

RESTORATIVE JUSTICE IN ELEMENTARY SCHOOLS

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Abstract

A significant challenge facing educators in the 21st century is responding to discipline situations in elementary schools. While variables that contribute to effective discipline measures are many and diverse, the restorative justice approach deserves attention. Schools have the responsibility to teach students how to problem solve and mend the harm caused by wrong-doing, which is a central tenet of restorative justice. This study is a combination of a review of current literature and a narrative of a community conference. The narrative is used to explore specific themes. One theme traces the development of restorative justice in aboriginal, religious and legal communities. Additional themes include the advantages of restorative justice, models of restorative justice and school programs. Three models include victim offender mediation, circle conferences and community conferences. This paper ends by proposing a model of restorative justice for the Peace River South, S.D. #59 in British Columbia, Canada.

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Chapter 1: Introduction

Over time, I have watched numerous interactions between students, and between staff and students that produced inappropriate behaviour. As I watched the interactions, I felt something was missing because the negative behaviours and emotions continued. Some escalated into further altercations, others simmered beneath the surface, eventually blowing up, and others just went away. I have had the nagging feeling that we in the school system could do something more, that we could do something different, and that we could do something better in response to inappropriate behaviour. As I observed the response to many altercations, I realized that very little was being done to support the victim and the offender was often suspended from school. I have always believed that suspending a student seldom changes his/her behaviour. Rather, it isolates the student from his/her peers. Then I heard of restorative justice and thought that the concept could possibly address the issues of supporting victims and integrating offenders back into the school community. Accordingly, I decided to examine the concept of restorative justice in school with the following question in mind. How appropriate might restorative justice be as a response to discipline situations in Peace River South, S.D. #59 schools?

Chapter 2: Method

Since observing others' lives led me to this project, I chose to follow Clandinin and Connelly's (2000), narrative inquiry research method to complete it. Personal interviews, observations and experiences combined with the literature regarding restorative justice led to the following narrative. I was fortunate to participate in a restorative justice model called community conference, that provided a framework for the inclusion of other observations and literature into this final project. The individuals' names are fictitious out of respect for those participating in my study.

Chapter 3: What is Restorative Justice and Where Does it Come From?

The concept of restorative justice is complex and a concrete definition is provided to form a base of understanding. The following narratives will help to develop a clearer picture of what restorative justice is about. Examining the roots of restorative justice also extends the concept.

Geoff and Adam's Journey - The Confrontation

All of a sudden I saw pushing and shoving on the field. As I made my way over, I noticed that both boys were still yelling at each other and Adam lay on the ground holding his wrist while Geoff was shuffling about. While tending to Adam's broken arm and calming Geoff down it became clear that along with the physical injuries there were deep emotions that needed to be attended to. The emotions needed to be looked after in order for the situation to be fully resolved.

I didn't want the students to be suspended from school, for all that could accomplish would be the creation of temporary breathing room for the school community and isolation for the offender. I believe a school system can and should do more towards repairing the harm that occurs during its daily operation.

Restorative justice would not only provide students with opportunities to develop the necessary problem solving skills to independently use in the future, it would also reduce future occurrences of wrong doing, and provide those involved with a sense of closure after conflict. This altercation was suitable to refer to the local Restorative Justice – Community Conferencing program as neither boy had been in significant trouble before and they were willing to resolve the problem. I had to make a commitment to lobby for this alternate discipline measure.

Definition of Restorative Justice

Restorative justice is a process for victims, offenders and others involved in damaging situations to collectively mend the harm. It is a problem-solving approach to healing after damaging incidents have occurred. In restorative practices, ideas such as responsibility, accountability and authority become tangible goals for all affected by the crime, rather than abstract and unrealistic expectations externally imposed upon offenders.

Programs that use the term restorative justice have come and gone over the past two decades. Additionally, other programs using such labels as family group conferencing, mediation, and conflict resolution follow some restorative practices. While each program has its own philosophy and guidelines, a set of common principles and outcomes underlie all approaches. Cooley (no date), a specialist in the field of restorative justice suggests that these programs rest on the following three principles:

1. Crime is a violation of a relationship among victims, offenders and the community;
2. Responses to crime should encourage the active involvement of victim, offender and community; and a
3. Consensus approach to justice is the most effective response to crime, which makes it important to recognize the core principle.

Tony Marshall (1998) from the Centre for Restorative Justice and Mediation at the University of Minnesota, indicates that desired outcomes of restorative justice are to:

1. Attend fully to victims' needs – material, financial, emotional and social (including those who are personally close to the victim and may be similarly affected);
2. Prevent re-offending by reintegrating offenders into the community;
3. Enable offenders to assume active responsibility for their actions;
4. Recreate a working community that supports the rehabilitation of offenders and victims and is active in preventing crime; and
5. Provide a means of avoiding escalation of legal justice and the associated costs and delays.

In addition, there are a number of secondary outcomes of a restorative justice conference such as an increased understanding by all participants of the others' positions and a clear description of the wrongdoing.

