through community involvement*. The third major theme is *youth justice training experience*, and the fourth major theme is *inadequate time, resources, and influence for restorative boards*. The fifth major theme is *corrective opportunity to repair poor decision-making*, and the sixth major theme is *guiding youth offenders to a second chance*. The seventh major theme is *types of sanctions administered by community restorative boards*, and the eighth major theme is *types of cases referred to the community restorative boards*. The ninth major theme is *case facilitation process for community restorative board conferences*, and the last major theme is *sample cases of community restorative board conferences*. The researcher ends this chapter with a summary of the major themes.

### Repairing Harm through Community Accountability

The participants in this study were asked to discuss their definition of restorative justice discipline. Understanding the meaning of restorative justice is essentially the first step to properly implementing this form of discipline towards youth offenders (Bazemore & Pranis, 1997). The researcher noticed that each participant had his/her own unique definition of restorative justice discipline, but each participant's definition revolved around the common themes of accountability, repairing relationships,

competency development, and public safety. The participant's responses were merged to create the major theme for this section. Mrs. Judge stated,

Well just from a lay perspective we know that restorative means to sort of repair something that is broken or something that is out of line; so for me, restorative justice is really important because it gives an individual who has made a mistake an opportunity to change their lives around and to realize their responsibility. It is important to take responsibility for your actions and understand that there are going to be some consequences for your actions. My definition of restorative justice is a second chance at doing the right thing.

Mr. Roll stated, "Getting back on point or on track is restoring you back to where you were. Basically to restore you back to your rightful place in society by holding a person accountable for their actions." According to Mr. Leader restorative justice has three parts, one would be accountability, the other would be public safety, and the third would be competency development. Mr. Leader stated,

We focus our energy on those three areas because they are the pillars of restorative justice and as a result of that we embraced the restorative justice philosophy and build those three pillars so that a child knows the reason for their sanctions; and the people within the community feel safe and confident with the decisions made by the juvenile court.

Mr. Chance indicated that restorative justice means to restore or put back into its original place. The community restorative justice boards are about giving youth offenders a second chance to redeem themselves. The boards give youth offenders a

chance to make corrections to their behavior that may have caused harm to someone else. Mr. Chance also stated,

Restorative justice is an old philosophy that is now being used in different ways. Restorative justice is now being used with community justice boards, which we actually called community restorative boards which consist of volunteer citizens who have come to the table to say that we want to help make the wrong a right; and we want to not only take care of the victim of harm but the community as well as the youth offender. We must hold the youth offender accountable for their actions and now that's restorative justice.

Mrs. Heaven suggested that her personal notion of restorative justice discipline allows for a child who has misbehaved to be restored. Mrs. Heaven stated, "I mean it's within the word restore, which means we can take a child who has broken the law or who has broken a relationship with the community and hold them accountable to the community. A repair of some sort between those who were victimized and the youth offender is restorative justice." The participants indicated that defining restorative justice provides a foundation for implementing and issuing sanctions to youth offenders within juvenile court. Mrs. Heaven posed the question how can you punish or discipline a child utilizing restorative justice principles if you do not know the meaning or functions of those principles.

#### Creating Disciplinary Sanctions through Community Involvement

The community restorative boards operate as a volunteer program under the Director of Family and Children Services with the intent to allow youth offenders, victims

of crime and their families to resolve their issues in front of a volunteer community panel instead of going before a juvenile court judge. The mission statement of the Metro County Juvenile Court indicates the primary functions of the Community Restorative Boards is the commitment to the care, safety and guidance of children; to respectful and just treatment of all involved, to the personal development and accountability of children and their families; to public safety, and to restoration of victims and communities (Metro County Government Press Release, 2007).

The researcher asked all five participants in this study to discuss the functions of the Metro County Juvenile Court Community Restorative Boards and how do they operate when dealing with disciplinary cases of youth offenders? The most common responses was that the community restorative boards were designed to get the community involved with diverting children from court by creating disciplinary sanctions for first-time youth offenders. The participant's responses were merged to create the major theme for this section. Mr. Chance explained, "First and foremost there are three primary functions of restorative justice, which are community safety, competency development and accountability...can the community rely and be a part of the juvenile justice system that sanction youth offenders and hold them accountable for their inappropriate behavior?" Mr. Roll said, "As a community board member, first of all I believe that the number one function of the board is to the commitment of saving our children from entering the criminal justice system. So I appreciate the opportunity to participate in a process that allows the community to be involved in first time offender activities, so that we can say to them we are a community of caring people."

All of the participants indicated that the functions and duties of the community restorative board is to meet with youth offenders and their victims in a neutral environment in order to discuss the offense, and come up with a consensus response to what solutions or sanctions should be given to the offender. Mrs. Heaven said, "The functions of restorative justice is grounded in repairing the harm to the victim and the community by holding the youth offender accountable by making sure that they are learning from their mistakes while making sure that there is an emphasis on public safety for the community." Mr. Leader stated,

The primary function of the community restorative board is not so much as about finding out the guilt or innocent of a child it is about understanding that you harmed someone else; and it is not the victim that you harm as much as it is the entire community and your family and yourself. So here again the three principles of community safety, competency development, and accountability are the three functions of restorative justice.

The Community Restorative Boards operate under the principles of restorative justice which means that when a person commits a crime, it is first and foremost an act against people and relationships; second, an act against the community; and third, an act against the law (Zehr, 1990; Feld, 1990; Bazemore & Umbreit, 1995; Yandell, 1998; Van Ness & Strong, 2002; Bunch, 2004; Hopkins, 2004). By committing the crime, the person creates an obligation to the victim, the community, and the state. Creating a need for a viable and competent juvenile justice workforce that can properly adjudicate the influx of cases entering the juvenile court system. Community members who volunteer to discipline first-time youth offender's have to meet certain juvenile court

standards and are obligated to maintain an understanding of the values of restorative justice and the law.

### Youth Justice Training Experience

In order to qualify to become a board member each individual must live in the neighborhood where the crime occurred, are able to communicate with youth, serve for six months or one year as a volunteer, attend in-service training, and complete an application and a criminal background check in order to become a sworn community restorative board member. The researcher has attached a copy of the Metro County Juvenile Court Community Restorative Board volunteer application in the Appendix section. Upon completion of training, each successful board member receives a certificate from the Metro County Juvenile Court Judge indicating their responsibilities, legal limitations, and ethical obligations that are required in order to participate as a volunteer member of the Community Restorative Boards. The researcher asked the participants about the training that they received in preparation to deliberate and facilitate over restorative disciplinary cases involving youth offenders. The researcher noticed that each participant had his/her own unique description of the training that they received but each participant's description revolved around the common themes of how past experiences working within youth justice helped create a foundation for the restorative justice training they received. The participant's responses were merged to create the major theme for this section.

Mrs. Judge, stated,

The process is one where once you express interest through an application process you are contacted by the board coordinator and you participate in



training and I forget how many classes the training is but after you complete the training you receive a certificate. I have had extensive training working with adolescent youth for almost 40 years so I felt that the additional training would refresh my skills.

Mrs. Judge also indicated that you are usually assigned to an existing board so that you get a chance to observe the process before you jump right into hearing and deliberating cases. Mrs. Judge also stated, "During the training process you are assigned a schedule based on where your community board is located and every other week you see youth offenders. The case load may be one or it may be up to five but usually it is between 3 and 4 cases." The members usually meet on the first and third Tuesday or Wednesday of each month at approximately 6:00 p.m. The board members cannot leave the conference room of the Metro County Juvenile Court building until the last case is heard. Mr. Roll indicated that they went through several days of training and received a training manual and a certificate from the Metro County Juvenile Court, which further outlined their duties. Mrs. Judge stated, "The written format is actually a part of the training and it's like a guide that you use until you get comfortable. The guide includes how to introduce yourself, what to say next and how to engage the youth offenders, victims, and family members." Mr. Roll also indicated that he was assigned to an existing board so that he would get a chance to observe the process before deliberating any cases.

Mr. Roll stated,

The initial training starts when we have our one-on-one conversation with the coordinator of the program. A gentlemen who does an excellent job setting

expectations for the program right before the initial acceptance and then more formal training takes place in one day long seminars here at the court where we all come in together with a combination of videos and classroom instructions from the coordinator. The seminars were similar to other juvenile justice seminars that I have attended in the past and my experience enabled me to stay focused on why I was doing this in the first place.

Mr. Chance stated,

Documents outlining the foundation and the principles of balanced restorative justice are handed out in the initial training in order to give each person a pretty good foundation of the best way to facilitate a restorative board conference. I explained the authority that they will possess and the limitations of what they can and cannot do during restorative conferences. I also explained the extent of my work experience in the field of restorative justice so that the volunteers are reassured that an expert is training them.

A sample community restorative board conference outline or script has been created to guide the restorative board process allowing each volunteer participant an opportunity to practice the script in role-plays during the training. Mr. Chance also indicated that the practice role-playing part of the training was very repetitive to ensure that the volunteer community restorative board members had the necessary knowledge and skills to successfully conduct a restorative conference.

#### Inadequate Resources, Time, and Influence for Restorative Boards

The participants in this study were also asked to discuss their perceptions about the challenges and the potential challenges that the community restorative boards were

facing or could face within the juvenile court system. The researcher found that each participant had his/her own perceptions about the challenges that the community restorative boards were facing, but each participant's response revolved around similar themes such as having available resources, time, and influence to educate citizens and juvenile court officials about restorative justice. The participant's responses were merged to create the major theme for this section. Mrs. Judge indicated that the challenges of the board as she saw it revolved around the need to be clear about what resources are available to the victim and the offender involved in juvenile delinquent behavior. The youth involved in restorative cases need to have proper social services within their communities in order for the community restorative board members to really assign sanctions that influence behavioral change. Mrs. Judge indicated that the board members needed to have reliable data from the community in order to reinforce the sanctions that were given to the youth offender. The research suggested that the community board members need more time to adjudicate restorative justice cases because most families of victims and youth offenders need to be educated as to the real purpose and procedures of a community restorative justice disciplinary conference.

Mrs. Judge stated, "As a seasoned clinician and professional, I see a number of issues that need to be addressed but in the restorative board conference we can only deal with the legal issue at hand and we always 'skirt-tale' around some of those issues and actually some of the board members will deal directly with them." Mrs. Judge also suggested that if we had a little more time we could give parents an outline of skills to help them in their parenting skills. Mrs. Judge pointed out that the boards are challenged with not having enough social programs that the juvenile court could provide

such as mentoring, tutoring and guidance for the youth offenders being sanctioned, which might help prevent juvenile delinquency. Mrs. Judge also indicated that it is a challenge to make sure that everyone is properly trained and new board members are given some more refresher courses in order to keep everyone informed about new restorative material. The training courses would serve as a reminder to everyone about what is suppose to happen during restorative board conferences with youth offenders and their families.

Mr. Roll stated, "The only challenge that I perceive is that these are first time offenders and some youth offenders may look at this restorative process as being too lenient, which has the potential to plant a seed of doubt into the minds of the youth offender as to the effectiveness of the entire process." Mr. Leader suggested that the significant challenge facing balanced restorative justice is educating the community and practitioners in the field of law enforcement but also educating the general public, mental health providers, probation and parole officers, judges and prosecutors, and public defenders about restorative justice.

Mr. Leader stated,

The traditional criminal justice system tends to have a non-caring response when it comes to victims of crime, and the challenge for me throughout my years is educating the judges, law enforcement, and practitioners in the field as to how a balanced and restorative justice philosophy is a win-win philosophy for the community. So the challenges today is that in many agencies and organizations that are in juvenile justice or adult corrections

oftentimes fail to embrace a community restorative justice philosophy because they have not been shown how it benefits their work.

The general public puts pressure on criminal justice officials by oftentimes supporting the traditional justice model of simply locking someone up and throwing away the key if a crime has been committed which makes it difficult for criminal justice officials to fully embrace an alternate disciplinary justice model. Although the traditional punitive model of justice remains a fixture in law enforcement there seems to be a slow change in the disciplinary direction of juvenile justice systems across the country to a more restorative justice approach.

Mr. Chance indicated that the most pressing challenge facing community restorative boards is the decline or disinterest of community volunteers to serve as board members during restorative board conferences. Mr. Chance stated, "The lack of volunteering is becoming a problem. A person must first understand the meaning and purpose of volunteering for the community restorative boards. Volunteering means getting involved with the process now and giving of you spiritually, mentally, physically, socially, and emotionally to families who would not otherwise be able to access resources." Mrs. Heaven advised the researcher that the biggest challenge that she perceives in restorative justice is really with having communities that will participate, that would see and take an interest in the value of having a restorative justice approach available to be utilized. Restorative justice disciplinary policies have the potential to recreate how youth justice is viewed and advocated within the juvenile justice system and the school system. Mrs. Heaven stated, "Getting the community involved so that they can take a consistent, sustainable interest in making it work is a problem that I

have seen people do time and time again because they don't have time." It is important that the family of the victim and the youth offender are willing to deal with the issues that helped foster the poor decision-making of the youth offender so that all of the individuals involved in a conflict can feel that justice has been served.

### Corrective Opportunity to Repair Poor Decision-Making

The participants in this study were also asked to discuss how they perceived the implementation of restorative justice discipline on youth offenders? The most common response was that restorative justice discipline is a corrective model that allows youth who are involved in poor decision making an opportunity to correct their behavior through collective dialogue with each other and the community at large in order to repair the harm that someone has caused another individual or group. The participant's responses were merged to create the major theme for this section. Mr. Chance stated, "I think that a restorative justice approach will save our children by educating them and their parents on how to make better decisions." Restorative justice discipline is about bringing communities together to discuss some of the misfortunes that families, children, and schools encounters sometimes. Mr. Chance also indicated that using restorative justice with youth offenders is important because it gives them a second chance or an opportunity to redeem themselves, as well as a chance to "right the wrongs" they have done, which is a chance to correct the harm they have caused another person.

Mr. Chance stated,

I embrace the different aspects of restorative justice, including competency development and accountability. Competency development asks: Is the child capable of understanding the wrong he or she committed? Accountability asks: Is the child willing to accept responsibility and be held accountable for his or her actions?

Mr. Chance indicated that he supports a restorative justice approach towards discipline because it allows for young people to be involved in the decision making process. He also noted that the juvenile court system could interface more with schools, neighborhood planning units, churches, governmental officials, and others to help restore families and children. Mr. Leader stated, "Implementation of restorative justice toward youth offenders educates and this education is about teaching kids knowledge about how to make decisions. It is important to teach children knowledge about the law, and to become leading citizens." Mr. Leader also indicated that he has utilized restorative justice in his case planning and has done so since 1990. In his work with youth offenders, he uses the three cardinal principles of restorative justice, which are competency development, community involvement, and accountability. Mr. Leader stated, "Every community should attempt to embrace the restorative justice approach because the traditional punitive approach towards discipline is not working and the answer is not in building more prisons."

The participants indicated that young people who commit crimes should be allowed to have a choice regarding their participation in the community restorative justice disciplinary process. The participants also agreed that this form of discipline is not for all youth offenders who commit crimes. Mr. Roll suggested, "If I think that a

youth offender is not willing to accept any accountability or take responsibility for his/her actions while deliberating a case, I will personally recommend to the other board members that this case should be transferred to the presiding juvenile court judge.” The implementation of restorative justice discipline is about providing children and families with beneficial alternatives and programs that would help children and their parents to become better decision makers while providing the community with a sense of safety. Mr. Roll also indicated that restorative justice is an opportunity to use tools to discern from the real “bad apple” to the child that simply needs to be put in the right direction.

The participants indicated that youth offenders should be given a chance to express their ideas and become involved in the disciplinary process that has a direct impact on their academic and social success. Mr. Roll stated, “The restorative justice disciplinary process informs the youth offender that if you want another chance and you can admit and take responsibility for the harm that was caused then we are willing to work with you.” The restorative discipline process also gives the victim an opportunity to be heard and understood by way of venting or relieving some of the stress that was caused by the offender. The restorative approach impacts the youth offender and the victim by explaining to everyone the reasons why an offender is receiving sanctions for their behavior. Mrs. Heaven stated, “The restorative discipline process allows us to tell a child that you are being disciplined not only because you have broken the law but because you are hurting the community and this is something that you should value because of what you need and the needs of others.” The board members advised that they demonstrate their influence on juvenile delinquent behavior once a child commits a crime and is referred to the Metro County Juvenile Court Community Restorative Board



for conferencing and sanctioning. The board members indicated that they consider themselves victims of an offense the moment a crime is committed in their community. Youth offenders involved in so-called victim-less delinquent behavior such as possession of marijuana, possession of a weapon, and prostitution are still held accountable by the community board members. Mrs. Judge stated,

Children who commit crimes have to be held accountable to the community so when one child goes through the process, other children know that you have to go through this process with the boards. It is important that youth understand that there are people or processes in place for holding you accountable for the poor decisions that you make.

I think that when the juvenile justice system grows, the school system grows, the child grows, and the child's community grows.

Youth who make mistakes should be given an opportunity to change their lives around for the better. Mrs. Judge indicated that one of the chief cornerstones of restorative justice is making amends for your actions. She indicated that with the traditional model, when an act is committed, the youth pay a fine or go to jail, and that's it. However, in a restorative justice approach, the youth will have an opportunity to articulate what they were thinking and what was going on in their lives at the time the crime was committed. The youth offenders are held accountable and must find ways to repair the damage with the help of their parents and the community. The restorative approach is a holistic model that places emphasis not only on the youth offender but also on the victim, family, community, and others involved in the lives of youth. Mrs. Judge indicated that she endorse the restorative justice model because it gives the youth offender the

opportunity to possibly see for the first time some of the things that they should value or to shift values. It also empowers the youth to actively engage in the entire process, and to sit in and tell their story and to talk about the decisions they make. Mrs. Judge stated,

If the community restorative boards do nothing else they make the youth offender aware that the community is holding them accountable for their poor behavior. The boards help to give the community a feeling of empowerment in addressing crime in their communities by having some involvement in what happens with the perpetrators of crime. Young people, who recognize that they are being watched and will be held accountable for their behavior, could ultimately develop the goal of trying to change their thinking and become productive citizens.

Mr. Leader stated,

Children who are picking up new offenses cannot be shuffled off to institutions where they are subjected to overcrowding and lack of a quality education and often are confronted with physical and mental abuse by other young people and staff. So the restorative justice philosophy is a critical linchpin to helping communities begin to look at legislation that can change how states and local jurisdictions look at crime and the victims of crime and the perpetrators of crime. Hopefully, it will start a new discussion that is long overdue about how we treat youth offenders, how we treat victims and how we treat our communities as a whole.