For the person responsible for the harm, the victim and others involved in restorative justice practices, it is not an easy way out but rather a difficult journey that confronts one's integrity. Conferences are demanding because they require the participants to come to grips with who they are, what they have done and what they must do in the future. Rekindling the moral connection between individuals and their community is what restorative justice is all about.

Geoff and Adam's Journey - The Restorative Justice Conference Begins

March 26, 2002 was the date for the restorative justice conference. Geoff, the offender, requested that I attend as a witness to the event. After receiving the referral from the school principal, Mrs. Jones, our school district conference coordinator, completed the necessary preparations for the conference to begin (see the Conference Checklist in Appendix A). During separate initial meetings with the victim, offender, and supporters she was able to develop the rapport that would be needed to facilitate a successful conference. Because they provide for discussing the process, determining the date and establishing a common expectation for behaviour these initial meetings were essential in laying groundwork for the upcoming formal conference.

At the school, Mrs. Jones and her coach, Mr. Lever, greeted all participants and led everyone into the library for the conference. Mr. Lever would be observing the session to coach Mrs. Jones in her own personal debriefing of the meeting. In total, nine participants sat in the conference circle. Sitting to the left of Mrs. Jones was Adam who brought his mother Brenda and father Tom as his supporters. Next to them was Katrina, a fellow student who witnessed the event. Geoff sat to the right of Mrs. Jones and was accompanied by his mother Sue, followed by the school principal, Mr. Fredrickson, and myself. Mr. Lever observed from outside the circle (see the Conference Seating Chart in Appendix B).

Mrs. Jones began the conference by introducing herself and the participants, and reviewing the guidelines previously negotiated in the initial contacts. Mrs. Jones then spoke to Geoff and asked, "What happened?"

Geoff replied by stating, "I was walking across the field minding my own business and I saw Adam on the ground."

Mrs. Jones responded with, "I will remind you of the guide lines that you agreed to before this conference and that we are not here to assign blame, but to fix what has been done. Is there anything else you would like to add?"

"Well, I guess." Geoff began as he stared at his shoes and pulled the brim of his ball cap down over his eyes. All participants waited a long time for Geoff to continue and he finally said, "I was walking along, minding my own business, and I saw Adam walking towards me, and I could hear him calling me names and it made me mad. I kept on walking but he kept on saying a bunch of crap. When he walked by me I gave him a shove." Eventually, after many long pauses Geoff completed his story and admitted that after Adam shoved him back he retaliated by knocking Adam to the ground. I was surprised that during this time that the other participants sat quietly and were respectful of Geoff's right to tell his story without interruption.

It had been over five minutes since Mrs. Jones first question, and it was time to move on. She then asked Geoff, "What were you thinking about at the time?"

Before Geoff had an opportunity to answer, Brenda, Adam's mother blurted out "Where does this cockamamie idea come from anyways? I have to get to work and now we are going to be here all day!"

Roots of Restorative Justice

Restorative justice draws upon entangled roots in native, religious and legal communities. The principles of restorative justice are consistent with many indigenous traditions, including Canadian First Nations people and the Maori in New Zealand. These

principles are also consistent with values emphasized by nearly all of the world religions, particularly Christianity. In the past decade, many reform movements, including victim impact statements, victim offender mediation, and community policing combined with criminal code amendments have brought the restorative justice movement into the public domain.

Canadian First Nations roots. Forms of aboriginal justice are deeply rooted in patterns of existence. Folklore, oral traditions, medicine people, healing circles, sweat lodges, vision quests and pipe ceremonies are of significance to the healing and judicial process for people of First Nations' descent.

The purposes of First Nations' ceremonies are to retrace the past, recapture the lost, and recreate community. First Nations' ceremonies have the function of restoring individuals' self-respect and fostering an awareness of their roots. Through ceremonies, individuals come to understand their connection to others, their past and present, and that they have a role and responsibility in their communities (Hadley, 2001). Aboriginal people place a high value on healing after the crime.

There is a significant amount of research that indicates that the current justice system has not worked for aboriginal people in Canada. Aboriginal people often view the judicial process and philosophy as obscure, and often refer to it as retributive justice. The judicial practices have resulted in high incarceration rates, alienation of offenders and their families, and the failure of individual, family and community cohesiveness. During a June, 2000 CBC Ideas radio program, Judge Murray Sinclair reported that two-thirds of incarcerated men in the province of Manitoba are aboriginal and 90% of the incarcerated women are aboriginal. A number of theories have been presented to account for these

astonishing statistics, including the undermining of aboriginal culture through the increased use of RCMP detachments in aboriginal communities (Canadian Broadcasting Corporation, 2000).

In an attempt to find a helpful system of justice, Judge Barry Stuart from the Territorial Court of the Yukon began using circle sentencing in 1992 (Bazemore, 1996). Since the initial conference, hundreds of cases have used this method. The purpose of circle sentencing is to address holistically the criminal behaviour of offenders along with the needs of victims, families and communities (Bazemore, 1996). Offenders, victims, community members, judicial and social service personnel all participate in the circle. During the circle process, all participants are able to express their feelings about the crime and the offender. Participants also address the needs of the victim, community and offender.