Restorative discipline encourages victims of crime to participate in the criminal proceedings so that the offenders will have to face them and admit to their bad

behavior. The victim is no longer considered a bystander to a crime in the restorative discipline process and the youth offender is held accountable for their behavior.

Mr. Chance stated, "Restorative justice discipline gives the victim and youth offender restored hope in their community, restored hope in their voice, and restored hope of being productive citizens."

### Guiding Youth Offenders to a Second Chance

The restorative justice practitioners in this study were asked to discuss how their personal motivations to discipline youth offenders are revealed through personal stories of implementing restorative justice discipline within the juvenile court system. The most common response was that youth offenders need guidance and they deserve a second chance to correct their mistakes. The participant's responses were merged to create the major theme for this section. Mr. Roll stated,

I am seriously motivated to discipline the bad behavior that comes before the community board panel because first of all this cost me time which is the price I am willing to pay. The hours I spend at these panels are the hours I spend away from my family, including my three children, but I am spending time away from my biological children with children in the community, because the children in the community interact with my children. The youth that come before the boards are not repeat offenders; therefore I think that we owe them another opportunity to get their act together.

Mr. Roll also indicated that he has sanctioned young boys who attend the same schools that his children attend and the school that his children will attend. He has asked young

boys what if he comes home one day and you are standing at his door attempting to date his daughter three years from now. He has asked youth offenders what they would want him to think of them based on today's hearing. Mr. Roll relates a challenging restorative case he encountered that speaks directly to his personal motivation to utilize restorative justice discipline within the juvenile justice system. The case involved a young girl who was caught shoplifting food to feed her children. Mr. Roll indicated that he felt empathy for the young lady because she seemed to be stealing for necessity, although it was wrong. Introducing the restorative justice approach to this young girl was not successful because she had a very negative attitude toward the process. However, the youth offender's lack of understanding of restorative discipline and her attitude towards the process is what encouraged Mr. Roll to promote and advocate for this disciplinary process. Mr. Roll also shared,

Many times I have seen non-violent, first-time offenders from broken homes that are honestly regretful for what they have done, and many break down, cry, and apologize. The restorative justice approach could potentially serve as the first layer of defense in an attempt to uncover why children are displaying negative behaviors. Furthermore, when a child comes in and says, I did this and I got caught, that is a sign of maturity and accountability, which helps throughout the entire restorative discipline process.

Mrs. Heaven shared a personal story from her years of utilizing the restorative justice model. Mrs. Heaven stated, "All too often, society believes that children who break the law are poverty stricken and from the housing projects." She recalls seeing a family pull up in a limousine to the steps of the juvenile court building and a family who appeared

to be wealthy descended with their child. According to Mrs. Heaven, this experience has led her to believe that proactive measures should be utilized to help all children, despite their socio-economic status. She indicated that restorative justice offers methods that will help bring positive results to the child, parents and communities.

Mrs. Heaven shared a personal story about how she guided a child who got in trouble for damaging property within his community. Mrs. Heaven stated,

I placed a child in one of the restorative justice workshops. This particular child, who damaged a mailbox, was helped to blossom and later became an ambassador in the school that he attends. Mrs. Heaven explained to the researcher that the term restore means allowing an individual to repair whatever harm he or she has caused, which ultimately allows that individual the opportunity to be a part of the decision-making process.

Mrs. Heaven also posits that she personally utilized a restorative justice approach with disciplining her own children and believes that this model is crucial in sanctioning out consequences. She gave a scenario of a child having a knife in his book bag. The zero tolerance policy requires the principal to immediately suspend the child. With the restorative justice model, an explanation as to why the knife was in his book bag would be required while under zero tolerance a child is automatically referred to the juvenile or criminal court. For instance, in one case, a big brother hid a knife in his little brother's book bag without the little brother's knowledge. The youth offender was given an opportunity to explain himself to the community restorative board but indicated that he was not given an opportunity to fully explain himself at the school level. The youth offender also indicated that the school principal was so upset that he really felt

intimidated by the principal's words and actions. Mrs. Heaven suggested that whatever the situation is, accountability, repair, and restoration come into play, and the youth offender is not just incarcerated and forgotten but restored and forgiven.

Mr. Chance indicated that, in the past, he has encountered a lot of youth offenders running in and out of the juvenile court system like a revolving door. Research has shown that the so-called solution to this juvenile delinquent problem is to build larger prisons to incarcerate youth offenders. Mr. Chance stated, The traditional way of disciplining youth offenders does not reveal positive results and the restorative justice discipline approach is more like a lifestyle where one abides by the law, and where justice is about who commits a crime and who is responsible for fixing it. Mr. Chance relates a personal story of a family consisting of a single mother and her two children who relocated from Chicago to Atlanta. Mr. Chance stated,

The family became homeless. The mother and her 12-year-old daughter moved in with a friend while her son moved in with someone else. The mother was not working, and the family had little food to eat. One day at school, her 12-year-old daughter stole \$30 dollars from a shelf inside a room that was monitored by a school camera. She took the money to a neighbor and asked the neighbor to buy as much groceries as the money would allow. The young girl advised her neighbor to tell her mother that the food was the neighbor's donation to help. The child was caught on a hidden camera stealing the \$30 dollars, arrested, and referred to the Metro County Juvenile Court Community Restorative Board for a conference. The board members referred the child to the Program Development Department, which is a department within the Metro County juvenile court that

assists children and their families with social and economic needs. A Department of Family and Child Services worker (DFACS) was assigned to this family. The family obtained housing so they could get back together, and given emergency assistance with food and clothing. The mother was helped to obtain a job.

Mr. Chance stated, "This case serves as a constant motivating factor for the reason why I have dedicated my life to guiding youth offenders through a restorative justice approach towards discipline, which is about restoring families and not just locking up children." Mrs. Judge attributed her motivations to embrace the restorative justice model to her experience as a second-year student in the social work program at Atlanta University. Mrs. Judge noted,

I had an opportunity to do an internship in San Francisco's Juvenile Court System and was exposed to aspects of the restorative justice approach. While working over the years with youth in the juvenile court system, some juveniles were just following peers that led to them getting caught in deviant behaviors.

Aspects of restorative justice with these followers are often extremely successful. These individuals typically seize the opportunity to take full advantage of the restorative conference rather than going before the juvenile court judge. Mrs. Judge indicated that some cases are inappropriate for the restorative justice approach. She gave an example of a 14-year-old girl who was heavily involved in prostitution. The case was returned to the juvenile court judge because the board members thought that no amount of community service was sufficient to address the problem. Mrs. Judge also gave an example of another difficult case where two youth offenders were intricately involved in

the drug culture and the board members believed that clinical services were needed in addition to sanctions and monitoring. These cases were referred back to the juvenile court judge.

Mrs. Judge shared information about a case she encountered as a restorative justice board member that involved a young girl from the Philippines who had excellent grades in school and whose father had an accident and was unable to work as a result of his injuries. This child had been invited to go to Hawaii to participate in a summer academic program where she received an award for excellent academic performance in school. The child went with her mother to a Target store and placed a pair of jeans under her coat before stepping out of the store. She was arrested for theft of property and referred to the Metro County Juvenile Court Community Restorative Board. Although her family was supportive of her, they felt she had done something wrong and must pay the consequences. Mrs. Judge stated, "The restorative justice model worked very well with this family from the Philippines because of the high family values involved and the heavy parental involvement."

Mr. Leader indicated that although his parents used corporal punishment during his childhood, he does not believe in this approach. He does not use a punitive approach with his children and stated that he spanked his son one time and has never spanked his daughter. He attributes his education and training in the area of restorative justice to his philosophy on rearing children. Mr. Leader suggested that children should be exposed to the restorative justice model as early as pre-K and elementary school. Mr. Leader stated, "My experience in child rearing has convinced me that many 3<sup>rd</sup> and 4<sup>th</sup> grade students are becoming more involved in criminal behavior in schools." He



indicated that children should have a voice in the decision-making process that determines what types of sanctions or punishment they receive. Youth who are involved in the decision-making process about their behavior will have a sense of empowerment. Mr. Leader also shared that he has seen an increase in home invasions and burglaries committed by youth offenders in Atlanta; that he thinks is a result of young students being suspended and expelled from school at alarming rates, allowing for a potential increase in juvenile delinquency. He has also emphasized that he will remain committed to providing youth justice and community safety through restorative justice, which is a process that involves all of the people who are affected by criminal activities.

The researcher asked the participants about their children's involvement in school discipline procedure. All of the participants indicated that their children had some school troubles requiring punishment by in-school suspension or out-of-school suspension. Table 6 shows the types of discipline procedures taken at school against the participants' children. Three of the children had been subjected to out-of-school suspensions. There was one in-school suspension that lasted for a day. The three out-of-school suspensions lasted for a few days, and the children returned to school after the suspensions were served. One child was verbally reprimanded by a teacher for some type of misbehavior, but was not suspended. No jail term or juvenile delinquency procedure was reported. The disciplinary circumstances of the participant's children could possibly influence the participant's motivations to discipline other school-aged children. The following table is significant because it allows the reader to have the opportunity to see what role discipline has played in the lives of the participant's children.

TABLE 6: *Types of school discipline against Participants' Children.*

Type	# of Participants
In-School Suspension	1
Out-of School Suspension	3
Expulsion	0
Juvenile Delinquency	0
Verbal Reprimand	1

When asked to describe how the school disciplinary situation was resolved, participants gave the following responses:

1. My child returned back to class after one-day of in-school suspension.
2. My child went back to school after the suspension days were served and I spoke with the principal.
3. My child returned back to school after the suspension was completed and I spoke to the principal.
4. My child returned to school after I spoke with the principal of the school.
5. A teacher verbally reprimanded my child and I had to visit the school in order to find out about the situation.

#### Types of Sanctions Administered by Community Restorative Boards

The researcher analyzed the training manual from the Metro County Juvenile Court that outlined the different types of sanctions that community restorative board members are authorized to administer to youth offenders. The training manual indicated that the sanctioning process has to address the crime, its consequences, the victim,

offender, and the community in which the youth offender resides. This section of the paper revolves around the establishment of a restorative approach towards sanctioning youth offenders. Three major conditions must be fulfilled before a youth offender can be sanctioned under community restorative justice. First, the youth offender must willingly admit to committing the charges. Second, the youth offender must willingly waive their legal rights to an attorney or court hearing. Third, the youth offender must willingly complete all of the sanctions within a pre-determined amount of time that is set by the community restorative board members.

The community restorative board members have a range of sanctions that they can administer to the youth offender which are as follows: Perform community service, write letters of apology, set curfew, write an essay, attend substance abuse prevention and education classes, take random drug tests, attend a mentoring program, and pay restitution to the victim. The stipulation of each sanction is written on each of the informal adjustment agreement and orders. The offender signs the agreement, which outlines the extent of each sanction. For instance, community service time may range from 10 to 15 hours at any given approved location such as homeless shelters, soup kitchens, and city parks. All of the community service locations had to be pre-approved by the Metro County Juvenile Court. Letters of apology could not be less than one full page and the letter must address the youth offender's poor decision-making and remorse. The board members establish a set time for curfew, which requires the youth offender to be inside of the house at a certain time. The board members also require youth offender's to write a two-page essay about how to prevent the behavior that has caused them to be at this conference.

The youth offenders may also have to attend substance abuse prevention class, anger management class, shoplifting class, or educational classes. The classes are held at the Metro County Juvenile Court over the course of several weeks and the youth offender must attend the class at least once a week depending upon the board members request. These classes are taught by licensed or contracted professionals that are partners with the Metro County Juvenile Court. The youth offender is also subjected to random drug testing that ranges from alcohol, marijuana, or cocaine, which can be requested upon the youth offender's arrival to the juvenile court. The board members can suggest that the case be transferred to the juvenile court judge, if the youth offender tests positive for any drugs. The youth offenders may also have to attend mandatory mentoring programs such as Big Brother/Big Sister of Atlanta or 100 Black Men of Atlanta, in an effort to partner the youth offender with a positive role model. The board members may also suggest that the youth offender pay monetary damages to the victim. The monetary restitution may not exceed \$500 dollars for any crime. The sanctions must be completed within a 30-90 day time frame, which are monitored by a juvenile court probation officer. The probation officer maintains telephone, mail, and personal contact with the youth offender as well as their families every week until the sanctions are completed.

#### Types of Cases Referred to the Community Restorative Boards

The researcher analyzed the training manual from the Metro County Juvenile Court that outlined the different types of cases that are referred to the community restorative boards. Criminal offenses that are referred to the community restorative

board include: disrupting public school; criminal trespass; violation of curfew; disorderly conduct; giving false information; fighting; gambling; glue sniffing; loitering/prowling; Obscene language; Possession of marijuana; Profane and Abusive language; Simple battery and simple Assault; theft of services; theft by conversation; theft by shoplifting; theft by taking; fighting words; violation of beer/wine ordinance weapons violation; possession of controlled substances; and shoplifting. The Diversion Intake Supervisor refers the cases to the boards. Restorative cases are processed from the beginning to the end through the following steps: First, police, schools, agencies, courts, and citizens refer cases to the juvenile court. Second, the probation officer completes the juvenile intake process and sets a restorative conference date. Third, the restorative board coordinator reviews and assigns the case to restorative boards. Fourth, a restorative board conference is held with the victim, youth offender, family members, and board members in order to agree upon the sanctions for the youth offender. Fifth, the probation officer monitors the sanctions of the youth offender, which will determine whether the youth offender has successfully or unsuccessfully completed the court ordered informal adjustment agreement. The case will be closed and sealed from the record or returned to the Metro County Juvenile Court Judge depending upon the youth offender's completion of the agreement.

### Case Facilitation Process for Community Restorative Conferences

The researcher's observational notes consistently indicated a certain routine that reflected the facilitation process of ten Northwest Community Restorative Board conferences throughout the entire study. The researcher observed each pre-conference promptly at 5:30 p.m. within the Metro County Juvenile Court in a small

conference room with between two or four different families being advised by the probation officer about the restorative board process. The researcher's notes indicated, "The probation officer began each pre-conference by giving a brief history of the restorative board and explaining the restorative conference process." The probation officer who explained the procedure to the families was an African American male in his 40's with less than two years managing restorative conferences. The researcher noticed the probation officer stating, "I would like to emphasize to everyone in the conference process the importance of speaking clearly and maintaining eye contact with the board members who will deliberate over your case." The probation officer also discussed the possible sanctions or consequences that the youth offender may face during the aftermath of the case. The probation officer also stated, "There are different sanctions that the board members can administer during this process, so I just want you to be well aware of the list of possible sanction that each youth offender might be subjected to depending upon the facts and outcome of your respective cases." The probation officer also talked about the mandatory 30-90 day timeframe in which the youth offender will be required to complete all sanctions that were issued by the restorative board members. The probation officer stated, "If the youth does not comply with the sanctions within the allotted 30-90 day time period, the case will be immediately referred to the juvenile court judge." The probation officer explained to the parents and the youth offenders that this entire process is voluntary and that they have the option to hire a lawyer and face the juvenile court judge. The probation officer advised the youth offender, "You have the opportunity to waive your rights to be heard in court and agree to not face the juvenile court judge, but you must sign the waiver in order to participate

in the restorative board process.” The probation officer advised the families about the numerical order by which each case will be heard by the community restorative board members.

### Sample Cases of Community Restorative Board Conferences

The researcher observed the Northwest Community Restorative Board for this study. Youth offenders have to meet a certain criteria before the Diversion Intake probation officer refers the case to the Community Restorative Board for a conference. Youth offenders must not have any prior criminal offences and the incident must be a misdemeanor, which is considered a mild criminal act. The youth offenders in these cases were between 12 and 16 years of age. The researcher observed the board members making every effort to set a tone that was relaxing, inviting, respectful, and caring. Everyone was seated around a brown rectangular wood table facing each other with the facilitators sitting on either ends of the table. The researcher also sat at the table during each conference. The researcher observed the facilitator ask each person to sit in certain places around the table so that everyone could maintain eye contact with each other during the conference. The facilitator would state, “We use this type of seating arrangement in order to reduce the fear or anxiety about the conference and when there are a few participants. We also ask you all to sit in these places so that there is a sense of openness between the participants, which can increase communication.” According to the training manual of the Metro County Juvenile Court Community Restorative Board, the victim should be seated across from the offender, facing one another, along with their family supporter or community supporter by their

side. The researcher included a diagram of the seating arrangements of the participants at the community restorative board in the Appendix.

The restorative conference room is located on the first floor in the Metro County Juvenile Court building. The location provided plenty of space, adequate lighting, and no disruption or significant noise. A small table was set up in the back of the conference room with refreshments such as water, cookies, or snacks. There were seven males and three female youth offenders involved in the restorative board sample cases, which included several violations such as, curfew violation, weapons violation, possession of controlled substances, simple battery of administrator and school disruption, theft by taking property, and shoplifting. The following cases will provide the reader with elaborate details from all ten restorative conferences in order to help illustrate the how and why restorative conferences are processed and implemented towards victims, youth offenders, and their families. The youth offenders were given an opportunity to explain their behavior to the community restorative board members in the following cases.