New Zealand Maori roots. Currently one in seven people in New Zealand is of Maori ethnicity (Statistics New Zealand, 2001). Their language and culture have had a major impact on the New Zealand way of life, which has influenced the global practice of restorative justice and demands examination.

There are many behaviours, philosophies, and emotions that influence the Maori culture, and their oral story telling traditions often make examples difficult to locate. Fortunately, John Clark and his team captured many of these details in their book “Maori Perspective on Justice”. Clark describes the Maori as a very principled group of people with numerous examples to demonstrate their way of being. For instance, the Maori community uses the phrase *houhou rongou*, which means to bring about a peaceful settlement over a conflict or an issue (Clarke, 2001). *Me ohu* is a form of cooperation and

is perceived as a working together to make it easier for people to work to their potential (Clarke, 2001). Bringing about peaceful settlements and working together are corner stones of the restorative justice movement.

During the 1980s, a New Zealand government commission was struck to study the way the courts dealt with Maori young people in criminal and social welfare matters. A major outcome of the commission was a process called family group conferences, designed to respond more appropriately to juvenile justice offences and child welfare cases. Another result of the commission was the establishment of the *New Zealand Children, Youth and Families Act of 1989*.

This Act stresses the need for a process that is culturally appropriate and for the provision of services that are culturally sensitive. The method for transforming these cultural ideals into practice is the family group conference. This process follows the traditional Maori model where the victim, offender and both their families come together to deal with the situation. The aim of family group conferences is to give families power in the decision-making process and to develop reconciliation between the victim and the offender. Reintegrating young people into their family and community helps creating social balance (Morris & Maxwell, 1998).

Religious roots. From the beginning of time, people have turned to religion seeking guidance, and in turn, the religions of the world have played a role in shaping restorative justice. Restorative justice is one practical application for the spiritual foundation of a number of major faiths. In Buddhism, a root exists for the inclusion of victims, offenders and supporters in conferences as, “Buddhism just grows out of a compassion for everyone involved when someone hurts another” (Loy, 2001, p. 95).

Even though the Chinese culture presents a number of customs that are not congruent with restorative practices, including male dominated judicial practices and an over-emphasis on moral values at the expense of legal procedures, it is still possible to find restorative examples there. The Moism religion in the Chinese culture highlights the restorative elements of healing and forgiveness, where the focus is on returning people to their natural state and discarding selfishness (Hui & Geng, 2001).

A brief analysis of Christianity confirms the presence of elements of restorative justice. A starting point is with the term *religion*, which provides a link to restorative justice as the Latin word 'religio' means 'to bind back together' (Volona, 2000). Furthermore, the New Testament of the Bible is a tangible source of information and has many restorative references including acts of reconciliation, forgiveness, finding peace and helping each other.

Reconciliation is the ability to solve disputes and is a central tenet of restorative justice. In the Good News Bible (1976), acts of reconciliation can be found in 2 Corinthians 5 and Romans 11. Perhaps forgiveness is one of the most difficult acts a person can make, whether for oneself or others. Leviticus 6 and the Lord's Prayer are two reference points for this act. Additionally, the concept of finding peace is important to restorative justice. Two passages that speak of peace include Genesis 15 and Exodus 24. Helping each other is a self-less act and requires a sense of empathy. One aim of a restorative conference is to help participants understand what happened. Helping others to understand can be referenced to Galatians 6. The numerous passages in the Bible that espouse the philosophy and practice of restorative justice have contributed to its development over time.

Legal roots. Many practices and acts of legislation over the past half-century indicate how the restorative justice movement has influenced the legal community. The literature cites victim-offender mediation, victim impact statements and family group conferencing as cornerstones of the restorative justice movement. These and other practices have also influenced legal practices and legislation throughout the world.

The victim-offender reconciliation movement began in Kitchener, Ontario in 1974 (Peachey, 1989). It began after a teenage vandalism spree occurred and the probation officer, with the encouragement of the local Mennonite community, initiated a direct meeting between the victims and the offenders.

In 1976, Chief Probation Officer James Rowland of Fresno County initiated the use of victim impact statements (Office of Justice Programs, 1997). It was through these statements that victims could effectively communicate the information they had to share with the court prior to sentencing. Victim impact statements have elements of restorative practice because they assist in holding offenders accountable for their actions, and meaningfully involve victims in sentencing.

The most influential practice to date has been the Wagga Wagga model of restorative justice from Australia (Bazemore & Umbreit, 2001). Terry O'Connell, a community-policing sergeant in Wagga Wagga, Australia, had heard of the success of family group conferences in New Zealand and tried it himself. In 1991, the Australian version of family group conferences was established as part of a police-cautioning scheme (O'Connell, Wachtel, & Wachtel, 1999). O'Connell et al's intent was to make the conferences an effective cautioning scheme and, by including the victim, offenders and

community in the peacemaking process, they had hoped to make it a more meaningful experience.