In the first case, the researcher observed a 12-year-old African American female who was charged and arrested for curfew violation. The police report indicated that an officer made contact with a young black female in order to check on her safety, at which time she was placed under arrest and charged with violating the curfew ordinance. During the restorative conference, the youth offender stated, "I was walking home late at night when the police stopped me and asked me some questions." The youth offender also stated, "I did not know that there was a curfew and I was going home anyway." The mother of the youth offender stated, "I told her about trying to be grown



and hanging out over her friends house is about to stop because anything could have happened to you." The board members began to advise the youth offender about how staying out late at night is unsafe and makes her family worry. The youth offender and her mother were asked to step outside of the conference room so that the board members could discuss her case and decide upon the sanctions. During the deliberations, each board member indicated their concerns. Mr. Roll stated, "The young lady obviously lost track of time and was headed home, but she just got caught up at the wrong place at the wrong time; however, she had a bad attitude throughout the entire conference." Mrs. Judge stated, "I think that she knew that it was late, but she did not think that she was in any violation of the law and her demeanor was certainly unpleasant during this conference. The other board member stated, "This young girl was up to something because I know the area that she was walking in and a lot of prostitution take place on that strip. There are a lot of cheap motels in that area and that's probably why the police officer stopped her in the first place." The board members asked the researcher his opinion about why the young lady was out so late and did he buy the young lady's story about not knowing that there was a curfew. The researcher suggested that the young lady seemed sincere about her story and even though she had a slight attitude during the conference, the researcher felt that it stemmed from having to go through this entire process because she was outside too late, which may be something that she does all the time, but this time she got caught. Dialogue about the youth offender's relationship with her mother began to surface. The board members agreed that it appeared that the youth offender's mother is very influential and that the mother of the youth offender would have to enforce these

sanctions in order to help this young lady. Mr. Roll also stated, "I agree that the young lady may stay out all the time, but this time she got caught and I think she should receive at least ten hours of community service as a start." The other board members all agreed that the youth offender should receive ten hours of community service at a local homeless shelter immediately after school and maintain a set curfew of 8:00 p.m. for the next 30-90 days. The board members asked the probation officer to bring the family back into the conference room. The facilitator explained all of the sanctions to the youth offender and her mother. The facilitator asked if they objected to the sanctions and they both said no. The probation officer asked the youth offender and her mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document and the mother apologized and thanked the board members for their time before exiting the conference room.

The second case involved a 13-year-old African American male who was charged and arrested for possession of a weapon on school property. The police report indicated that some students observed a black male placing two small pocketknives inside of his front pants pocket in the hallway by the lockers and they immediately notified the school principal. The school principal approached the youth offender and asked him to empty his front pockets at which time the pocketknives were exposed. During the restorative conference, the youth offender stated, "I took two small pocketknives from my book bag to place them inside of my pocket and I forgot that I had the knives in my book bag." The father of the youth offender stated, "My son does not give me any problems at home and that this incident came as a shock." The board members began to ask the youth offender about his grades and the things that he enjoy

doing outside of school. The youth offender began talking about how he really enjoys cooking and reading to his little sister. The youth offender and his father were asked to step outside of the conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member voiced their concerns. Mrs. Judge stated, "This young man was honest about what he did and he did not come in here playing around, which leads me to believe that he really did not know that he had those pocket knives in his book bag, but he displayed poor judgment by placing the knives in his pocket." Mr. Roll stated, "It was beyond poor judgment. I just don't know what he was thinking about, especially putting the knives in his pocket while other students are looking right at you, but I know that this kid did not mean any harm." The researcher suggested that the pocketknives were small and the young man did not threaten anyone with the knives according to the police report, however, he did violate the school's zero tolerance policy. The other board member stated, "The young boy seems to be remorseful and understands that he did something wrong, plus he has never been in any trouble at school or with the law, so I think we should give him the minimum amount of community service hours and a letter of apology. The board members agreed that ten hours of community service and a formal letter of apology to the school principal would suffice. The board members asked the probation officer to bring the young man and his father back into the conference room. The facilitator explained all of the sanctions to the youth offender and his father. The facilitator asked if they objected to the sanctions, and they both said "no". The probation officer asked the youth offender and his father to sign the Informal Adjustment

Agreement if they agreed to the sanctions, at which time they signed the document and exited the room.

The third case involved a 14-year-old African American male who was charged and arrested for possession of marijuana with the intent to sell on school property. The police report indicated that the principal received information from a student that he was approached by another student who attempted to sell him some weed, at which time he declined and walked away. The principal located the youth offender in the hallway and escorted him to a staff restroom and asked him if he was in possession of any contraband and he indicated that he had some marijuana. The report also indicated that the youth offender removed a tin box from his pants pocket that contained a small amount of marijuana. During the conference, the youth offender stated, "I was attempting to sell a small amount of weed at school and got caught." The young man openly and candidly admitted that he did not think that he would get caught. Mr. Roll stated, "If you would have had just a little more marijuana, you would not have been given this opportunity to come before this board." The mother of the youth offender stated, "I am a single parent who hopes that her son will make better choices in the future." The youth offender and his mother were asked to step outside of the conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member expressed their concerns. The other board member stated, "This young boy does not appear to be a drug hustler and I think he was just trying to impress his little friends by showing them and trying to sell them some weed, but that does not take away from the seriousness of what he did." Mr. Roll stated, "I like the fact that he did not come in here

and lie to us about what happened, but I felt the need to let him and his mother know that if he would have had just a little more marijuana everything could have been different than what it is right now.” The researcher indicated that the marijuana the youth offender was trying to sell was not bagged according to the police report, and that is an indicator that this young boy did not know what he was doing. Mrs. Judge stated, “He is old enough to know better and there is no excuse for what he did besides ignorance and I believe that he smokes weed all the time from the way his eyes looks. The board members recommended that the youth offender be subjected to random drug tests, write a letter of apology to his school administration and his mother, and attend a Metro County law awareness class as well as complete ten hours of community service at the local community center. The board members asked the probation officer to bring the young man and his mother back into the conference room. The facilitator explained all of the sanctions to the youth offender and his mother. The facilitator asked if they objected to the sanctions, at which time they both said “no”. The probation officer asked the youth offender and his mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, and they signed the document. The probation officer immediately escorted them from the conference room.

The fourth case involved a 16 year-old Hispanic male who was charged and arrested for simple battery/disrupting school. The police report indicated that the school administrator grabbed the offender’s shoulder with his right hand in order to escort him to the main office for being on school property unauthorized. During the conference, the youth offender stated, “The principal could have just asked me to go to the office without putting his hands on me and I would have went with no problems, but he is not just

going to treat me any kind of way in front of everybody.” The board members advised the youth offender that he had no business being back at the school, especially if he knew that he was still under suspension from a previous school incident. The youth offender also stated, “I know that I overreacted to the situation and I apologize to my mother and everyone here.” The mother of the youth offender stated, “My son is a good child, but he is sometimes disrespectful and has a hard time listening and doing what he is told.” The board members began to advise the young man about the importance of making the right choices and surrounding himself with good people so that they can help him see that he has options. One board member stated, “Young man, you must do what you have to do in order to do what you want to do in life.” The youth offender and his mother were asked to step outside of the conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member expressed their concerns. Mr. Roll stated, “Why was he even at school if he already knew that he wasn’t supposed to be there in the first place, so I believe that he should receive the maximum amount of sanctions that we can give him in order to send a strong message that you can’t just be disruptive and get away with it.” The researcher added that the young man never talked about why he was not suppose to be back at the school, which would have given us more insight about his past behavior. The other board member stated, “His mother said it all about his lack of respect and hard head, so I also think that he should receive the maximum amount of sanctions.” Mrs. Judge stated, “He appeared to be mindful of the fact that he made a mistake, but I can tell that he is aggressive based upon how he responded to our questions during the conference, which may stem from other deep seeded

emotional issues that we are not prepared to deal with at this time.” The board members agreed to sanction the youth offender to participate in a mentoring program for troubled youth. The board also sanctioned the young man to participate in 10 hours of community service, and write a letter of apology to the school administration and his mother for his poor behavior and bad judgment. The board required the youth offender to write an essay about the importance of respecting authority. The board members asked the probation officer to bring the young man and his mother back into the conference room. The facilitator explained all of the sanctions to the youth offender and his mother. The facilitator asked if they objected to any of the sanctions, and they both said no. The probation officer asked the youth offender and his mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The family was immediately escorted from the conference room after signing the documents.

The fifth case involved a 16-year-old white female who was charged and arrested for shoplifting under \$300 at a local mall. The report indicated that a loss prevention officer witnessed a young girl enter the store and select several items of merchandise to try on in the fitting room, at which time the officer noticed that several merchandise tags were left on the floor of the fitting room upon the youth offender’s exit. The officer apprehended the youth offender to question her about the merchandise when he noticed that she had on several layers of clothing that was not purchased at the store. The youth offender admitted that she was attempting to steal. During the conference, the youth offender stated, “I shoplifted from the local mall and I got caught.” The young lady also stated, “I wanted the items in the store, but I did not have enough money.”

The mother of the youth offender stated, "I was furious, disgusted, and surprised about the entire shoplifting incident." The father stated, "I am glad that we were given an opportunity to come before this board instead of going to court." The youth offender advised the board members that she had to pay for the items that she attempted to steal from the store in the mall. The board members advised the young lady that she should not go inside of a store if she does not have any money to spend on the items that she may want. The youth offender and her parents were asked to step outside of the conference room so that the board members could discuss her case and decide upon the sanctions that she will receive. During the deliberations, each board member made suggestions as to what they thought about the entire incident. The other board member stated, "She went to that store with every intention to steal and I think that this was not her first time stealing, so I think that this young lady needs to really understand that if she continues down this path there will be some tougher consequences." Mr. Roll stated, "Her parents did make her pay the money back even though she got caught stealing and the merchandise was returned back to the store." Mrs. Judge stated, "I cannot believe that this young lady was bold enough to steal out of a department store where she had to know that cameras were posted inside of the fitting room area, so I don't think that it was very smart to go inside of a store knowing that you do not have any money." The researcher indicated that the young lady appeared too nervous and reluctant to really express how she felt about her actions. The researcher thought that the young lady would have been just fine with her actions if she had not been caught. The board suggested to the parents of the youth offender to put items on layaway if they don't have the money to pay for them. The board members suggested that the youth



offender write a letter of apology to her parents and the department store management for shoplifting, write a two-page essay on the consequences of stealing, attend shoplifting class, and complete 10 hours of community service at a nursing home or the community park. The board members asked the probation officer to bring the young lady and her parents back into the conference room. The facilitator explained all of the sanctions to the youth offender and her parents. The facilitator asked if they objected to any of the sanctions, and they all said no. The probation officer asked the youth offender and her parents to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The family was immediately escorted from the conference room.

The sixth case involved a 16-year-old African American female who was charged and arrested for theft by taking at a school. The police report indicated that the Assistant Principal notified the school officer that a student reported to him that someone stole her book bag and she knew who took the book bag. The victim indicated that she asked the youth offender did she have her bag at which time the offender advised that she place the bag by the door of the discipline office, but the book bag was not there once the victim checked the location. The school officer approached the youth offender about the bag at which time the youth offender stated, "I did pick the book bag up but I placed the bag upstairs by the discipline office door." The school officer informed the offender that she was under arrest for theft by taking due to the fact that the book bag is currently missing. The case was immediately referred to the Fulton County Juvenile Court Community Restorative Board for a conference. During the restorative conference, the youth offender stated, "I would want someone to give my

missing bag to an adult if it was left in the hallway, but I know now that I should have never touched the bag and if I knew what I know now, I would have just left the bag in the hallway." The mother of the youth offender stated, "My daughter made a mistake and was suspended from school behind this incident and had to pay a fine for all of the missing items the victim claimed that was located inside of the bag." One board member asked, "Why did you feel that you needed to touch the bag in the first place when you knew that it did not belong to you?" The youth offender and her mother were asked to step outside of the conference room so that the board members could discuss her case and decide upon the sanctions that she will receive. During the deliberations, each board member stated their concerns. Mrs. Judge stated, "If she knew that someone was missing a bag why didn't she ask some of the students in the surrounding area about who the bag belong to before taking the bag upstairs to the discipline office" Mr. Roll stated, "It makes no sense at all to me to bypass all of the students in the hallway and not ask any of them who the bag belong to, that just doesn't add up to me." The other researcher stated, "If she would have asked someone in the general area about the bag, maybe she could have resolved the entire situation, but I don't think that this young lady wanted anyone else to know that she had the bag." The researcher indicated that the young lady probably did not think that this situation would get to this point and that she should be very reluctant to put her hands on stuff that does not belong to her in the future. The board members agreed that the youth offender had to write a letter of apology to her mother, write an essay on the importance of not touching items that do not belong to her, maintain an 8:00 p.m. curfew, and attend shoplifting classes at the Juvenile Court. The board members asked the probation officer to bring

the young lady and her mother back into the conference room. The facilitator explained all of the sanctions to the youth offender and her mother. The facilitator asked if they objected to any of the sanctions, and they both said no. The probation officer asked the youth offender and her mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The probation officer escorted the family from the conference room into the waiting area.

The seventh restorative case involved a 16-year-old African American male who was arrested and charged with possession of marijuana. The police report indicated that a city patrol officer observed one black male stuffing something in his pockets while standing outside with several other people. The report indicated that the officer approached the young man and asked him if he had any drugs on him at which time the officer noticed a small lump in the right pants pocket of the young man. The officer advised the young man to empty out everything in his right pants pocket at which time he attempted to hide a clear bag of marijuana by placing his right hand behind his back. The report indicated that the officer arrested the young man after removing a \$10.00 dollar bag of marijuana from him. During the conference, the youth offender stated, "I smoke marijuana on occasions and happen to have some on me when I was arrested by the police officer, but I do not sell drugs." The board members asked the youth offender did he fully understand the seriousness of his actions. The youth offender began to get emotional with tears in his eyes. The youth offender stated, "I apologize to my mother and everyone in this room today for my bad behavior." The mother of the youth offender stated, "My child is not a bad boy but he oftentimes makes poor decisions." The youth offender and his mother were asked to step outside of the

conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member expressed their concerns. The other board member stated, "This young man is almost 17 years old and he must realize that he could have easily been in the criminal court so we must make him realize how this is not the road that he wants to take." Mr. Roll stated, "I don't think that this young man is fully aware of the how serious this matter is but I do think that his mother understood that this is a serious issue so we are going to need her to be on board with the sanctions that we give him." Mrs. Judge stated, "When he got emotional while telling us what happened I really felt that he was sincere and that he does understand the seriousness behind being arrested for marijuana." The researcher indicated that the young man seemed to be very remorseful and respectful toward everyone including his mother but there should be a message sent to this young man about the pitfalls of drug abuse. The board members recommended random drug tests for the youth offender as well as counseling, write a letter of apology to his mother, attend a Metro County law awareness class, and complete ten hours of community service at a local community center. The board members asked the probation officer to bring the young man and his mother back into the conference room. The facilitator explained all of the sanctions to the youth offender and his mother. The facilitator asked if they objected to any of the sanctions, and they both said no. The probation officer asked the youth offender and his mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The probation officer escorted the family into the waiting area.

The eighth case involved a 16-year-old white male who was arrested and charged with possession of marijuana. The police report indicated that a police officer observed the youth offender inside of a parked vehicle in the parking lot of a closed business at approximately 10:10 p.m., which seemed unusual. The report indicated that the police officer drove up to the parked vehicle to check why was it parked in the lot and noticed the youth offender on the passenger side smoking what appeared to be marijuana. The officer advised the youth offender to step out of the vehicle in order to be searched at which time the officer noticed a green leafy substance that resembled marijuana. The officer also noticed other drug related objects such as a grinder, rolling paper, pipe, and cigars for smoking the marijuana. During the restorative conference, the youth offender stated, "I was a passenger in a vehicle with my friend in an empty parking lot of a local sports bar that was closed when I noticed a police car pulling up behind our vehicle. We were sitting in the car smoking marijuana at which time we were approached by a police officer in the parking lot." The youth offender also stated, "I am not a habitual drug abuser and I only attempted to smoke marijuana three times in my entire life." The youth also advised that many of his friends at school are currently smoking marijuana. The parents of the youth offender advised, "Our son made a poor choice and he has never given us any problems so when we heard about this charge it really caught us by surprise." The board members began to ask the parents about their relationship with their son and what type of lifestyle their son has outside of school. The youth offender and his parents were asked to step outside of the conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member stated their concerns. Mrs.

Judge stated, "I think that this young man has his parents fooled about what he is into everyday because based upon his demeanor I think that he smokes marijuana on the regular." Mr. Roll stated, "I disagree with what you just said about him smoking all the time especially if he is the star athlete of his school like his parents stated." The researcher indicated that plenty of athletes use drugs in our current society and he may see this as a way to become even more popular. The other board member stated, "Simply put the parents need to be more aware of where their son is at all times and who he is with so that they won't get caught off guard or surprised again." The board members recommended that the youth offender write a letter of apology to his parents, write a three-page essay on the consequences of using drugs, take substance abuse classes, volunteer ten hours of community service and adhere to an 8:00 p.m. curfew. The youth offender will also be subjected to random drug testing throughout the 30-90 days of probation. The board members asked the probation officer to bring the young man and his parents back into the conference room. The facilitator explained all of the sanctions to the youth offender and his parents. The facilitator asked if they objected to any of the sanctions, and they all said no. The probation officer asked the youth offender and his parents to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The probation officer escorted the family out of the conference room.

The ninth restorative case involved a 13-year-old African American male who was arrested and charged with theft by taking. The police report indicated that a sixth-grade teacher at a local middle school reported having \$60.00 stolen from her wallet inside of her classroom during lunch. The teacher also advised that on an earlier date,

she had \$40.00 stolen from her wallet, but thought she had somehow lost the money. Another sixth-grade teacher advised that she had \$16.00 stolen from her wallet on the same day. The school police officer was advised to review the security tape located outside of the classroom at which time the school officer was able to identify a 7<sup>th</sup> grade black male student who attends the local middle school entering and leaving the classroom where the money was stolen. The officer showed the security tape to the school principal in order to confirm the identity of the student at which time the officer located the student and escorted him to his locker. The student was asked to retrieve his backpack from his locker and was immediately escorted to the principal's office. The principal asked the student if he was inside of classroom #2 on the sixth grade hall and student replied "no." The officer informed the student that he was seen on the school's security cameras entering and exiting classroom #2 after there was a theft from the room. The student finally admitted entering the classroom and stealing money from the purse of the teacher who reported the complaint of the missing cash. The student was asked did he steal from any other classroom at which time he admitted to several other thefts in the school building but did not know the exact dollar amount taken.

The officer informed the youth offender that he was under arrest for the several thefts and that the case would be forwarded to the Metro County Juvenile Court for resolution. During the conference, the youth offender stated, "I stole money from the purses of several teachers while at school and I would wait until the sixth-grade teachers went to lunch to check the doors of each classroom to see if they were locked." The youth offender advised that if the doors were unlocked he would immediately go inside of the classrooms and check the desk of the teacher to see if they

left their purse. The youth offender also reported that if he located a purse that had money inside of it he would take the money and immediately leave the classroom. The youth offender stated, "I have paid all of the teachers back and apologized to them all." The mother of the youth offender stated, "I was shocked and amazed when I found out that my son had been arrested at school for stealing because he is normally a good child." The board members began to advise the youth offender about thinking before he decides to take things that do not belong to him. The board members also advised the youth offender that stealing is wrong and that he should be embarrassed by having to take his mother through this situation. The youth offender and his mother were asked to step outside of the conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member expressed their concerns. Mrs. Judge stated, "This young boy was very deliberate in his plans to steal from those teachers and I think that he should receive the maximum amount of sanctions." Mr. Roll stated, "He seized every opportunity to steal and I don't think that he had any intentions of stopping until he got caught on camera so I also think that he should receive the maximum amount of sanctions." The researcher indicated that the young boy did apologize to his mother and his mother did state that he is currently on punishment because of his actions. The other board member stated, "I agree that the youth offender planned all of the thefts, and therefore, he should receive the maximum amount of sanctions." The board members suggested that the youth offender write a letter of apology to his parent, write a letter of apology to all three teachers that he stole money from at his school, attend shoplifting classes, volunteer 15 hours of community service and adhere to an 8:00 p.m. curfew. The board members



asked the probation officer to bring the young man and his mother back into the conference room. The facilitator explained all of the sanctions to the youth offender and his mother. The facilitator asked if they objected to any of the sanctions, and they both said no. The probation officer asked the youth offender and his mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The probation officer escorted the family out of the conference room.

The final case that the researcher observed involved a 14-year-old Hispanic male who was charged and arrested for disorderly conduct for his behavior on a school bus. The police report indicated that a school bus driver notified an officer assigned to Second Chance Middle, that one Hispanic male student was observed throwing a bottle at a taxi before boarding his bus. The bus driver noticed the Hispanic student yelling profanity from the window of the bus. The bus driver stated, "The student yelled to a woman walking her dog I am going to fuck you white bitch." The report indicated that the Hispanic male was escorted to the assistant principal's office where he was arrested and charged with disorderly conduct. The Hispanic male offender was suspended and released to his mother. During the restorative board conference, the youth offender stated, "I threw a plastic bottle in the direction of a taxicab before getting on the school bus and I did not mean any harm to anyone." The youth offender also stated, "I yelled out some inappropriate words at some lady who was walking while the bus was moving." He admitted that his actions were wrong and that he was very sorry. The parent of the youth offender stated, "I have been experiencing poor behavior from my son in the last several weeks but usually is a good boy." The board members began to

ask the parent questions about disciplining her child and the mother advised that her son is currently on punishment from a previous incident and his curfew is at 9:00 p.m. The youth offender and his mother were asked to step outside of the conference room so that the board members could discuss his case and decide upon the sanctions that he will receive. During the deliberations, each board member indicated their concerns. The other board member stated, "This young man was totally out of control and very inappropriate on the school bus and I think that he has anger issues." Mr. Roll stated, "This young man is angry about something but we really did get him to open up as much I would have liked him to during this conference." Mrs. Judge stated, "I think that this young man displayed a high level of maturity by coming in here and admitting to us that he was wrong and that he was sorry for taking his mother through all of this." The researcher indicated that the youth offender should look for ways to channel all of his aggression into something positive like competitive sports because he was on edge during this conference. The board members suggested that the youth offender write a letter of apology to his parent, write a letter of apology to the school bus driver, and maintain an 8:00 p.m. curfew. The board members also indicated that they wanted the youth offender to attend some anger management classes. The board members asked the probation officer to bring the young man and his mother back into the conference room. The facilitator explained all of the sanctions to the youth offender and his mother. The facilitator asked if they objected to any of the sanctions, and they both said no. The probation officer asked the youth offender and his mother to sign the Informal Adjustment Agreement if they agreed to the sanctions, at which time they signed the document. The probation officer escorted the family out of the conference room.

The community restorative board conferences were very insightful and the researcher was amazed at how candid the youth offenders were during this entire process. The researcher noted in one memo, "I can hardly believe how honest and open these youth offenders are answering questions from the board members." The researcher also noted, "The youth offenders appeared to tell the board members additional information about their past behavior once they saw that they were not being condemned for their current behavior. The youth offenders did not appear to have any problems expressing themselves while explaining what took place that lead them to these conferences." The researcher observed the attitudes and mannerisms of the board members, and noticed that they did not always agree on the cases but they were consistent with the sanctions that they issued.

The researcher noted, "Some of these board members are really staunch about their position and feelings of the cases that come before them. Sometimes they did not agree with each other but agreed to disagree for the sake of the youth offender." The researcher observed the facilitator of each conference end with these closing remarks: "I would like to thank everyone for the effort and attention they put into this conference. Together we have reached an agreement to repair harm and help deal with issues that can help prevent similar behavior from the youth offender in the future." The researcher observed board members suggest that they have worked hard to provide some answers for the victim and all those affected by this incident. The facilitator also added, "This is not an easy process but with continued support from all of us we can assure that the youth offender will complete the agreement and those affected by this incident will continue the process of healing. I congratulate you all for the work that you have done

today.” The facilitator encouraged all of the participants to continue a process of community interaction by inviting them all to partake in having some refreshments. The researcher noticed that most of the family members and youth offenders would not take out the time to eat the refreshments that were provided by the board members. Once the case was completed the youth offenders and their family members or supporters would leave immediately. However, that did not stop the board members from partaking in the refreshments and continuing their discussions about some of the previous cases amongst themselves. Table 7 on the following page shows the breakdown by gender, race, age, offense, and sanctions of ten Metro County Juvenile Restorative Board conferences.

### Summary of Results

This chapter presented detailed and descriptive responses of five participants from the Metro County Juvenile Court Community Restorative Board. The researcher made every effort to allow the voices of these participants be heard as they discussed their personal knowledge about the functions of community restorative boards; their perceptions of the implementation of restorative justice discipline toward children; and to share personal stories about their motivations to discipline children through a restorative justice approach. The voices were presented individually and collectively to present emerging themes. The emerging themes were represented to show similarities and differences in the perceptions and stories of the participants. There were two African American female and three African American male participants between 40 years and 60 years of age. The mean age was 49.2 years and the median age was 47 years.

TABLE 7: *Juvenile Offenses by Gender, Race, Age, Offenses, and Sanctions*

Gender	Race	Age	Offenses	Sanctions
1. Female	Black	12	Curfew violation	Adhere to curfew. 10 hours of service.
2. Male	Black	13	Bringing 2 pocket knives to school	Apology letter. 10 hours of service.
3. Male	Black	14	Possession of and attempting to sell marijuana at school	Drug test. Apology letter. 10 hours of service. Attend law class.
4. Male	Hispanic	16	Simple battery & disrespecting administrator	Apology letter. 10 hours of service. Write an essay. Mentoring program.
5. Female	White	16	Mall shoplifting	Apology letter. Write an essay. 10 hours of service. Shoplifting class.
6. Female	Black	16	Theft by taking	Apology letter. Write an essay. Maintain curfew. Shoplifting class.
7. Male	Black	16	Possession of Marijuana	Drug testing. Apology letter. 10 hours of service.
8. Male	White	16	Possession of Marijuana.	Drug abuse class. 10 hours of service. Maintain curfew. Drug testing.
9. Male	Black	13	Thefts by taking.	Apology letter. Shoplifting class. 15 hours of service.
10. Male	Hispanic	14	Disorderly conduct	Apology letter. Anger classes.

The participants accumulated a total of 73 years of restorative justice experience, with an average of approximately 15 years per person. The participant's involvement in restorative justice work began at different phases in their lives such as a college intern at juvenile court, volunteer probation work, or regular employment at juvenile court. All of the practitioners were college graduates two of whom has master's degrees and three of them have bachelor's degrees. No participants went beyond the master's degree to obtain their doctorate.

Two of the participants are currently divorced and two are currently married. Four participants indicated they had two children per family. One married male had three children. Four of the practitioners had children who had been subjected to school disciplinary actions (out-of-school suspension and in-school suspension). The participant's earned incomes fell between \$45,000 and \$75,000. The Metro County Juvenile Court currently has seven Community Restorative Boards throughout the county. The restorative board conferences are held at a community location twice a month. The restorative conference is typically held with three to eight people present, including the juvenile offender, victims and board members. An informal adjustment agreement was reached between the Metro County Juvenile Court, Community Restorative Boards, and the youth offender. The agreement is based upon the youth offender's willingness to understand the impact delinquent behavior has on the victim; making amends to those who have been harmed by what the youth offender has done; making amends to the community; and learning ways not to re-offend. The community restorative boards impose sanctions, which may include adhering to curfews, community service, writing letters of apology, writing essays, random drug tests, or

substance abuse and shoplifting classes. All sanctions must be completed within a 30-90 day review period or the juvenile court judge may step in and issue sanctions much greater than that of the restorative board. The Metro County Juvenile Court Community Restorative justice disciplinary process is for non-violent first time offenders. Each family was advised that it is an optional voluntary process and that they could decide to walk away from the process to hire a lawyer and go before the juvenile court judge at any time.

The participants interviewed for this study agreed on many points. First, they all believed that utilizing restorative justice discipline towards juvenile delinquency is a positive disciplinary approach for the youth offenders as well as for the victim, parents, and communities. Second, they agreed that every community should consider using the restorative model because the traditional punitive approach towards discipline is not working and the answer is not in building more prisons. Third, the participants agreed that the restorative justice model gives youth a second chance or an opportunity to redeem themselves, as well as a chance to correct the harm they have caused another person. In comparing the restorative justice model with the retributive approach towards discipline, the participants seemed to be unanimously in favor of the former and in strong opposition of the later. The participants agreed that the retributive approach towards discipline sends the message to society that says we are not willing to listen to children's problems. In contrast, the restorative justice model opens up a line of communication between children and the community. Fourth, the participants agreed that the restorative justice model saves both parents and their children from unnecessary hardships, and educates juvenile justice officials and school administrators

about the philosophy of restoring rather than detaining or expelling children. Fifth, the participants agreed that a restorative justice disciplinary model brings people to the table to discuss not only what the problem is but also how to fix it. Sixth, the participants agreed that the traditional model of incarcerating youth offenders could negatively influence children to keep making poor decisions.

Restorative discipline adheres to the principles of accountability, competency development, and community safety, which create an atmosphere of trust in the juvenile justice disciplinary process (Bazemore & Umbreit, 1995). The restorative disciplinary approach is already being implemented within several juvenile court systems as an alternate to the traditional retributive disciplinary model. The researcher discusses the influence and implications of a restorative justice disciplinary approach within the juvenile court system in the next chapter, which highlights restorative justice language and processes. Restorative justice discipline is creating renewed excitement and hope for more constructive responses to harm inflicted by youth offenders.



## CHAPTER 5

### DISCUSSION AND RECOMMENDATIONS

The chapter presents a discussion of the study, implications, and recommendations for future research. The current study addressed three major questions: (1). What are the functions of the Metro County Juvenile Court Community Restorative Boards and how do they operate when dealing with disciplinary cases of youth offenders? (2). How have restorative justice practitioners within the Metro County Juvenile Court System implement restorative justice discipline on youth offenders? (3). How do restorative justice practitioners within the Metro County Juvenile Court System think about restorative justice as a form of discipline? The purpose of this study was to analyze and explore the disciplinary functions and procedures of the Metro County Juvenile Court Community Restorative Boards. The researcher analyzed documents, observational notes and in-depth interviews of two board members and three juvenile court officials in an effort to better understand how and why community restorative boards implement restorative discipline toward youth offenders. The first section discusses the findings from the first research question and the relevant literature associated with the functions of community restorative justice boards. The second section addresses the findings relevant to the second research question and the pertinent literature related to the implementation of restorative justice discipline. The third section discusses the findings from the third research question and the literature associated with the motivations for disciplining youth offenders in juvenile court. The fourth section discusses the implications and recommendations for future research.

The final section reflects concluding remarks about the utilization of restorative justice discipline toward youth offenders.

### Discussion of First Research Question

What are the functions of the Metro County Juvenile Court Community Restorative Boards and how do they operate when dealing with disciplinary cases of youth offenders?

#### Repairing Harm through Community Accountability

The research findings suggested that a community restorative justice approach towards disciplining youth offenders is not only appropriate but also necessary in order to encourage accountability, repairing relationships, competency development, and community safety. Mr. Roll stated, "Restoring you back to your basic rightful place in society by holding a person accountable for their actions is important." Bazemore and Pranis (1997) noted that understanding the meaning of restorative justice sets the stage for implementing this form of discipline toward youth offenders. Zehr (1990) indicated that it is important to mediate a situation with the victim, offender, and community in a search for solutions that will strive for repairing, restoring, and reassuring justice. According to the participants, repairing harm through community accountability is the cornerstone of restorative justice discipline. The participants suggested that youth offenders who take responsibility for his or her behavior and actions could help begin the healing process for the victims and communities who were harmed by their poor decision-making.

Mr. Chance described restorative justice discipline as a chance for youth offenders to make corrections to their behavior that may have caused harm to someone else. Riveland (1999) indicated that during the mid-1970's, several jurisdictions enacted the community corrections act based on the premise that certain types of offenders could best be managed and treated in the community from which they came. The stories of the participants revealed experiences that support the notion of allowing community members to play an integral role in disciplining youth offenders in the juvenile court system. Mrs. Judge stated, "It is important for the community to allow youth offenders to take responsibility for their actions and understand that there are going to be some consequences for their actions." Van Ness (2005) indicated that restorative justice is a theory that emphasizes repairing the harm caused or revealed by criminal behavior and restoration is best accomplished through cooperative processes that include all stakeholders. Mr. Leader suggested that a child who experiences restorative justice discipline has the right to know the reasons for their sanctions and the people within the community have the right to feel safe and confident with the decisions made by the juvenile court. People are empowered when they have a voice in the decision-making process that affects their community. Increased community involvement will result in greater community understanding and stronger community support for the juvenile justice system. Furthermore, community involvement creates connections in the community, which can offer support to youth offenders that can continue after they leave the system (Bazemore & Umbreit, 1997). The youth offenders have a much greater chance for successful reintegration back into the community with the support and encouragement from the people within the community.

### Creating Disciplinary Sanctions through Community Involvement

The research findings suggested that the restorative justice model saves both parents and their children from unnecessary hardships, and educates juvenile justice officials about the philosophy of restoring rather than incarcerating youth offenders. The research findings also noted that communities should consider using the restorative model because the old punitive approach is not working and the answer is not in building more prisons for sanctioning youth offenders. Advocates for restorative justice disciplinary interventions and conflict resolution practices have responded to misbehavior in ways in which community volunteers can connect with youth offenders and victims in order to create collective consequences for criminal behaviors (Bazemore & Umbreit, 1997). Mrs. Heaven said, "Restorative justice sanctions focuses on the youth offender's obligation to repair the harm to the victim and the community by making sure that they are learning from their mistakes."

Rodriguez (2005) argues that in theory, the collaborative effort between community members and criminal justice agencies produces an effective mechanism of crime reduction that may also lead to the solving of other community/neighborhood problems. Restorative justice discipline has three core values of community safety, accountability, and competency development, which have the potential to become the cornerstone for juvenile justice (Van Ness, 2002). Mr. Roll commented, "I appreciate the opportunity to participate in a process that allows the community to be involved in first time offender activities so that we can say to them we are a community of caring people." Restorative justice within the juvenile court setting is a promising model because youth offenders are given an opportunity to have some input into addressing

violations of the law and of people. Broadening the community input in determining the appropriate discipline for youth offenders helps mitigate the traditional use of retributive discipline by juvenile court judges who determine the level of discipline. Community input allows for expressive sanctioning aimed at communicating value-based messages to offenders and the community while affirming obligations and accountability.

Community input should be more effective in regulating conduct and more likely to promote community solidarity and peaceful dispute resolution (Bazemore & Umbreit, 1995).

#### Discussion of Second Research Question

How have restorative justice practitioners within the Metro County Juvenile Court System implement restorative justice discipline on youth offenders?

#### Corrective Opportunity for Poor Decision-Making

The findings of the study suggests that some of the benefits of implementing a restorative justice disciplinary approach is that all individuals involved in an incident will have an opportunity to state their concerns, individuals who are harmed during the incident are heard and addressed, youth offenders are held accountable for their misbehavior without being isolated, and youth are supported and empowered. Hopkins (2004) indicated that implementing restorative dialogue creates opportunities for individuals to feel more valued, empowered, and vindicated in the disciplinary process. Youth offenders are given an opportunity to discuss some of the misfortunes that they may have caused to other individuals during this process, which teaches them about the importance of building healthy relationships through communication.

Mrs. Heaven noted, "Implementing the restorative discipline process allows us to tell a child that you are being disciplined not only because you have broken the law but because you are hurting the community and this is something that you should value because of what you need and the needs of others."

Restorative justice discipline encourages youth offenders to begin to understand that they are a part of a family and community that have needs, which are just as important as their own needs. Bazemore and Umbreit (1995) suggested that restorative justice discipline practices have the potential to increase the range of effective options for addressing violence and disruption within the juvenile court system. The research findings suggested that the restorative justice approach toward discipline helps youth offenders understand that a wrong was committed and the community is expecting them to correct their behavior. However, community members must be prepared to hold youth offenders accountable to standards that are measurable and reasonable if the community members plan to take an active position toward disciplining youth offenders. Community members who are seeking the opportunity to volunteer their time administering restorative justice discipline are trained in this area prior to conferencing any cases. Bazemore and Umbreit (1997) comments, "Some may argue that community members are resistant to involvement in the justice system or that most citizens are not appropriately trained to participate in sanctioning." However, the participants in this study displayed a high degree of competence and confidence when they were asked to describe the prior training that they received in the area of restorative justice or youth justice. The participants had a combined total of 73 years

working with youth in the juvenile justice system, and all of them had different training experiences in restorative justice.

The findings of this study indicated that stakeholders in the outcome of criminal offenses such as community members, victims, and the youth offenders themselves should be involved within the disciplinary process in order for discipline to be considered truly fair. The participants agreed that a restorative justice disciplinary plan brings people to the table to discuss not only what the problem is but also how to fix it. Clearly this would be a new way of thinking or a new model for adjudicating youth offenders within the juvenile justice system. However, in a voluntary restorative deliberation, the state must be present at least in the background to assure that the deliberation takes place and results in an acceptable outcome, to guarantee the power balance in the deliberation, and to provide an opportunity for the parties to leave the deliberative process if someone feels that their interests are not adequately acknowledged (Walgrave, 2004). The restorative disciplinary process will have a broader audience thereby soliciting input from a wider range of stakeholders in the community.