World wide there is considerable legal evidence supporting the use of restorative justice principles. As mentioned earlier, the *Children, Youth and Families Act of 1989* has made alternatives to foster care a reality in New Zealand. In South Africa, the Truth and Reconciliation Commission, while not exactly offering forgiveness, has created a way for South Africans to deal with their violent past (Sullivan & Tiftt, 2001). An important step occurred in Canada with the amendment of the Criminal Code sentencing principles in 1996. The 1996 principles encourage the use of community-based sentencing and the promotion of reparation. One important passage, paragraph 718.2(e), states that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders” (Department of Justice Canada, 2000). The existing *Canadian Young Offenders Act* is currently under a six-year review and the proposed document contains many references to restorative practices. The new proposed act includes the principles of holding the offender accountable, reparation of wrongdoing, involvement of family and the use of family group conferences (Department of Justice Canada, 2001).

Although contributing practice and law have been diverse, a common element is the recognition that parties involved need to connect. History has provided a glimpse of people’s desire to find a better way to resolve conflict, ways of being, and interacting with each other. People have searched for a method to make things right after harmful incidents and restorative justice has provided some of the necessary tools. Restorative practices are not new and will continue to evolve over time.

Chapter 4: Advantages of Restorative Justice

Elements of restorative justice have existed for centuries because the philosophy and practices are sound and widespread. Restorative justice practices are helping to decrease incidents of wrongdoing and supporting those affected by it. The following narrative helps describe how the act of apologizing can contribute to group dynamics, along with providing the victim with a sense of peace. Apologizing signals a shift of emotions that are typically displayed in a conference. Another advantage of the restorative justice process is the opportunity for people to respond to their emotions. The affect theory and technique of reintegrative shaming are two elements of restorative justice that help participants to deal with emotions. They will be described in detail later in this paper. If people do not resolve the emotions involved in a harmful incident they will have a more difficult time finding closure. This section ends with an examination of existing evaluations of restorative justice programs.

Geoff and Adam's Journey - The Apology

Even after Brenda's outburst, Mrs. Jones did not respond as Sue, Geoff's mother jumped in. "We are here to fix the harm that has been done, you promised not to interrupt!"

The conference proceeded as Geoff finished responding to Mrs. Jones' questions, and then it was Adam's turn. Adam recounted similar events that led to the breaking of his arm. I thought the conference was proceeding fairly smoothly. It was the response to Mrs. Jones' next question that surprised me. After Mrs. Jones asked Adam how he was feeling at the time he began to sob and say, "I didn't know if he was going to stop, my

arm hurt really bad and I just wanted it to stop.” After a moment Adam added, “And I know I shouldn’t have been teasing Geoff.”

Geoff responded with, “I’m sorry, too. I didn’t mean to break your arm. I just didn’t like to hear what you had to say about me. I got bugged like that at my old school and I didn’t want it to start again.”

It felt like an audible sigh went through the group and I noticed most people seemed to relax a little bit more. Geoff then sat up and looked Adam in the eye, “Thanks for apologizing, I hope this never happens again.”

Katrina, Adam’s student supporter finally spoke up, “Well, now that they have apologized why do we still have to be here? Why do we have to continue?”

Benefits of Restorative Justice

Elements of restoration have permeated societies for centuries. After acts of war society rebuilds its towns and villages. After acts of terrorism people work to return to their every day lives. After acts of vandalism, an individual endeavours to reclaim his or her possessions. When life does not work out as planned, people try and remake what they once had. The definition of restore is to bring something back to an earlier and better condition (Guralnik, 1986). As people have worked to rebuild their towns and lives they have often worked with tangible materials because it is easier to wield a hammer than to mend negative emotions such as anger and resentment. Clearly, the restorative justice movement has slowly transformed the possibilities one has to respond to conflict. But why do people feel better after a restorative justice conference?

One element that is missing from an individual’s attempt to restore him or herself is a process to address his/her emotional response to the victimization. Just as the

historical roots of restorative justice appear to be chaotic and entangled, so, to, is the rationale regarding the benefits of restorative justice. Sylvan Tomkins' theory regarding affect provides a base for understanding human emotions and John Braithwaite's reintegrative shaming provides additional evidence. Even though formal restorative justice conferences are still in the early stages there are positive quantitative studies and other anecdotal statements to examine.

Affect Theory

Sylvan Tomkins, a recognized psychologist, developed a theory regarding human affect which helps explain the need for a complete conference, not the shortened version that Katrina wanted. Tomkins has identified nine basic affects that occur in all people. The following list includes pairs of emotions of which one is the least intense and the other the most intense expression: enjoyment-joy, interest-excitement, surprise-startle, shame-humiliation, distress-anguish, disgust, fear-terror, anger-rage, and dismal (O'Connell, et al., 1999). The format of the conference encourages the free expression of emotion. When participants respond to the scripted questions they may express any or all of the negative affects or feelings, which helps to reduce their intensity. Often, a victim will begin by expressing anger towards the offender. Through the process of a scripted conference and the sharing of emotions victims will often express surprise at the offenders' genuine apology and interest in the outcome. By the end of a completed conference, all parties involved have increased their understanding of each other and are usually satisfied with the outcome. In addition, participants have had opportunity to express a range of emotions beginning with the negative affects and progressing to the more positive affects during the restitution phase. The structured conference provides

support and creates a safe and secure environment that facilitates the development of positive affects (O'Connell, et al., 1999).