Stakeholders like parents, students, and school resource officers sitting at the table as part of that team can help determine youth discipline within the juvenile court system, which could actually assist in creating a more democratic culture within the juvenile justice system. Mr. Chance suggested that restorative justice discipline is about bringing communities together to discuss some of the misfortunes that families, children, and communities encounters sometimes. The participants also suggested that young people who commit crimes should be allowed to have a choice to participate in the community restorative justice disciplinary process. "Restoration can remediate the

harms that the offender did to himself by his crime (e.g., social exclusion and stigmatization) if he is allowed to take the opportunity to repair the consequences of his offense and expresses his willingness to conform” (Walgrave, 2004, p. 572). Being allowed to correct or repair your mistakes is an important element in the restorative process because victims, youth offenders, and communities are vindicated.

#### Inadequate Time, Resources, and Influence for Restorative Boards

It was interesting to find that all of the participant’s responses to the challenges facing restorative justice discipline within juvenile court revolved around similar themes such as having available resources, time, and influence to educate citizens and juvenile court officials about restorative justice. Mrs. Judge noted that youth offenders involved in restorative conferences need to have proper social services within their communities in order for the board members to really influence behavioral changes. Sufficient reparative sanctions and processes within the community help youth offenders structure their time in ways that promote preventive capacity development (Bazemore & Umbreit, 1997). Mr. Leader indicated that the current juvenile court systems has failed to embrace restorative justice and the challenge for me throughout my years is educating individuals about this disciplinary model. Furthermore, Bazemore and Umbreit (1997) suggest that judges, prosecutors, and defense attorneys must be willing to exercise leadership, and take risks, in refocusing sanctioning toward restoration rather than punishment as a primary objective. These individuals will also play key leadership roles in eliciting community support for use of community-based programs whenever possible as an alternative to more costly incarceration options. It is important that the feasibility



and positive impact of restorative justice programs are highlighted through research findings so that the policy and practice of restorative justice will not remain for the most part outside of the mainstream of most juvenile justice systems.

### Discussion of Third Research Question

How do restorative justice practitioners within the Metro County Juvenile Court System think about restorative justice as a form of discipline?

### Guiding Youth Offenders to a Second Chance

The findings of this study suggested that utilizing community restorative justice towards youth offenders gives them a second chance or an opportunity to redeem themselves, as well as a chance to correct the harm they have caused another person. Cameron and Thorsborne (2001) noted that restorative justice provides an opportunity for youth to practice participatory democracy in their attempts to help solve problems around incidents of misconduct they find challenging and disturbing, as well as an opportunity to explore how their life chances (both offenders and victims) and their families might be improved, and how the juvenile justice system might be transformed in ways likely to minimize the chance of further harm.

Mrs. Judge suggested that everyone involved in a crime should be given a second chance to re-establish themselves within the community. Zehr (1990) points out the value of involving the community in dealing with its own problems and the potential this offers to building healthy relationships between people and communities. One of the key elements of restorative justice discipline within the juvenile court system is the involvement and empowerment of youth offenders as decision-makers. Decisions are

made with reference to the feelings, needs, and opinions of those primarily involved in a restorative conference. The question of who should be held accountable to help resolve problems is relevant in the juvenile court context. Traditionally such problems are dealt with as delinquent issues by juvenile court officials but a restorative justice approach toward discipline allows the youth offender to take ownership of his/her delinquent behavior.

### Youth Justice Training Experience

The findings suggested that the training experience and work history of each participant influenced their desire to promote and implement the restorative justice disciplinary model toward youth offenders. According to the findings of the study all five participants implied that their restorative justice training consisted of past work experience, classroom seminars, instructional videos, and role-playing scenarios that laid an excellent foundation for preparing them to successfully facilitate restorative conferences. Hopkins (2004) suggested that training for restorative conferences often follows a scripted format that allows for role-playing, in which questions are intended to pull out the thoughts and emotions of all individuals who are present. Mr. Chance noted, "I provide details about the board members responsibilities in order to conduct restorative conferences. I also inform them about my level of work experience in the area of restorative justice so that the board members are well aware that an expert is training them. The stories of the board members revealed positive self-perceptions about the restorative justice training that they received from the juvenile court system. Mrs. Judge comments, "My experience conducting restorative conferences was minimal

but the training that I received gave me sufficient knowledge and confidence about how to design and patterned youth conferences.”

### Limitations of the Study

It is vital not to generalize all community restorative board members and juvenile court officials based on this research. This qualitative case study represented a very small number of participants and their voices do not represent the voices of every restorative justice practitioner. The other limitation is associated with the usage of the term community. Walgrave (2004) argued that first, the term community suggests a difference between what communities are and what communities are not, as if it were an area that is created in the minds of the individuals occupying a specific area. Furthermore, it is difficult to define the limitations of a community. Community is too broad of a concept to characterize. Second, relying on communities for developing restorative sanctions to crime, as many restorative practitioners do, presupposes its general availability, which is not evident (Walgrave, 2004). For instance, youth offenders who victimize individuals that live within different communities other than their own creates the problem of community mobilization, which means that it will be difficult to settle a robbery in the community where the victim and offender live miles from each other within different social networks. Third, allowing the term community to be used as a loose concept makes it vulnerable to misuses and excesses (Walgrave, 2004). The concept of community has the potential to be culturally and ethnically exclusive depending upon the social ethics and shared values of the members within the community.

## Implications of Restorative Discipline on the Juvenile Court System

Historically, the juvenile court system has been assigned the responsibility for meeting the needs of misguided children and responding to juvenile delinquency. The juvenile court system has focused primarily on administering sanctions for the betterment of youth offenders. However, research has noted that the juvenile justice system has moved toward a retributive form of juvenile justice, which gives first priority to punishment (Bazemore & Umbreit, 1997). The research findings suggest that the Metro County Juvenile Court system is overwhelmed and is seeking a different approach to addressing complaints that are being forwarded by school districts, district attorneys, and parents (Metro County Press Release, 2007). The restorative justice route towards discipline meets the youth offender halfway. Mrs. Heaven indicated that community restorative justice is working and believes that retributive policies do not allow for problems to be resolved or addressed. The problem is not necessarily resolved until a solution to the behavior is addressed and the solution needs to be community and family-based (Rodriguez, 2005). Punitive disciplinary measures do not assist the family or the child. Punitive discipline requires juvenile justice administrators to analyze the youth offender's violation and report the infractions before rendering their decision to sanction or sentence (Bazemore & Umbreit, 1995). Children are not equipped to advocate for themselves within the current juvenile justice system (Tyler, 2006). It is simply retributive discipline with little or no articulation as to why the incident happened and the intent of the person who committed the offence. Furthermore, juvenile justice systems that claim that they are teaching children how to become better citizens for tomorrow should insist on using restorative discipline rather than retributive

discipline when dealing with conflict (Bazemore & Umbreit, 1995). Utilizing a restorative justice approach toward disciplining youth offenders has the potential to remove the perception of youth offenders being suspicious and violent, and increase the perception of youth offenders who present apparent needs and risks.

### Recommendation for Future Research

Skiba et al. (2006) stated, "To the extent that school infractions lead to increased contact with the juvenile justice system, the cost of treatment appears to escalate dramatically. Research is necessary to document the cost-benefit ratio associated with prevention and early intervention approaches as compared directly to zero tolerance policies" (p. 10). The research suggests that the monetary cost for suspending and expelling youth offenders from school creates a financial burden for the juvenile justice system. To the extent that school infractions lead to increased contact with the juvenile justice system, the cost of treatment appears to escalate dramatically. Restorative conferences are free and voluntary for all youth offenders and families who would like to take advantage of an alternate punishment created by the Metro County Juvenile Court System as a means to help negate the increase in youth incarceration. Research on the school-to-prison phenomenon should also be expanded and developed in the very near future in order to show support for developing disciplinary alternatives for school-aged children. Skiba et al. (2006) stated, "Although some of the apparent parallels between the educational and juvenile justice systems are compelling, the prospective longitudinal research necessary to document conclusively any links between school discipline and juvenile justice outcomes has not yet been conducted" (p. 9). It would be reasonable to

expect that retributive discipline should not be the singular form of disciplinary action that could be applied to youth misbehavior. Juvenile court systems could potentially implement other forms of disciplinary processes such as conflict resolution, peer-to-peer mediation, counseling, or restorative conferences before utilizing retributive discipline. Future researchers might want to analyze the responses of a larger pool of participants such as juvenile court administrators, family members, victims, and youth offenders in order to further examine the potential for operating community restorative conferences within the juvenile court system. Further research is also needed to outline the social, emotional, and academic affects that the exclusionary discipline model has on youth (Casella, 2003; Wald & Losen, 2003; Orsher et al., 2003; Christle et al., 2005).

Future research should focus on the policy implications of community restorative justice discipline. Bazemore and Umbreit (1997) stated, "Implementing a Balanced and Restorative Justice model should be viewed as a continuous process of strategic improvement in local juvenile justice which engages all of those who are affected by juvenile crime "(p. 39). Bazmore and Umbeit (1997) suggest some of the following guidelines to structure the policy implementation of the Balanced and Restorative Justice model, which are:

1. Start small. Beginning small creates better management of reform efforts.
2. Pick institutional targets and community projects with the potential for wider expansion and ongoing operation. Choose a pilot project where there is a base of support for innovations and new approaches.
3. Develop an internal steering committee to set goals and monitor progress. This should be a small management team with a commitment to the model.

4. Engage juvenile justice staff and decision makers in values clarification, consensus building, assessment and goal definition.
5. Identify at least one "grass roots" victim advocacy organization and/or several individual victims of juvenile crime who can become active sponsors and partners in the overall effort to implement a Balanced and Restorative Justice model (pp. 39-40).

### Conclusions

Restorative discipline could potentially transform the way juvenile justice systems have traditionally punished youth offenders (Szablowinski, 2008). A qualitative case study was used to analyze a restorative justice disciplinary model toward youth offenders facing adjudication and incarceration. Research data on the history and utilization of restorative justice within the juvenile justice system was used to help guide this particular study. For instance, restorative discipline within juvenile correctional settings decreases the number of youth being sent to state detention facilities (Ashely & Stevenson, 2005); that restorative practices in more traditional educational settings act as an alternative form of conflict resolution (Karp & Breslin, 2001). It is important to remember that this research gives only a partial perspective on the implementation of restorative discipline within the juvenile court system. The importance of the research is in the experience it gave the researcher and the participants in conducting fieldwork, reducing, and presenting data through the lens of the developing conceptual framework of restorative justice. The restorative practitioners in this study emphasized the importance of keeping youth offenders within the communities of support so that they can stay connected or reconnect with their communities when problems occur.

At the time of this dissertation study, a very public incident of youth violence erupted in Chicago, leading to a rising chorus of concern over the safety of urban school children. Karen Hawkins of the Huffington Post (2009) indicated that the death of Derrion Albert, a 10<sup>th</sup> grade honor roll student at Christian Fenger Academy High School in Chicago, Illinois, became the third Chicago teenager killed this month. At least seven more have been shot. His death was the latest addition to a rising toll: More than 30 students were killed last school year, and the city could exceed that number this year. Prosecutors charged four teenagers with fatally beating Albert, who was walking to a bus stop when he got caught up in a mob street fight. The researcher is a native of Chicago, too, and attended the city's public school during the early 1990's—violence was just as rampant then as it is now. The restorative justice model has the potential to improve the implementation of youth justice within our current juvenile justice system. Restorative justice language and procedures are revitalizing hope for more constructive responses to harm inflicted by youthful offenders. Emphasis should be placed on the psychological approaches to discipline whose aim should be to connect with and activate internal values within the offender with the goal of encouraging self-regulatory law-related behavior (Wright, 1999; Wachtel, & McCold, 2001). Restorative justice discipline has the potential to do far more than provide solutions for dealing with some youth offenders. Restorative justice discipline has the potential to empower victims of crime, encourage youth offenders to take responsibility for their actions, and rejuvenate communities to take an active role in establishing safety guidelines that are beneficial to everyone involved in harmful incidents.



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## APPENDIXES

### APPENDIX A

#### INSTITUTIONAL REVIEW BOARD

Mail: P.O. Box 3999  
Atlanta, Georgia 30302-3999  
Phone: 404/413-3500  
Fax: 404/413-3504

In Person: Alumni Hall  
30 Courtland St, Suite 217

February 23, 2009

Principal Investigator: Lakes, Richard Davis

Student Principal Investigator: Banjoko, Ajamu Abiola

Protocol Department: Educational Policy Studies

Protocol Title: Restorative Discipline as an Alternative to Zero Tolerance Discipline in Schools: An Analysis of Metro County Juvenile Court Community Restorative Boards

Funding Agency:

Submission Type: Protocol H09287

Review Type: Expedited Review

Approval Date: February 23, 2009

Expiration Date: February 22, 2010

The Georgia State University Institutional Review Board (IRB) reviewed and approved the above referenced study and enclosed Informed Consent Document(s) in accordance with the Department of Health and Human Services. The approval period is listed above.

Federal regulations require researchers to follow specific procedures in a timely manner. For the protection of all concerned, the IRB calls your attention to the following obligations that you have as Principal Investigator of this study.

1. When the study is completed, a Study Closure Report must be submitted to the IRB.
2. For any research that is conducted beyond the one-year approval period, you must submit Renewal Application 30 days prior to the approval period expiration. As a courtesy, an email reminder is sent to the Principal Investigator approximately two months prior to the expiration of the study. However, failure to receive an email reminder does not negate your responsibility to submit a Renewal Application. In addition, failure to return the Renewal Application by its due date must result in an automatic termination of this study. Reinstatement can only be granted following resubmission of the study to the IRB.
3. Any adverse event or problem occurring as a result of participation in this study must be reported immediately to the IRB using the Adverse Event Form.
4. Principal investigators are responsible for ensuring that informed consent is obtained and that no human subject will be involved in the research prior to obtaining informed consent. Ensure that each person giving consent is provided with a copy of the Informed Consent Form (ICF). The ICF used must be the one reviewed and approved by the IRB; the approval dates of the IRB review are stamped on each page of the ICF. Copy and use the stamped ICF for the coming year. Maintain a single copy of the approved ICF in your files for this study. However, a waiver to obtain informed consent may be granted by the IRB as outlined in 45CFR46.116 (d).

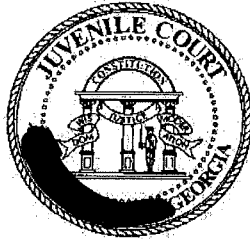
All of the above referenced forms are available online at <https://irbwise.gsu.edu>. Please do not hesitate to contact Susan Vogtner in the Office of Research Integrity (404-413-3500) if you have any questions or concerns.

Sincerely,

Susan K. Laury, IRB Chair

Federal Wide Assurance Number: 00000129

APPENDIX B



JUVENILE COURT OF [REDACTED] COUNTY  
Judge Romae T. Powell Juvenile Justice Center  
395 Pryor Street, S.W., Atlanta, Georgia 30312-2713  
Phone: 404-224-4401 FAX: 404-302-8566

Ajamu Banjoko, Doctoral Student  
Georgia State University  
Department of Education  
223 James Brawley Drive, S.W.  
Atlanta, Georgia 30314

Re: Research Agreement

Date: February 3, 2009

[REDACTED] County Juvenile Court welcomes the opportunity to partner with the Georgia State University, Department of Education, in allowing Mr. Ajamu Banjoko to conduct a research study surrounding the use of restorative justice principles and practices for youth involved in the court system.

[REDACTED] County Juvenile Court agrees to sharing data on the juvenile courts use of Community Restorative Boards in targeted neighborhoods of the City of Atlanta and South [REDACTED] County. In addition the court will provide access for interviews of board members and officials.

The research study on the juvenile court restorative boards will start February 23, 2009 and end on July 31, 2009. Georgia State University agrees to provide research finding to the [REDACTED] County Juvenile Court in advance of releasing to the public, university and other research entities finding on the courts restorative boards. [REDACTED] Juvenile Court reserved the rights to discontinue the research project at any point.

Sincerely,  
  
Victor G. Brown, MA  
Director of Court and Family Services



## APPENDIX C

Georgia State University  
Department of Educational Policy Studies

### Informed Consent Form

Title: Restorative Discipline as an Alternate to Retributive Discipline within the Juvenile Court System: An Analysis of the Metro County Juvenile Court Community Restorative Board.

Principal Investigators: Dr. Richard Lakes, EPS Mr. Ajamu A. Banjoko, EPS

This informed consent will explain the research project in which I am seeking your voluntary participation. It is important that you read the material carefully and then decide if you wish to be a volunteer. If you have any questions about this research you may contact me, my dissertation chair, or the Georgia State University Institutional Review Board at the numbers provided below.

Purpose: I will be asking juvenile court community restorative board members and officials about their beliefs on disciplining children in order to better understand how their usage of restorative discipline impact school-aged children. I also intend to ask questions about how restorative justice disciplinary practices works, what outcomes are witnessed, and what needs are there for the restorative justice movement to grow. This study will look at the possible effects that restorative discipline may have on retributive zero tolerance discipline on school-aged children. A total of three members and two officials on the juvenile court community restorative board will be asked to volunteer for this study. This study will take up a few hours of your time each week throughout the day for at least six months.

Procedures: Interviews and observations will take place throughout the day for 1 to 2 hours each week for six months. Interviews will take place during work hours and possibly after work hours depending on your availability. The observations will take place throughout the day during all activities. All interviews will be audio taped. All observations will be noted. The audiotapes will be used for recording notes during the interviews. Your name will not be on the written records. The format of the interview questions will be open-ended because I would like you to have the chance to share your experiences freely. The original consent forms will be collected before the interviews or observations begin. The records will be stored in a locked cabinet at the university office of Dr. Lakes, my advisor. The key will be on my key ring at all times.

Risks: No risks or discomforts should be associated with this research, nor are there any direct benefits or compensation to volunteer participants. Your perceptions of restorative discipline and your disciplinary actions that relates to your role with the juvenile justice system may leave you with the feeling of regret. There is a chance that you may feel uneasy when talking about your experiences in dealing with discipline problems. You should stop talking about any topic that makes you feel uneasy.

Benefits: Any potential benefits to the participants would arise from that individual's reflection upon their role as a supporter of juvenile justice by way of restorative discipline. School districts could potentially use this information regarding training in the area of restorative disciplinary practices.

Participation and Withdrawal: You can choose to volunteer for this study. You have the right not to be in this study. If you choose to be in this study and change your mind, you have the right to drop out at any time. Data that you provided will be shredded and not used in the study if you decide to drop out at any time. You may skip questions or stop at any time. Whatever you choose, we thank you for your time and effort.

Confidentiality: We will keep your records private. The computer that will store the research information is password and firewall protected. The audiotapes will be destroyed after the completion of study. We will use pseudonyms instead of your name on all records. Only the people listed below can view your information. All of your information will be stored in a locked cabinet at the university office of Dr. Lakes, my advisor. The key will be on my key ring at all times. You will not be personally identified.

Contact Persons: You may call Dr. Richard Lakes at 404-651-2582 or Ajamu A. Banjoko at 404-880-8200/404-494-6881 if you have any questions about this study. If you have questions or concerns about your rights as a volunteer in this research study, you may contact Susan Vogtner in the Office of Research Integrity at 404-413-3513 or [svogtner1@gsu.edu](mailto:svogtner1@gsu.edu). We will give you a copy of this consent form to keep.

The volunteer have read, or have had read to him/her, and fully agree to participate based on the information in the consent form. If you are willing to volunteer for this research, please sign the consent form below freely and voluntarily. A signed copy of this consent form will be given to the volunteer. The signature of the volunteer will serve as proof of your willingness to be audiotaped during this research.

Participant Signature \_\_\_\_\_ Date \_\_\_\_\_

Principal Investigator \_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX D

### Demographic Questionnaire

Thank you for your cooperation in filling out this questionnaire. Below are a number of questions about your demographic data and previous restorative justice experience. Please remember your data are anonymous. Therefore, do not write your name anywhere on this document.

1. What is your gender? Male\_\_\_ Female\_\_\_
2. What is your race?  
Caucasian\_\_\_ Black\_\_\_ Asian\_\_\_ Hispanic\_\_\_ Other\_\_\_
3. How old are you?
4. What is your religion?  
Christianity\_\_\_ Islam\_\_\_ Jewish\_\_\_ Hinduism\_\_\_ Other\_\_\_
5. How many years of restorative justice experience do you have?
6. What got you involved in restorative justice work?
7. Any training in restorative justice? Yes\_\_\_ No\_\_\_
8. Any licensure in restorative justice? Yes\_\_\_ No\_\_\_  
Describe type and licensing body\_\_\_\_\_
9. What is your current job title?\_\_\_\_\_
10. What is your family's annual income?  
Under \$15,000\_\_\_ \$55,000-\$64,999\_\_\_  
\$15,000-\$24,999\_\_\_ \$65,000-\$74,999\_\_\_  
\$25,000-\$34,999\_\_\_ \$75,000-\$100,000\_\_\_  
\$35,000-\$44,999\_\_\_ \$100,000-\$150,00\_\_\_  
\$45,000-\$54,999\_\_\_ \$Over \$150,000\_\_\_
11. What is your educational level?  
Did not finish high school \_\_\_\_\_  
Finished high school \_\_\_\_\_  
Some college/technical school \_\_\_\_\_  
Completed college \_\_\_\_\_  
Master's level graduate School \_\_\_\_\_  
Doctoral level graduate School \_\_\_\_\_  
Other (please specify)\_\_\_\_\_
12. In what field do you hold your highest college degree?\_\_\_\_\_
13. What is your marital status?  
Married\_\_\_ Divorced\_\_\_ Widowed\_\_\_ Separated\_\_\_ Single\_\_\_
14. How many children do you have?\_\_\_\_\_
15. Has your children ever been involved in school discipline procedure?  
Yes\_\_\_ No\_\_\_  
In-school suspension? Yes\_\_\_ No\_\_\_  
Out of school suspension? Yes\_\_\_ No\_\_\_  
Expulsion? Yes\_\_\_ No\_\_\_  
Juvenile detention? Yes\_\_\_ No\_\_\_

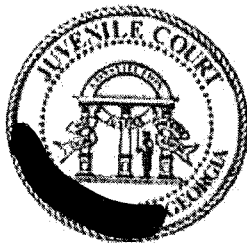
16. How was the situation in Question #15 resolved?
17. Should law enforcement be involved in?
- |                           |     |       |    |       |
|---------------------------|-----|-------|----|-------|
| School weapon charges?    | Yes | _____ | No | _____ |
| Fighting in school?       | Yes | _____ | No | _____ |
| Drugs on school property? | Yes | _____ | No | _____ |
| Other (Specify)? _____    | Yes | _____ | No | _____ |
18. What is the chief benefit of zero tolerance in schools?
19. What is the chief benefit of restorative justice in schools?
20. Would you recommend the use of restorative justice discipline in school?
- Yes \_\_\_\_\_ No \_\_\_\_\_
- Why or why not?
21. Should school administration become more involved in restorative justice discipline? Yes \_\_\_\_\_ No \_\_\_\_\_

## APPENDIX E

### Interview Guide Questions:

1. How did you start working in the restorative justice field?
2. Why do you think restorative justice disciplinary practices started within the juvenile justice field?
3. What is the purpose or philosophy of restorative justice discipline?
4. What are some of the biggest challenges in the field of restorative justice? Please explain.
5. How might restorative justice discipline impact youth offender reentry into the community?
6. Could you tell me a story about a positive outcome you observed during the usage of restorative justice discipline?
7. Could you tell me a story about a negative outcome you observed during the usage of restorative justice discipline?
8. How might restorative justice discipline impact the community and the victim involved in an altercation?
9. How might restorative justice be used within a school-based environment?
10. If school administrators were to become more involved in restorative justice discipline, what do you think they might do?
11. Would you recommend the usage of restorative justice discipline within a school-based environment? Why?
12. What is your general knowledge about zero tolerance discipline in school?
13. How are school-aged children referred to participate in a restorative justice disciplinary process?
14. How might school-aged children benefit from participating in a restorative justice disciplinary process?
15. What does restorative justice mean and how is it different from how we traditionally do justice in our culture?
16. How are restorative justice practitioners trained in restorative conferencing?

APPENDIX F



JUVENILE COURT OF [redacted] COUNTY  
Judge Romae T. Powell Juvenile Justice Center  
395 Pryor Street, S.W., Atlanta, Georgia 30312-2713  
Phone: 404-224-4524 FAX: 404-302-8449

Date:

**Restorative Board Child Notification Letter**

Re Child's Name:  
DOB:  
File Number:

Dear Parent(s):

Your child has received a complaint of \_\_\_\_\_. This matter will be handled as a conference by the [redacted] County Juvenile Court Restorative Board. Appearing before the Restorative Board is voluntary. Your child must be willing to accept responsibility for his/her behavior for the case to be handled without a hearing before a Juvenile Court Judge. The Restorative Board, with your assistance, will develop a plan to which allows your child to repair the harm s/he has caused the victim of the complaint and the community.

With the consent of all parties, an agreement will be completed and upon your child's completion of the plan, the case will be closed without a court hearing.

Prior to the conference, please bring your child to my office for us to discuss the complaint and complete a risk assessment that will assist the Restorative Board in making the best decision for your child. Your appointment is scheduled for \_\_\_\_\_, 2007 at \_\_\_\_\_ m., 395 Pryor Street S.W., Second Floor.

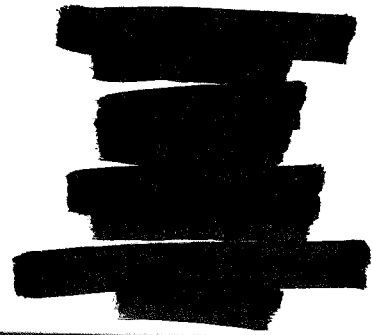
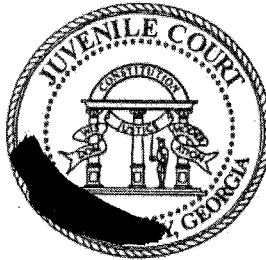
If your family receives Medicaid, please bring the card with you to the appointment.

If the child is denying the complaint or you have any concerns or questions, Please call me.

Sincerely,

Probation Officer  
404.224

APPENDIX G



---

JUVENILE COURT OF [REDACTED] COUNTY  
Judge Romae T. Powell Juvenile Justice Center  
395 Pryor Street, S.W., Atlanta, Georgia 30312-2713  
Phone: 404-224-4401 FAX: 404-302-8566

Date \_\_\_\_\_

VICTIM NOTIFICATION LETTER

TO: \_\_\_\_\_

Re: Notification of Restorative Board Conference  
Child: \_\_\_\_\_ File Number \_\_\_\_\_

Dear Mr/Ms.

Your name is listed as the victim of a crime that happened on \_\_\_\_\_. The Court has received a Complaint of the juvenile(s) responsible for the incident.

In the Restorative Justice Board Conference, we are able to discuss the case with you, and give you the opportunity to meet face-to-face with the offender. Your participation is entirely voluntary.

Many victims find that meeting with their offender(s), outside the criminal justice process, provides a meaningful way to participate in the justice system. You could ask questions and explain how you were affected by what happened during the conference. Meeting with victims can help offenders understand how their behavior affects other people.

The Restorative Board Conference is scheduled for \_\_\_\_\_ at \_\_\_\_\_ p.m., Fulton County Juvenile Court, 395 Pryor Street S.W., Atlanta, GA.

Please contact the Restorative Board Coordinator for the Restorative Boards, [REDACTED] to notify him of your decision or to request additional information about this process. If you choose not to attend the conference, [REDACTED] will obtain from you, a statement about what happened to you, and documentation of your losses for consideration by the Board.

Sincerely,

Probation Officer

APPENDIX H

Metro County Juvenile Court  
Community Restorative Board Referral Form

File Number \_\_\_\_\_ Case Number \_\_\_\_\_

Child's Name \_\_\_\_\_ Age \_\_\_\_\_ DOB \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Grade \_\_\_\_\_ School \_\_\_\_\_

Mother \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Father \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Offense(s) \_\_\_\_\_ Date of Offense(s) \_\_\_\_\_

Location of  
Offense(s) \_\_\_\_\_

Victim(s) \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Notified Victim on \_\_\_\_\_

Date of Board Appointment \_\_\_\_\_

Board Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Probation Officer \_\_\_\_\_ Phone \_\_\_\_\_



## APPENDIX I

### STATE OF GEORGIA COMMUNITY RESTORATIVE BOARD INFORMAL ADJUSTMENT AGREEMENT AND ORDER

IN THE INTEREST OF:

FILE NUMBER:

CASE NUMBER

SEX:

AGE:

DOB:

The above-named child having been charged with:

allegedly to have occurred on or about \_\_\_\_\_ and;

The child and his/her parent/guardian having acknowledged the following:

1. That the child is under seventeen years of age and resides in Metro County;
2. That the admitted facts bring the case within the jurisdiction of the Court;
3. That the child has been advised of a right to have an attorney represent him/her in this matter and that if he/she is unable to afford to hire an attorney, one will be supplied free of charge;
4. That he/she does not need to make a statement if he/she chooses not to;
5. That this matter could be heard formally by a judge rather than by an officer of the Court.
6. That the child agrees to appear before the Restorative Board for the Informal Conference.

The child and parent do elect \_\_\_\_\_ to have an attorney \_\_\_\_\_ not to have an attorney and proceed with this informal hearing.

\_\_\_\_\_  
Signature of child

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of parent/guardian

\_\_\_\_\_  
Date

This Court having determined that the above named child is subject to the jurisdiction and protection of this Court as provided by law; This Court having found that counsel and advice without an adjudication is in the best interest of the public and the child, the child having admitted to the charges, and; the child and his/her parent/guardian having consented to the informal adjustment with the knowledge that consent is not obligatory. It is therefore agreed that the case of the above named child is informally adjusted under the conditions and stipulations attached hereto and incorporated in this informal adjustment by reference. Further, the above named child and his/her parent or guardian acknowledge that they have been advised, by a copy of this informal adjustment, and agree that any violation of any provision of this adjustment may result in the filing of a petition at any time during the time of this informal adjustment or any extension thereof. Parties agree to waive any time limits associated with the filing of the petition.

Action taken: Child must comply with the checked requirements: ( ) Letter of Apology;

( ) Community Service --# hours \_\_\_\_\_; ( ) Restitution of \$ \_\_\_\_\_; ( ) Curfew of \_\_\_\_pm;

( ) Attend School; ( ) Other \_\_\_\_\_

Date to Complete Agreement and Sanctions: \_\_\_\_/\_\_\_\_/\_\_\_\_

The Child has complied fully with the Restorative Board Agreement; it is recommended that the case be dismissed.

Consented to by:

\_\_\_\_\_  
Signature of child

\_\_\_\_\_  
Date

Recommended by:

\_\_\_\_\_  
Restorative Board Facilitator Date

\_\_\_\_\_  
Signature of parent/guardian Date

IT IS RECOMMENDED: that this case is dismissed, child having complied with the diversion agreement.

The \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Restorative Board Coordinator

### ORDER

No request for rehearing having been filed by the parties within the time period by law, the within and foregoing findings and recommendations is confirmed and made the Order of this Court. Pursuant to subparagraph (a) of O.C.G.A. 15-11-79.2, it is ordered that the file and record be sealed.

Approved, this \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Judge, Metro County Juvenile Court

APPENDIX J

Community Restorative Board Conference Notification Log

Date-

Name of Youth-

Confirmation of Restorative Board Hearing completed

Yes\_\_\_\_\_/NO\_\_\_\_\_

Person Contacted/relationship to\_\_\_\_\_

.....

Review date\_\_\_\_\_.

Indicate completion of Sanctions, Satisfactory\_\_\_\_\_,

Unsatisfactory completion\_\_\_\_\_. (All Sanctions should be completed upon closure.)

Probation Officer\_\_\_\_\_

## APPENDIX K

### METRO COUNTY JUVENILE COURT RULES OF INFORMAL SUPERVISION

#### Community Restorative Boards

To: Parent and Child

Your child will be monitored for 30 to 90 days and must follow these rules:

1. Must go to school.
2. Must come home on time.
3. Must obey the law.
4. Must follow the special requirements of the Restorative Board Agreement.
5. Must attend the PROGRAM listed on the Agreement.
6. Must complete all of your requirements by \_\_\_\_\_, 2009

#### PARENT MUST:

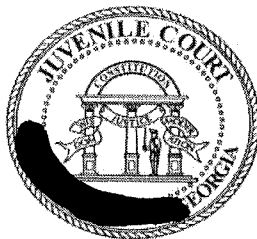
1. Report to the Restorative Justice staff your child's behavior at home, school attendance and participation in the program (If required).
2. Call your child's school to get a report on attendance and behavior in class. (Mail a copy of report card upon receipt to: Metro County Juvenile Court, 395 Pryor Street, SW, Atlanta, GA 30312 or call the office and report on school attendance and grades.
3. Encourage your child to complete community service hours, pay restitution, write essay or comply with any and all sanctions.

Note to Parents: Upon the completion of all sanctions, your child's case will be dismissed. The Court will automatically seal the record within six weeks of the date the case is closed and will send you a letter telling you that the case has been sealed. (It will be as if your child never had a record in this Court).

APPENDIX L  
COMMUNITY RESTORATIVE BOARD CALENDAR  
MARCH 2009-NOVEMBER 2009

Boards	March	April	May	June	July	August	September	October
Southwest A (Tuesday s)	3 <sup>rd</sup> & 24 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>	5 <sup>th</sup> & 19 <sup>th</sup>	2 <sup>nd</sup> & 16 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>	4 <sup>th</sup> & 11 <sup>th</sup>	1 <sup>st</sup> & 15 <sup>th</sup>	6 <sup>th</sup> & 20 <sup>th</sup>
Southwest B (Wednesdays)	4 <sup>th</sup> & 18 <sup>th</sup>	8 <sup>th</sup> & 22 <sup>nd</sup>	13 <sup>th</sup> & 27 <sup>th</sup>	10 <sup>th</sup> & 24 <sup>th</sup>	8 <sup>th</sup> & 22 <sup>nd</sup>	12 <sup>th</sup> & 26 <sup>th</sup>	9 <sup>th</sup> & 23 <sup>rd</sup>	14 <sup>th</sup> & 28 <sup>th</sup>
South Annex A (Tuesdays)	3 <sup>rd</sup> & 24 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>	5 <sup>th</sup> & 19 <sup>th</sup>	2 <sup>nd</sup> & 16 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>	4 <sup>th</sup> & 18 <sup>th</sup>	1 <sup>st</sup> & 15 <sup>th</sup>	6 <sup>th</sup> & 20 <sup>th</sup>
South Annex B (Wednesdays)	11 <sup>th</sup> & 25 <sup>th</sup>	15 <sup>th</sup> & 29 <sup>th</sup>	6 <sup>th</sup> & 20 <sup>th</sup>	3 <sup>rd</sup> & 17 <sup>th</sup>	1 <sup>st</sup> & 15 <sup>th</sup>	5 <sup>th</sup> & 19 <sup>th</sup>	2 <sup>nd</sup> & 16 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>
Northwest A (Tuesdays)	10 <sup>th</sup> & 31 <sup>st</sup>	14 <sup>th</sup> & 28 <sup>th</sup>	12 <sup>th</sup> & 26 <sup>th</sup>	9 <sup>th</sup> & 23 <sup>rd</sup>	14 <sup>th</sup> & 28 <sup>th</sup>	11 <sup>th</sup> & 25 <sup>th</sup>	8 <sup>th</sup> & 22 <sup>nd</sup>	13 <sup>th</sup> & 27 <sup>th</sup>
Southeast A (Wednesdays)	4 <sup>th</sup> & 18 <sup>th</sup>	8 <sup>th</sup> & 22 <sup>nd</sup>	6 <sup>th</sup> & 20 <sup>th</sup>	3 <sup>rd</sup> & 17 <sup>th</sup>	1 <sup>st</sup> & 15 <sup>th</sup>	5 <sup>th</sup> & 19 <sup>th</sup>	2 <sup>nd</sup> & 16 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>
Countywide (Thursdays)	5 <sup>th</sup> & 26 <sup>th</sup>	2 <sup>nd</sup> & 16 <sup>th</sup>	7 <sup>th</sup> & 21 <sup>st</sup>	4 <sup>th</sup> & 18 <sup>th</sup>	2 <sup>nd</sup> & 16 <sup>th</sup>	6 <sup>th</sup> & 20 <sup>th</sup>	3 <sup>rd</sup> & 17 <sup>th</sup>	1 <sup>st</sup> & 15 <sup>th</sup>

APPENDIX M



**Juvenile Court  
VOLUNTEER APPLICATION  
Community Restorative Board**

This application will be processed through the [REDACTED] Juvenile Court.