Reintegrative Shaming

At the same time New Zealand was developing its model of restorative justice, John Braithwaite, an Australian scholar, was writing about the issues of crime, shame and reintegration. In 1989, Braithwaite began arguing for *reintegrative shaming*, a form of social control based informally on the community condemnation of wrongdoing, but with opportunities for the reintegration of the wrongdoer back into the community (Umbreit, 1998). Even though in his original paper Braithwaite did not specifically address restorative justice, "he argues for principles of justice that emphasize personal accountability of offenders, active community involvement, and a process of reconciliation and reaffirmation of the offender" (Umbreit, 1998). These elements relate directly to the philosophy and practice of restorative justice, with an emphasis upon mediation and dialogue whenever possible.

It is important to recognize that there are two forms of shaming, reintegrative and stigmatization. An example of stigmatic shaming is when a teacher makes a student wear a 'dunce' cap and sit in a corner. When judges order an offender to walk around town wearing a sign indicating that he or she is a drunk driver, they are using stigmatic shaming. Labelling the offender as one that cannot be trusted and is likely to offend again is stigmatic shaming. At the opposite end of the spectrum is reintegrative shaming. When a student steals someone's felt pens and after a class meeting is required to write a letter of apology and read it to the class, reintegrative shaming is taking place. The intent is to have the student reintegrated into the classroom community. In this process, the young

'offender' is made powerfully aware of the disapproval of his/her actions by significant others in his/her life. Offenders must express remorse for their past conduct, apologise to any victims and repair the harm caused by the crime in order to earn the right to a fresh start in reintegrative shaming (Sherman & Strang, 1997).

Some forms of restorative conferences work better than others. One difference between effective and ineffective conferences is the use of shame. The emphasis here is on the emotion of shame. Shame, a hidden emotion, is a strategic part of the conference process and, if managed properly, can be the key to a successful conference and resolving the conflict.

Program Evaluations

Most comprehensive evaluations of restorative justice programs have taken place over the past decade in the United States, Canada, Australia and New Zealand. Two major studies will be the bases for most of the analysis in this paper. One study is by the Royal Canadian Mounted Police (Chatterjee, 1999) with an examination of the effectiveness of five hundred Canadian community justice forums. The second is by Umbreit, Coates and Vos (2002) with a recent and comprehensive empirical examination of 63 restorative initiatives in five countries. A few supplementary evaluations will also be referred to. For this analysis satisfaction, fairness, recidivism and restitution are the key points to be examined.

In restorative justice, program satisfaction is often used a measure of effectiveness because it is at the core of restorative philosophies. A person, whether as a victim or offender is likely to feel satisfied when his/her needs are met. Chatterjee (1999) found in the R.C.M.P study that 87% of victims reported feeling quite or very much satisfied with

their community justice forum experience. A similar result appeared in the Umbreit, Coates and Vos report, with 90% of three American studies indicating satisfaction with family group conferences. Court satisfaction evaluations provide a comparable assessment of restorative justice practices. Latimer and Kleinknect (2000) included the findings of Umbreit, Coates, Kalanj, Lipkin & Petros (1995), where 79% of mediated victims were satisfied with the processing of their case compared to 57% of the victims in a court sample.

Fairness is also an issue of concern for restorative justice participants. Generally, fairness measures the participants' perception of reasonableness and/or abiding by the rules. In an Australian study on conferences, 80 to 95% of victims and offenders reported fair treatment (Umbreit & Fercello, 2002). In two American-based studies (Fercello & Umbreit, 1998; McCold & Wachtel, 1998) approximately 95% of victims indicated the process/outcome was fair. In Canada, the RCMP study supports the notion of fairness in conferences as it found that "100% of victims and 95% of all other participants perceived the community justice forum process to be very or quite fair".

Recidivism is the tendency to relapse into undesirable behaviour. It requires a longer period of time to study this concept and collect and establish reliable data. Since formal restorative practices have only a decade-long history there is not much data to report. The information that is available provides a positive correlation between the use of restorative procedures and the chance that an offender will not cause harm again. Umbreit and Fercello (2000) completed an evaluation of the Woodbury Police Department in Minnesota by comparing family group conferencing to a non-conferencing group. The study lasted from 1995 to 1999 and found that 33% of youth involved in

conferencing re-offended, while the number increased to 72% for youth that were not involved in the conferencing model. This study also found that in the conferencing group 52% of repeat offenders re-offended, but the number dropped to 16% for first-time offenders.

In restorative justice conference offenders often are required to complete acts of restitution while attending to the needs of the victim. During the agreement phase of a conference, acts of restitution are collectively determined, with repairing the harm as the outcome. Strang and Sherman (1997) report that victims processed through family group counselling were ten times more likely to receive restitution than victims involved in the traditional court system. Umbreit et al. (2002) indicate that 87% of the conference agreements were largely completed. The Canadian findings presented in the RCMP evaluation of community conference forums remains consistent with the previous finding, as 89% of all participants felt that the agreement was quite or very fair.