*The [REDACTED] Juvenile Court is committed to the care, safety, and guidance of children, to respectful and just treatment of all involved; to the personal development, rehabilitation, and accountability of children and their families, to public safety and restoration of victims and communities*

Name \_\_\_\_\_

Home Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

Telephone Home ( ) \_\_\_\_\_

Email \_\_\_\_\_

Emergency Contact \_\_\_\_\_ Phone ( ) \_\_\_\_\_

**EMPLOYMENT INFORMATION**

Employer and length of employment \_\_\_\_\_

Work Address \_\_\_\_\_

Revised 11/07

City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

May we contact you at work? Yes \_\_\_\_\_ No \_\_\_\_\_

Telephone Number \_\_\_\_\_

### EDUCATIONAL BACKGROUND

High School \_\_\_\_\_ Level Completed \_\_\_\_\_

College \_\_\_\_\_ Level Completed \_\_\_\_\_

Technical School \_\_\_\_\_ Level Completed \_\_\_\_\_

Other Training \_\_\_\_\_ Level Completed \_\_\_\_\_

### VOLUNTEER INFORMATION

How did you hear about the \_\_\_\_\_ Volunteer Program? \_\_\_\_\_

Why do you wish to volunteer with Fulton County Volunteer Program? \_\_\_\_\_

Please describe any other volunteer or community service activities \_\_\_\_\_

Are there any special needs we should know of to help you carry out your volunteer position? \_\_\_\_\_

Please check the following areas that interest you:

- \_\_\_\_\_ CASA (Courtroom Advocacy)
- \_\_\_\_\_ CRB (Community Restorative Board)
- \_\_\_\_\_ Citizen Panel Review
- \_\_\_\_\_ JJF (Juvenile Justice Fund)
- \_\_\_\_\_ Mental Health
- \_\_\_\_\_ Mentoring Program
- \_\_\_\_\_ Probation
- \_\_\_\_\_ Project MARVEL
- \_\_\_\_\_ NAD (National Adoption Day)
- \_\_\_\_\_ Sister to Sister
- \_\_\_\_\_ Special Events
- \_\_\_\_\_ Tutorial
- \_\_\_\_\_ Victim Services
- \_\_\_\_\_ YES!Atlanta
- \_\_\_\_\_ Other \_\_\_\_\_

<b>CRIMINAL BACKGROUND INFORMATION</b>
--

**All questions in this section must be answered fully**

1. Have you ever been convicted of a criminal offense?      Yes \_\_\_\_ No \_\_\_\_
2. Have you ever been convicted of a crime involving child  
neglect or abuse or child endangerment?      Yes \_\_\_\_ No \_\_\_\_
3. Have you ever been convicted of a crime involving the use or  
sale of illegal drugs?      Yes \_\_\_\_ No \_\_\_\_
5. Has your driver's license ever been suspended or revoked?      Yes \_\_\_\_ No \_\_\_\_
6. Do you have any pending offenses?      Yes \_\_\_\_ No \_\_\_\_

If you answered "Yes" to any of the above questions, please provide additional details.

4. Do you presently hold a valid Georgia Driver's license?      Yes \_\_\_\_ No \_\_\_\_



**RELEASE OF INFORMATION**

I hereby authorize [REDACTED] Juvenile Court and any law enforcement agency to receive my criminal history record information pertaining to me which may be in files of any federal, state, or local criminal justice agency in Georgia and to investigate my background to determine my fitness as a potential volunteer. This information may be requested and be received on a continual basis during the period of time that I am an active volunteer for the Fulton County Juvenile Court. (The following information must be completed and legible).

\_\_\_\_\_  
First Name                      Middle Name                      Last Name                      (Maiden Name)

\_\_\_\_\_  
Street Address                      City                      State                      Zip Code

\_\_\_\_\_  
Sex                      Date of Birth                      Social Security #

In order to fulfill background information requirements, please circle one:

American Indian/Alaskan Native    Asian or Pacific Islander    Black    White

\_\_\_\_\_  
Signature                      Date

Agency Name \_\_\_\_\_

APPENDIX N



JUVENILE COURT OF [REDACTED] COUNTY  
Judge Romae T. Powell Juvenile Justice Center  
395 Pryor Street, S.W., Atlanta, Georgia 30312-2713  
Phone: 404-224-4551 FAX: 404-302-8448

RE: Community Service Site Assignment

Date: \_\_\_\_\_

Dear Parent/Guardian and Child:

Your child has been ordered by the Restorative Board to complete \_\_\_\_\_ hours of community service as a part of a Restorative Board diversion agreement. He/She must report to \_\_\_\_\_ located at \_\_\_\_\_ by \_\_\_\_\_, 2007. If he/she fails to report by the date listed he/she will be in violation of the agreement. Your child has sixty (60) days to complete the community service hours.

If your child is under the age of eighteen (18), please go with him/her to the agency or business. You may reach me at 404-224 \_\_\_\_\_ for questions.

Thanks,

\_\_\_\_\_  
Probation Officer

8/07

APPENDIX O

PARENTAL/LEGAL GUARDIAN  
WAIVER OF JURISDICTION AND VENUE  
AND CONSENT TO A PROTECTIVE ORDER

In the interest of

File Number \_\_\_\_\_  
Case # \_\_\_\_\_

Male/Female \_\_\_\_\_

DOB \_\_\_\_\_

Child under 18 years of age

AGE \_\_\_\_\_

ACKNOWLEDGEMENT OF WAIVER/CONSENT

I, \_\_\_\_\_ (Parent or legal guardian)  
understand that a complaint alleging delinquency/unruly was filed regarding my  
child/ward listed in the Community Restorative Board established by the Metro County  
Juvenile Court pursuant to O.C.G.A. I understand my child's /ward's case shall be  
dismissed and his/her record sealed if he/she completes the conditions imposed by the  
community restorative boards.

In order to comply with the recommendations of the Community Restorative  
board, I agree to submit to the Jurisdiction and Venue of the Court, and to be subject to  
any Protective Order that may be issued by the Court through the Community  
Restorative Board concerning the case.

By signing this waiver and consent form, I knowingly and voluntarily acknowledge  
my understanding that a Protective Order in an order of the Court, which restrains or  
otherwise controls the conduct of a person as, described in O.C.G.A. 15-11-11. I am  
aware that any alleged violation of a Protective Order could result in the filing of a  
Contempt of Court action, and that if it is found that I have willfully disobeyed an order of  
the Court or have obstructed or interfered with court proceedings or enforcement of  
court orders, then I may be punished as provided by O.C.G.A 15-11-5, Which may  
include incarceration and/or payment of fine.

\_\_\_\_\_  
Parent/Legal Guardian

\_\_\_\_\_  
Probation Officer


\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Revised October 2007

## APPENDIX P

### Metro County Juvenile Court Youth Assessment Screening Instrument

	<b>Youth Assessment &amp; Screening Instrument</b>	<b>FULL ASSESSMENT</b>
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Name	<input style="width: 90%;" type="text"/>	File Number	<input style="width: 90%;" type="text"/>	Case Number	<input style="width: 90%;" type="text"/>	Date Administered	<input style="width: 90%;" type="text" value="MM/DD/YYYY"/>
DOB	<input style="width: 80%;" type="text" value="MM/DD/YYYY"/>	<input type="radio"/> Male <input type="radio"/> Female		Zip Code	<input style="width: 80%;" type="text"/>	Probation Officer	<input style="width: 80%;" type="text"/>
Type	<input type="radio"/> Probation <input type="radio"/> Supervision <input type="radio"/> Disposition <input type="radio"/> Diversion				Judge	<input style="width: 80%;" type="text"/>	

#### Section 1 Legal History

▶ Enter "0" in the boxes if there were no occurrences of the identified incidents. These items must include information about the current referral/offense or current circumstances.

<input type="checkbox"/> No <input type="checkbox"/> Yes	1. Previous police contacts for delinquent/criminal offenses: Check No if this is the <u>first</u> police contact. Check Yes if there were <u>any</u> previous police contacts that resulted in adjudication or diversion/adjustment (regardless of whether successfully completed).
<input style="width: 30px; height: 20px;" type="text"/>	2. Age at first police contact for delinquent/criminal offense: Include any police contacts for delinquent/criminal offenses that resulted in adjudication or diversion/adjustment, (regardless of whether successfully completed).
<input style="width: 30px; height: 20px;" type="text"/>	3. Number of police contacts: Total number of police contacts for any delinquent/criminal offense that resulted in adjudication or diversion/adjustment (regardless of whether successfully completed).
<input type="checkbox"/> No <input type="checkbox"/> Yes	4. Police contacts for felony offenses: Police contacts for felony offenses that resulted in adjudication or diversion/adjustment, (regardless of whether successfully completed).
<input style="width: 30px; height: 20px;" type="text"/>	5. Transfers to criminal court: Total number of transfers to adult court.
<input style="width: 30px; height: 20px;" type="text"/>	6. Weapon offenses: Total number of police contacts for firearm/weapon offenses that resulted in adjudication/conviction, or diversion/adjustment, (regardless of whether successfully completed).
<input style="width: 30px; height: 20px;" type="text"/>	7. Police contacts for offenses against another person: Total number of police contacts for offenses against another person that resulted in adjudication or diversion/adjustment, (regardless of whether successfully completed). Includes threats, force, or physical harm to another person such as homicide, murder, manslaughter, assault, any sexual offenses, robbery, kidnapping, domestic violence, coercion, harassment, intimidation, obscene, or harassing phone call, etc.
<input type="checkbox"/> No <input type="checkbox"/> Yes	8. Police contacts for felony offenses against another person: Police contacts for felony offenses against another person that resulted in adjudication or diversion/adjustment, (regardless whether successfully completed).
<input style="width: 30px; height: 20px;" type="text"/>	9. Placements: Total number of placements in the custody of DFACS, DOJJ, or other placements.
<input style="width: 30px; height: 20px;" type="text"/>	10. Juvenile Detention: Total number of times youth has been confined in a juvenile detention center <i>for any reason</i> .
<input style="width: 30px; height: 20px;" type="text"/>	11. DOJJ Custody: Total number of times youth has been committed to a DOJJ facility <i>for any reason</i> including evaluations.
<input style="width: 30px; height: 20px;" type="text"/>	12. Escapes: Total number of attempted or actual escapes from detention or a DOJJ facility.
<input style="width: 30px; height: 20px;" type="text"/>	13. Failure-to-appear in court: Total number of failures-to-appear for court that resulted in a warrant being issued.
<input style="width: 30px; height: 20px;" type="text"/>	14. Number of Petitions for Violations of Probation or Supervision: Total number of petitions or requests for petitions for violations of probation or supervision. If any, check all types that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><input type="checkbox"/> Technical Violation</span> <span><input type="checkbox"/> New Offense</span> <span><input type="checkbox"/> Absconder</span> </div>

## Section 2 Family

Check if family items do not apply to this client : ☐

1. Runaways or times kicked out of home: Include times the youth did not voluntarily return within 24 hours. Include incidents not reported by or to law enforcement. *Enter 0 if none, up to a maximum of 5.*

	Times kicked out/locked out
	Number of runaways

2. Has there ever been a court finding of any child neglect or deprivation (relating to a custodial parent): ☐ No ☐ Yes

3. Compliance with parental rules:

- ☐ Youth usually obeys and follows rules  
☐ Youth sometimes obeys or obeys some rules  
☐ Youth often disobeys rules  
☐ Youth consistently disobeys, and/or is hostile  
☐ No pro-social rules in place  
☐ Not Applicable

4. Circumstances of family members who are living in the household:  
• Check all that apply.

	Mother	Father	Step-Parent	Sibling	Other
Non-applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol/Drug Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental Health Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JD/Criminal Record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JD/Violent Criminal Record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Historic problems of family members who lived in the environment in which the youth was primarily raised:  
• Check all that apply.

	Mother	Father	Step-Parent	Sibling	Other
Non-applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol/Drug Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental Health Problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JD/Criminal Record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JD/Violent Criminal Record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Youth's current living arrangements: • Check all that apply.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Mother (biological or adoptive) | <input type="checkbox"/> Siblings        | <input type="checkbox"/> Foster/group home            |
| <input type="checkbox"/> Father (biological or adoptive) | <input type="checkbox"/> Other relatives | <input type="checkbox"/> Independent                  |
| <input type="checkbox"/> Stepparent                      | <input type="checkbox"/> Other adult     | <input type="checkbox"/> No permanent address/shelter |
|  |  | <input type="checkbox"/> Other _____                  |

7. Parental/custodial supervision: Parents know whom youth is with, when youth will return, where youth is going, and what youth is doing.

- ☐ Good supervision  
☐ Some good supervision  
☐ Some inadequate supervision  
☐ Consistently inadequate supervision  
☐ Not Applicable

8. Appropriate consequences for bad behavior: Appropriate means clear communication, timely response, and response proportionate to conduct.

- ☐ Consistently appropriate consequences  
☐ Sometimes appropriate consequences  
☐ Usually not appropriate consequences  
☐ Never appropriate or no consequences  
☐ Not Applicable

9. Appropriate rewards for good behavior. Rewards include affection, praise, or other tangible means.
- ☐ Consistently appropriate rewards
  - ☐ Sometimes appropriate rewards
  - ☐ Usually not appropriate rewards
  - ☐ Never appropriate or no rewards
  - ☐ Not Applicable
10. Parental attitude toward youth's maladaptive behavior:
- ☐ Disapproves of youth's maladaptive behavior
  - ☐ Minimizes, denies, justifies, excuses maladaptive behavior, blames others/circumstances
  - ☐ Accepts youth's maladaptive behavior as okay
  - ☐ Proud of youth's maladaptive behavior
  - ☐ Not Applicable
11. Support network for family; extended family and friends who can provide additional support:
- ☐ Strong family support network
  - ☐ Some family support network
  - ☐ No family support network
  - ☐ Not Applicable
12. Family member(s) youth feels close to or has good relationship with:  
• Check all that apply.
- |  |  |
|--|--|
| <input type="checkbox"/> Mother/female caretaker | <input type="checkbox"/> Male sibling    |
| <input type="checkbox"/> Father/male caretaker   | <input type="checkbox"/> Extended family |
| <input type="checkbox"/> Female sibling          | <input type="checkbox"/> No one          |
13. Family provides opportunities for youth to participate in family activities and decisions affecting the youth:
- ☐ Ongoing opportunities for involvement provided
  - ☐ Some opportunities for involvement provided
  - ☐ No opportunities for involvement provided
  - ☐ Not Applicable
14. Family provides opportunity for youth to learn, grow and succeed:
- ☐ Ongoing opportunities for growth provided
  - ☐ Some opportunities for growth provided
  - ☐ No opportunities for growth provided
  - ☐ Not Applicable
15. Parental love, caring, and support of youth:
- ☐ Consistent love, caring, and support
  - ☐ Inconsistent love, caring, and support
  - ☐ Indifferent, uncaring, uninterested, unwilling to help
  - ☐ Hostile toward youth, berated and belittled
  - ☐ Not Applicable
16. Level of conflict between parents, between youth and parents, and among siblings:  
• Check all that apply.
- ☐ No Conflict
  - ☐ Some conflict that is well managed
  - ☐ Some conflict that is distressing
  - ☐ Verbal intimidation, yelling, heated arguments
  - ☐ Threats of physical violence
  - ☐ Physical violence between parents
  - ☐ Physical violence between parents and children
  - ☐ Physical violence between siblings
  - ☐ Not Applicable

### Section 3 School

Check if School items do not apply to this client : ☐

▶ Complete this section based on information from the interview, school records, contacts with the school.

1. Youth's current school enrollment status, regardless of attendance: If the youth is in home school as a result of being expelled or dropping out, check the expelled or dropped out box, otherwise check enrolled if in home school.
 

<input type="radio"/> Graduated, GED	<input type="radio"/> Dropped out
<input type="radio"/> Enrolled full-time	<input type="radio"/> Suspended
<input type="radio"/> Enrolled part-time	<input type="radio"/> Expelled
	<input type="radio"/> Not Applicable
2. Youth's attendance in the last 3 months of school: Full-day absence means missing majority of classes. Partial-day absence means attending the majority of classes and missing the minority.
 

<input type="radio"/> Attends regularly (at least 90% of time)
<input type="radio"/> Some partial-day unexcused absences
<input type="radio"/> Some full-day unexcused absences
<input type="radio"/> Five or more full-day unexcused absences per quarter
<input type="radio"/> Not Applicable
3. Youth's conduct in the last 3 months of school.
 

<input type="radio"/> Positive behavioral adjustment	<input type="radio"/> Intervention by school administration (calls to parents, principal or superintendent involvement, hearing)
<input type="radio"/> No problems reported	<input type="radio"/> Police reports filed by school
<input type="radio"/> Infractions reported	<input type="radio"/> Not Applicable
4. Youth's academic performance in the last 3 months of school:
 

<input type="radio"/> B+ or above	<input type="radio"/> Failing some classes
<input type="radio"/> C or better	<input type="radio"/> Failing most classes
<input type="radio"/> C- or lower	<input type="radio"/> Not Applicable
5. Youth's current school conduct:
 

<input type="radio"/> Consistent, stable	<input type="radio"/> Worsening
<input type="radio"/> Improving	<input type="radio"/> Not Applicable
6. Youth's current academic performance:
 

<input type="radio"/> Consistent, stable	<input type="radio"/> Worsening
<input type="radio"/> Improving	<input type="radio"/> Not Applicable
7. If youth is a special education student or has been found to have a learning, behavioral, or other disability; or has a formal IEP: • Check all that apply
 

<input type="checkbox"/> No Special Education Status	<input type="checkbox"/> Mental Retardation
<input type="checkbox"/> Learning	<input type="checkbox"/> (ADHD / ADD)
<input type="checkbox"/> Behavioral	<input type="checkbox"/> Other: _____
8. Youth believes receiving an education is beneficial to him or her:
 

<input type="radio"/> Believes	<input type="radio"/> Does not believe
<input type="radio"/> Somewhat believes	<input type="radio"/> Not Applicable
9. Youth believes school provides a supportive and encouraging environment for him or her:
 

<input type="radio"/> Believes	<input type="radio"/> Does not believe
<input type="radio"/> Somewhat believes	<input type="radio"/> Not Applicable
10. Total number of out of school suspensions in the last 2 years:  
 Enter the number up to 10, if none enter 0.
 




 Number of out-of-school suspensions  
 Total number of in-school suspensions in the last 2 years:  
 Enter the number up to 10, if none enter 0.
 