Geoff and Adam's Journey - The Conference Continues

It was not necessary for Mrs. Jones to respond to Katrina's question about ending the conference because Geoff's Mom did. "We need to stay so each of us can tell how we were affected by what happened and then we need to come to an agreement on how to fix the problem. My son isn't the only one to blame for this incident, you know."

The conferences proceeded, and as I listened to Adam describe how he felt about the incident I could hear a change in his voice. He became much more composed and not as accusatory towards Geoff. Even though it was reassuring to hear Adam accepting responsibility for his part of the fight, I was still a bit concerned that he was diminishing the severity of Geoff's actions.

After Adam's mother and father shared their experiences, Mrs. Jones turned to Geoff's mother and said, "This has been difficult for you, hasn't it? Would you like to tell us about it?"

Sue replied, " I am a good mom, really I am. I wanted Geoff to live in a better neighbourhood so we just moved here. I have to work two jobs so we can afford to live where we are. He is a good boy. He helps out at home and without even asking he takes out the trash. He has had it tough without his dad being around. I have tried to teach him how to act. Geoff, you know you shouldn't push people around. You are a big strong boy."

Sue was able to tell her story including how the hardest thing for her was controlling Geoff. Then Mrs. Jones asked, "What do you think the main issues are?"

"Well, I don't like having my son picked on at school. I thought I moved to a better neighbourhood so that wouldn't happen. And, I don't want my son acting in such a manner, I want him to make some friends."

By now, over an hour had past since the conference began and we hadn't heard anything from Mr. Fredrickson, the school principal. He then asked an important question, "I am new at this and I don't know exactly how this all works. This process is taking a lot of time. Is this the only method we could use?"

Chapter 5: Models of Restorative Justice

In an ideal society, a foundation of integrity and mutual respect exists. That is not to say that conflict does not occur. Conflict is a normal, natural part of everyday life. When wrongdoing occurs injured parties confront the wrongdoer about the acts. In an ideal society, the offender listens respectfully to gain an understanding of his/her actions and the desired consequence, and then takes responsibility for his/her actions. To resolve conflict, reparation and forgiveness occurs, and trust is re-established. This is the ideal society that most communities are striving towards.

Over time and throughout the world the restorative movement has grown. No short introduction can do justice to the variety of tools and applications that exist to deal with conflict. Each model reflects the needs, desires and skills of the community in which it is developed. Therefore, the previously stated list of principles and outcomes are the standard with which a program can be truly labelled as restorative justice or not. There are currently three main models of restorative justice: mediation, circles and conference. In addition, there are several similarities between each model and the way they are practiced in schools. Lessons can be learned from each model and the variations within it can enhance future practices, particularly in schools.

Victim Offender Reconciliation Programs

Victim-offender mediation has an impressive 25-year history in North America, dating back to 1974 in Kitchner, Ontario. Victim-offender mediation is a process that provides victims and offenders an opportunity to meet in a neutral, safe and controlled setting. Bazemore and Umbreit (2001) reported that there are approximately 320 victim offender mediation programs in the United States and Canada, and more than 700 in

Europe. The process is voluntary and is facilitated by a trained mediator. The meetings provide the victim with the opportunity to tell the offender about the impact the wrongdoing had on all aspects of his/her life. Generally, victims receive answers about why the event occurred. Reparation is often mutually determined and may include the offender providing an apology, paying the victim for damaged and irretrievable goods, and, at times, performing community service. Most cases involve less serious property crimes committed by young people, and the process is being used increasingly in response to serious and violent crimes committed by juveniles and adults (Bazemore & Umbreit, 2001). In the legal arena, probation officers, victim advocates, attorneys and law enforcement officials refer clients to mediation. Now, the process is being used within schools and other large agencies to reduce conflict. A state-wide survey in Minnesota found that 91% of those surveyed believed that victim-offender mediation should be available in every judicial district (United States Department of Justice, 1997).

Victim-offender mediation differs from the traditional restorative justice model in three significant ways. In a mediated setting, only the primary victim and offender are involved and if supporters are present, they have no voice in the proceedings. Secondly, in-person meetings are not mandated. Real-life conferences empower participants through the dialogue that occurs, and attendance is not mandatory in all mediated settings. Finally, the mediation session is not scripted, therefore, the likelihood that all components of a traditional restorative conference will be included.

Peer mediation. As the success of community-based mediation programs became evident, school systems followed the practice. Conflict is a normal part of life, particularly in schools, where children are developing the skills needed to relate to each

other. Students do not have a choice regarding the selection of their schoolmates and frequently, conflicts occur that require resolution. Peer mediation involves using trained students to resolve disputes between peers. At the elementary school level, mediators work in teams on the playground or in the school. Intervention is often immediate, with mediators asking if those in conflict would like to settle the problem. If the students agree, the mediators and disputants begin the mediation process. If they do not agree, the mediator moves on, as their role is to help resolve disputes, not to police the area. Reports have indicated success rates ranging from 58 to 93% at various sites, with success determined through agreement compliance at the time of a follow-up evaluation (Johnson, Johnson & Dudley, 1992).