 Number of in-school suspensions  
 Total number of expulsions since the first grade: Enter the number up to 10; if none enter 0
 




 Number of expulsions
11. Age at first expulsion: Enter 0 if never expelled.
 




 Age at first expulsion

12. Youth's involvement in school activities during most recent school year: School leadership; social service clubs; music; dance; drama, art; athletics; other extracurricular activities.

- ☐ Involved in two or more activities  
☐ Involved in one activity  
☐ Interested but not involved in any activities  
☐ No interest in school activities  
☐ Not Applicable

13. Teachers/staff/coaches youth likes or feels comfortable talking with: Enter the number of adults; if none enter 0.

Names:

Number of teachers/staff/coaches

## Section 4 Community and Peers

1. Associates the youth spends his/her time with:

• Check all that apply.

- ☐ Friends who have a positive pro-social influence  
☐ No friends or companions, no consistent friends  
☐ Friends who have a negative delinquent influence  
☐ Associates or has been seen with gang members  
☐ Family gang members  
☐ Youth is a gang member  
☐ None of the above

2. Attachment to positively influencing peer(s):

• Check all that apply.

- ☐ Youth maintains contact with peers who are responsible and goal-focused  
☐ Youth admires or emulates older adolescents in school and/or work  
☐ Youth has a best friend who is supportive and a positive influence  
☐ None of the above

3. Admiration/emulation of high risk delinquent peers:

• Check all that apply.

- ☐ Youth does not admire, emulate delinquent peers  
☐ Youth minimally admires, emulates peers  
☐ Youth admires, emulates peers  
☐ Youth is a delinquent leader who is admired or emulated by others

4. Number of months youth has been associating with negatively influencing/delinquent friends/gang: Enter 0 if no delinquent friends/gangs.


Months has associated with delinquent friends

Months has associated with gang

5. Amount of free time youth spends with negatively influencing/delinquent peers:

- ☐ No delinquent peers  
☐ Spends one or two hours of free time per week  
☐ Spends three to seven hours of free time per week  
☐ Spends eight to 14 hours of free time per week  
☐ Spends all or nearly all of free time

6. Strength of negatively influencing/delinquent peer influence:

• Check all that apply.

- ☐ No delinquent peers  
☐ Does not go along with delinquent peers  
☐ Sometimes goes along with delinquent peers  
☐ Usually goes along with delinquent peers  
☐ Leads delinquent peers

7. Number of existing positive adult relationships in the community: Adults who provide support and model pro-social behavior, such as a religious leader, club member, community person, mentor, previous employer or any other non-family adult(s). Enter number of adults up to 5, if none enter 0. Exclude school-based relationships.

Number of existing adult relationship(s) in the community

8. Pro-social community ties: Youth is involved in community organizations that provide explicit opportunities for learning pro-social behavior and attitudes (e.g., church, community service clubs, volunteer activities).

- ☐ Highly Involved  
☐ Involved  
☐ Not Involved



## Section 5 Alcohol and Drugs



*"Disrupts function" involves problems in any one of these four life areas: education, family conflict, peer relationships, or health (Disrupted functioning usually indicates that treatment is warranted – refer for further assessment by a qualified professional). Alcohol/Drugs contribute to behavior means that use typically precipitates the commission of crime or other reasons youth's delinquent/criminal activity is related to alcohol and/or drug use).*

1. Alcohol and Drug Use	Ever Used	Times used last 3 months	Disrupts function	Contributes to behavior	Age at 1 <sup>st</sup> use	Attempts to cut back
<input type="checkbox"/> Yes Alcohol/Drug Use						
<input type="checkbox"/> No Alcohol/Drug Use						
Alcohol	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Cocaine/crack	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Ecstasy or other club drugs	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Heroin	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Hallucinogens (LSD, Acid)	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Inhalants /huffing	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Amphetamines (Speed)	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Prescription drug misuse	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>

2. Youth is receptive to participation in alcohol/drug treatment:      ☐ N/A No problem      ☐ Receptive      ☐ Not Receptive

3. Previous alcohol/drug treatment:      ☐ N/A No problem      ☐ Yes      ☐ No

## Section 6 Mental Health



Any indications of the following 7 items indicate the need for further assessment by a qualified health professional. Indicators in item 1 should be confirmed by a health care professional.

### 1. Mental Health Problems:

	Diagnosed	Current Treatment	Past Treatment	Current Medication	Past Medication
<input type="checkbox"/> Mental Health Problems					
<input type="checkbox"/> No Mental Health Problems					
Psychoses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bi-Polar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Mood/Affective/Depression Disorders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schizophrenia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thought/Personality and Adjustment Disorders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(Exclude substance abuse and special education since those are considered elsewhere. Exclude oppositional defiant and conduct disorders).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 2. Homicidal Ideation: Attempts or has thoughts to seriously harm others.

- ☐ No indications  
☐ Indications

### 3. Suicidal Ideation: Attempts or has thoughts to harm self.

- ☐ No indications  
☐ Suicidal thoughts  
☐ Suicide attempt

### 4. Sexual aggression: Indications of aggressive sex, sex for power, sex with younger children, voyeurism, exposure, etc.

- ☐ No indications  
☐ Indications



For abuse, include any history that is suspected, whether or not substantiated but exclude reports of abuse proven false.

### 5. History of physical or sexual abuse: Parents include biological parents, stepparents, adopted parents, and legal guardians.

• Check all that apply.

Abused By:	Parent	Sibling	Other Family	Outside Family
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Physical Abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 6. Victimization: Indications that the youth has been victimized by a peer or older person.

• Check all that apply.

- ☐ No indications  
☐ Sexual vulnerability/exploitation  
☐ Victim of bullying  
☐ Victim of physical assault  
☐ Victim of property theft/vandalism

## Section 7 Aggression

1. Violence: Indications of any of the following:  
• Check all that apply.
  - ☐ No reports of violence
  - ☐ Displaying a weapon
  - ☐ Use of a weapon (i.e., illegally)
  - ☐ Bullying/threatening people
  - ☐ Violent destruction of property
  - ☐ Assaultive behavior
  - ☐ Assault causing serious injury (requiring medical attention)
  - ☐ Deliberate fire starting
  - ☐ Animal cruelty
2. Hostile interpretation of actions and intentions of others in a common non-confrontational setting:
  - ☐ Can easily tolerate criticism or hostility directed by others
  - ☐ Shows constraint in dealing with conflict from others
  - ☐ Recognizes that most people do not have mal intentions
  - ☐ Frequently attributes hostile intentions to non-confrontational behavior
  - ☐ Attributes almost all neutral actions of people as hostile and antagonistic \*
3. Tolerance for frustration:
  - ☐ Never gets upset over small things or has tantrums
  - ☐ Rarely gets upset over small things or has tantrums
  - ☐ Sometimes gets upset over small things
  - ☐ Frequently gets upset over small things or has tantrums
  - ☐ Highly volatile with reputation for fits of anger and rage
4. Belief in use of physical aggression to resolve a disagreement or conflict: (e.g., fighting and physical intimidation)
  - ☐ Believes violence is rarely appropriate or necessary
  - ☐ Believes violence is sometimes appropriate or necessary
  - ☐ Believes violence is often appropriate or necessary
5. Belief in use of verbal aggression to resolve a disagreement or conflict: (e.g., yelling and verbal intimidation)
  - ☐ Believes verbal aggression is rarely appropriate or necessary
  - ☐ Believes verbal aggression is sometimes appropriate or necessary
  - ☐ Believes verbal aggression is often appropriate or necessary

## Section 8 Attitudes

1. Accepts responsibility for delinquent behavior:
  - ☐ Voluntarily accepts full responsibility for behavior
  - ☐ Recognizes that he or she must accept responsibility
  - ☐ Indicates some awareness of the need to accept responsibility
  - ☐ Minimizes, denies, justifies, excuses or blames others
  - ☐ Openly accepts or is proud of behavior as OK
2. Understands the impact of his or her behavior on others:
  - ☐ Fully understands the nature of harm caused to others
  - ☐ Indicates awareness that harm has been caused
  - ☐ Does not understand or fully appreciate effects on others
  - ☐ Minimizes or denies harm caused
  - ☐ Total lack of empathy for harm caused to others (e.g., callous)
3. Willingness to make amends:
  - ☐ Eagerly indicates plans for making amends
  - ☐ Indicates a desire to make amends
  - ☐ Willing to cooperate with making amends
  - ☐ Non-committal toward making amends
  - ☐ Unwilling to make amends
4. Optimism:
  - ☐ Is very confident that the future will be bright
  - ☐ Looks forward to the future with anticipation
  - ☐ Believes some things matter and he or she has a future
  - ☐ Believes little matters because he or she has no future
  - ☐ Believes nothing matters; fatalistic

5. Attitude when engaged in delinquent act(s):
  - ☐ Nervous, afraid, or worried
  - ☐ Uncertain, or indecisive
  - ☐ Unconcerned or indifferent
  - ☐ Hyper, excited, or stimulated
  - ☐ Confident, or brags
6. Law-abiding attitudes:
  - ☐ Clearly positive commitment toward law-abiding behavior
  - ☐ Expresses a desire to live in a law-abiding manner
  - ☐ Expresses neutral attitude toward law-abiding behavior
  - ☐ Feels law-abiding behavior does not apply to him or her
  - ☐ Openly admits unwillingness to demonstrate law-abiding behavior
7. Respect for authority figures:
  - ☐ Indicates respect for the role of authorities
  - ☐ Appreciates the role of authorities
  - ☐ Expresses neutral attitude toward authorities
  - ☐ Expresses resentment toward authorities
  - ☐ Views all authorities with contempt
8. Readiness for change: Is the youth willing to address issues that contribute to problem behavior?
  - ☐ Actively committed to working on change
  - ☐ Shows co-operation in taking steps toward positive behavioral change
  - ☐ Believes there may be a need to change
  - ☐ Exhibits only passive or no support for change
  - ☐ Hostile or unwilling to make positive behavioral change

## Section 9 Skills

1. Consequential thinking skills:
  - ☐ Acts to obtain good and avoid bad consequences
  - ☐ Can identify specific consequences of his/her actions
  - ☐ Understands there are good and bad consequences of actions
  - ☐ Sometimes confused about consequences of action
  - ☐ Does not understand there are consequences of actions
2. Social perspective-taking skills:
  - ☐ Can accept other points of view without necessarily agreeing
  - ☐ Tries to understand other points of view
  - ☐ Can reason there are two sides to a situation
  - ☐ Difficulty understanding there are other points of view
  - ☐ Unwilling to recognize there can be other points of view
3. Problem-solving skills:
  - ☐ Can apply appropriate solutions to problems
  - ☐ Can generate different solutions to problems
  - ☐ Can identify or describe problem behaviors or situations
  - ☐ Can sometimes identify problem behaviors or situations
  - ☐ Cannot identify when problem behaviors or situations occur
4. Impulse-control skills to avoid getting in trouble: Self-control techniques include reframing, replacing delinquent/criminal thoughts with pro-social thoughts, diversion, relaxation, problem solving, negotiation, relapse prevention.
  - ☐ Uses self-control techniques to avoid trouble
  - ☐ Knows some self-control techniques to respond to triggers
  - ☐ Can identify triggers (e.g., persons, events, situations, thoughts, emotions, physical cues)
  - ☐ Usually fails to identify triggers
  - ☐ Cannot identify triggers that cause problem behaviors
5. Loss of control over delinquent behavior:
  - ☐ Recognizes problem behavior is controllable and accepts full responsibility
  - ☐ Strives for some control over own behavior
  - ☐ Recognizes that some problem behavior is controllable
  - ☐ Believes that most problem behavior cannot be controlled
  - ☐ Believes problem behavior is completely out of his or her control

6. Interpersonal skills:
- ☐ Demonstrates social appeal through positive interpersonal skills
  - ☐ Can appropriately express needs and feelings in an assertive, non-confrontational way
  - ☐ Recognizes the need to nurture positive interpersonal relations with others
  - ☐ Has some difficulty in expressing needs and feelings effectively
  - ☐ Cannot express needs to others without an element of inter-personal conflict or lack of clarity
7. Goal-setting skills:
- ☐ Carefully sets out realistic goals and plans and takes active steps to achieve them
  - ☐ Demonstrates skills in developing realistic goals and plans
  - ☐ Recognizes the need to plan, but may set unrealistic plans
  - ☐ Lacks skills and motivation for developing realistic goals and plans
  - ☐ Exhibits no interest or desire to set goals and make plans for the future

## Section 10 Employment and Free Time

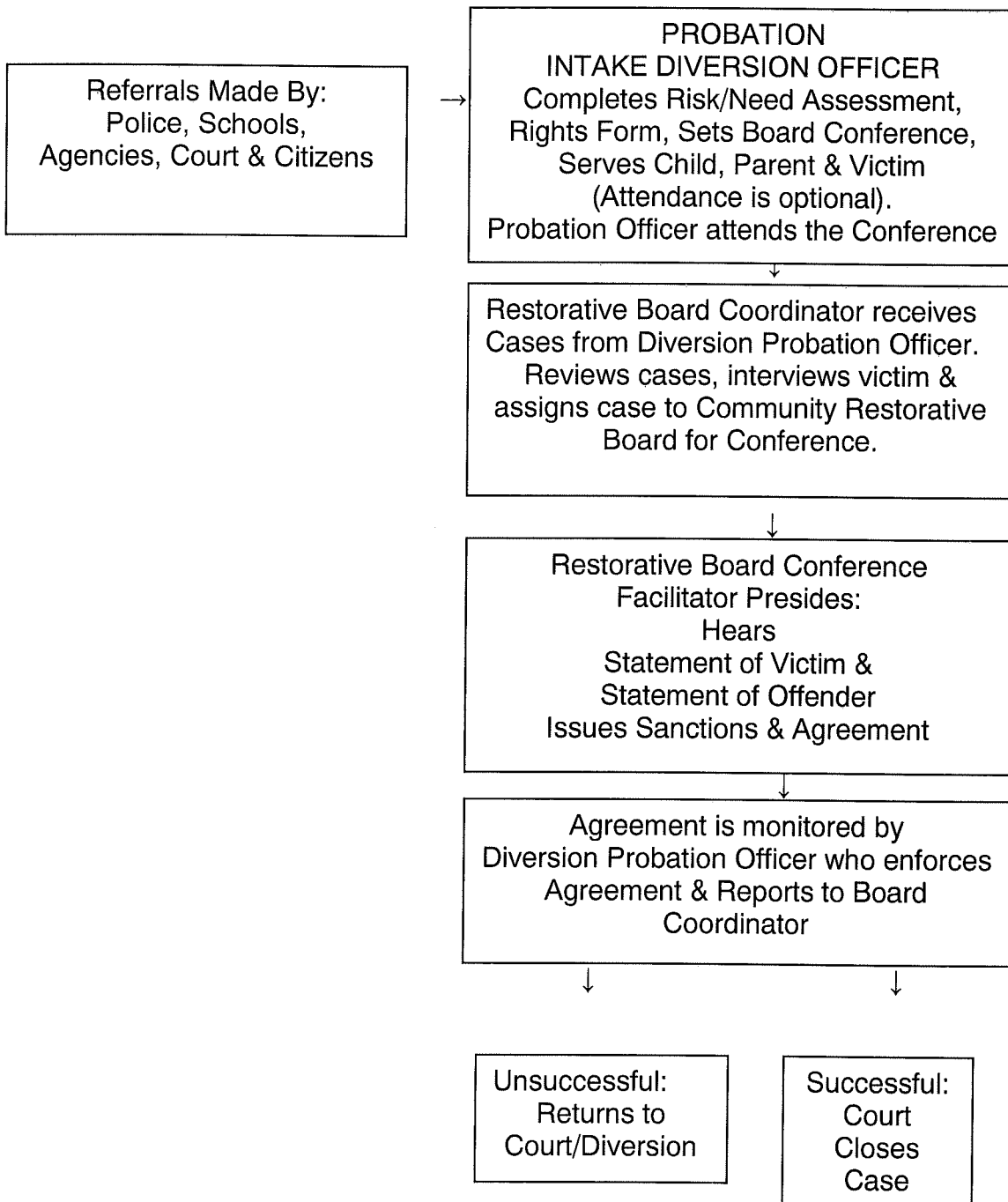
1. History of employment:
- (Exclude odd jobs or babysitting unless a regular paid job)
- Check all that apply.
- |  |   |
|--|---|
| <input type="checkbox"/> Currently employed          | <input type="checkbox"/> Was fired or quit because of poor performance                                      |
| <input type="checkbox"/> Never employed              | <input type="checkbox"/> Was fired or quit because he or she could not get along with employer or coworkers |
| <input type="checkbox"/> Prior successful employment |   |

▶ Complete following section only if the youth has ever been employed. Enter 0 for items 2-4 if the items are non-applicable.

2. Total number of times youth has been employed:  Number of times
3. Number of weeks of longest period of employment:  Number of weeks
4. Positive personal relationship(s) with current employer(s) or adult coworker(s):  Number of adults
5. Structured recreational activities: Youth participates in structured and supervised pro-social community activities such as religious group/church, community group, cultural group, club, athletics, or other community activity (Exclude activities already counted in the School section).
- ☐ Involved in two or more activities
  - ☐ Involved in one activity
  - ☐ Interested but not involved
  - ☐ Not interested in any activities
6. Unstructured recreational activities: Youth engages in positively influencing activities – may include reading, artwork, music, computers, hobbies, etc.
- ☐ Involved in two or more activities
  - ☐ Involved in one activity
  - ☐ Interested but not involved
  - ☐ Not interested in any activities
7. Challenging/exciting hobbies/activities: Youth identifies a hobby or activity that is or could be especially challenging, intense, or exciting.
- ☐ Identifies hobby(s) or activity (s) that are currently challenging/exciting
  - ☐ Can identify hobby(s) or activity (s) that would be challenging/exciting
  - ☐ Cannot identify hobby(s) or activity (s) that would be challenging/exciting
8. Decline in interest in positive leisure pursuits: Decline in interest during the past year due to involvement in negatively influencing activities (e.g., substance abuse, gang involvement, delinquent peer groups, illegal activity):
- ☐ No change, or never experienced positive leisure pursuits
  - ☐ Decline in interest in positive leisure pursuits
  - ☐ Recent increase in interest in positive leisure pursuits

## APPENDIX Q

### Community Restorative Board Case Flow Chart



## APPENDIX R

### Seating Arrangement of Restorative Conference Participants