Circles Models

There are a variety of circle processes, differing with the purpose of the circle and who participates. The circle is central to traditional aboriginal cultures and social processes. Circle processes for handling crime and wrongdoing originate with traditional concepts of freedom and individuality, as one person cannot impose a decision upon another (McCold, 1999). Numerous alternatives have occurred from the original framework as the circle phenomenon has become mainstreamed. The circles process has been adapted to reflect the needs of the participants, altering the purpose and procedure. Men's or women's healing circles, and substance abuse circles, are two alternative forms (McCold, 1999). Generally, circles have evolved along two paths: a healing circle to dispose of situations and a sentencing circle limited to making recommendations to judicial authority for actual case disposition (Ross, 1994). Both healing and sentencing circles hold in common the belief that it is important to address not only the presenting

problem but also to build community. In the literature, the terms *peacemaking circles* and *healing circles* are often used synonymously. Therefore the phrase *healing circle* will be used in this paper.

Sentencing circles. The sentencing circle provides an opportunity to begin the healing process for the offender and the victim. The participants in a circle include the victim, offender, family members, judges, lawyers, police officials and willing community members. The aims of a sentencing circle are to:

1. Promote healing for all affected parties;
2. Provide an opportunity for the offender to make amends;
3. Empower participants by giving them a voice and shared responsibilities in finding constructive resolutions;
4. Addressing the underlying causes of criminal behaviour;
5. Building a sense of community and its capacity for resolving conflict; and
6. Promoting and sharing community values. (Bazemore & Umbreit, 2001, p. 6).

A conviction is required in the judicial system before a circle is held. In addition, participants need to become familiar with the process, which frequently becomes a task of the community justice committee prior to the circle (McCold, 1999).

The process of a sentencing circle often involves a talking feather travelling around the circle with a community elder facilitating the discussion. During the circle process, participants speak directly to the victim and offender, providing their thoughts on the impact of the wrongdoing. Then the offender has opportunity to fully explain his/her behaviour. Courage to speak is a critical element of a circle, as those who know

the offender best are encouraged to expose misrepresentations in order to get to the root of the problem. A healing aspect of the circle occurs when the participants speak to the victim praising him or her for their courage and saying what happened to them was not their fault (McCold, 1999). Towards the end of a circle, recommendations are given to the judge indicating what should happen to the offender. The judge produces the sentencing document that the circle reviews. Thanking of participants and a closing prayer are traditional elements signifying the end of a circle.

Three concerns arise regarding the use of sentencing circles. Often a lengthy period of time exists between the offence and conviction, and waiting for the formal judicial system will delay the sentencing circle. Circles are emotional events that require sensitivity and effective communication skills. A skilled facilitator is required to draw out the responses of timid participants to create a clear picture of the offence. Currently, there are no formal criteria regarding the selection of facilitators. Thirdly, “circles are often labour intensive and require a substantial investment of citizen time and effort” (Bazemore & Umbreit, 2001, p. 6).

There are a number of noteworthy aspects of sentencing circles. One is the concern for victims. In *Sentencing Circle: a General Overview and Guidelines*, Grohs (1998) provides additional insight into the needs of victims, in particular women who are physically abused. Counselling is recommended for suspected sufferers of Battered Women’s syndrome. In addition, support personnel are encouraged to accompany the victim to the circle. Another positive aspect is that sentencing circles reflect the needs of the community they serve. The talking feather, opening/closing prayers, and the role of elders can be highlighted during the process. Each of these elements is significant in

aboriginal communities and contributes to the effectiveness of sentencing circles. Even though very little research has been done on this topic, one study by Judge Barry Stuart in Canada from (1996) “indicated that recidivism was less likely among offenders who participated in circles than among offenders were processed traditionally” (Bazemore & Umbreit, 2001, p. 7).

Healing circles. Healing circles are ceremonies that allow participants to express themselves, show the personal healing participants have accomplished and bring the conflict to close. They combine ancient wisdom with contemporary values to reinforce community values. The underlying belief supporting healing circles is that the problems of crime are best addressed by the community not just those directly affected by the crime (Corrections Services Canada, 2000). These circles focus on trying to uncover the underlying problems, and to restore balance where possible. A storytelling nature, opening prayers and the use of a talking piece characterize healing circles.

One of the most recognized circle models of restorative justice is the Community Holistic Circle Healing from Hollow Water, Manitoba (Sivell-Ferri, 1997). The Hollow Water Healing Program began as a program to respond to incest and sexual assault combined with the social conditions that permitted the violence to occur in the first place (McCold, 1999). The complete Community Holistic Circle Healing process involves thirteen phases transitioning from disclosure, supporting those involved, sentencing circles to cleansing circles. According to McCold (1999), this model can take up to five years to complete. The Community Holistic Healing Circle is comprehensive and attempts to rebuild the community connections after significant harm has been committed.

The healing circle process is truly restorative as it meets all five outcomes outlined at the beginning of this paper. Yet, there are a number of disadvantages to this process. For example, in the cases of Hollow Water the entire process can take up to five years. Many things change during five years, including people's memories of the events. During this time, some participants may move away from the community, and then absence could have profound influence on the outcome of the healing circle. Additionally, there is no standard format for the healing circle process or training required for the facilitator. Including these elements might help to ensure greater effectiveness of the process.

Class meetings. In school settings, class meetings use aspects of the philosophy and format of circle conferences. The work of William Glasser is pivotal to the development of this practice (Lundeberg, Emmett, Osland & Lindquist 1997). During meetings students work together to solve problems that affect the class community. Topics include name-calling, stealing and copying rather than specific incidents. The circle format affords all student equal opportunity to speak. Students are supported while they take ownership for their actions. They are involved in understanding rules, guidelines, limits and consequences. A central goal of class meetings is the building of community, one of the guiding principles of restorative justice.

Class meetings were originally designed as a tool to cultivate the classroom community. Nevertheless, it is another example of how restorative aspects are incorporated into school communities. Published evaluations of the effectiveness of class meetings are limited, but provide favourable results. In southern Michigan, the administrator and faculty of an elementary school adopted class meetings as part of their

school improvement plan. Five months later, positive effects were already evident when one group of third-graders demonstrated knowledge of peaceful conflict resolution (Landau & Gathercoal, 2000).

Group Conferences

Conferencing is a process in which groups of individuals affected by some past action come together to discuss issues that have developed (Roberts & Masters, 1999). In addition, conferencing is a reconciliation process that addresses the needs of those most affected by crimes more effectively than traditional adversarial and autocratic processes can. Similarities exist between conferencing and mediation. For example, both involve key parties such as the offender and victim in resolving disputes in a non-professional setting. However, conferencing and mediation are not the same. Because mediation is a facilitated dialogue between two parties, the process must rely upon the mediator to regulate the interaction between parties. The facilitator sets the group focus by leading the discussion (McCold, 1999). In conferences, the normative effect of group process is used to regulate behaviour of the participant. The normative effect occurs when both the victim and offender have supporters present to create a balanced conference circle. If only the offenders' supporters were present during the conference a power imbalance might occur, with the offender receiving more support. The inclusion of victim and offender supporters helps eliminate the power imbalance when this model is used. Therefore, conferencing could be more powerful than mediation in addressing domestic violence (Braithwaite, 1996).

Restorative justice conferencing models vary in the involvement of the participants, role and skill of facilitators, and the referral and conference processes. The

family group conference and the community conference model are two versions of conferences influenced by restorative justice practices. The family group conference model has made an impact on processes within the school system.

Family group conferences. As mentioned previously, the centuries old Maori techniques of dispute resolution and sanctioning helped form many family group conferencing models. A number of family group conference models have developed using this label including the New Zealand care-and-protection, social welfare model and the modified New Zealand youth justice model. Other models, evolved from police conferencing in Wagga Wagga, Australia have also been established.

Generally, the key concepts remain similar for each model. Cases dealt with in this manner include: drug offences, theft, arson, minor assaults, child maltreatment and vandalism (Bazemore & Umbreit, 2001). Throughout the world common referral points occur for family group conferences. In New Zealand, all of the juvenile justice system has incorporated family group conferences into its structure, and in the United States, it is used as a diversion from the court system (Bazemore & Umbreit, 2001). All but the most violent and serious delinquency cases are managed through family group conferences in New Zealand (Bazemore & Umbreit, 2001). Another condition for participation in most models is that the offenders accept responsibility for what they have done.

Restorative justice principles are not of primary importance in the family group conference process. Conferences do not focus explicitly on crime or wrongdoing, but rather focus on child safety and supervision issues, which may not involve clear offenders and victims (Shaw & Jane, 1999). In a family group conference, ground rules for

meetings are set to foster a respectful and non-confrontational process. Together the victim, offender and their families, friends and other key supporters determine the resolution of the wrongdoing through a facilitated conference. Facilitators lead the conference as opposed to directing the participants to a specific outcome. In the end, family group conferences are dedicated to working out a plan or rehabilitation for the offender, and engaging the support of family and other acquaintances in helping the offender (Marshall, 1998).

There are a number of strong points in the family group conference that have contributed to its favourable results. First, this type of conference includes the children's support network, providing opportunities to strengthen their connections with each other. This type of conference views incidents as crimes against the relationship between the parties rather than as a crime against the state (Umbreit, 1998). Conferences aim to repair the relationship between the participants and when doing so they look for the cause of the difficulties and plan accordingly. In family group conferences, families are given greater power and responsibility for the decisions, which also provides opportunity to recognize cultural issues (Strang, 2001). Furthermore, family group conferences are a cost effective method for working with families involved in the legal and social services systems. In New Zealand, the use of family group conferences saved six million dollars in reduced court costs and the closure of institutions for young offenders (Strang, 2001). In comparison to the court processes, families engaged in group conferences are able to move beyond the harmful incidents in a relatively short time frame, as two-thirds of conferences in New Zealand are held within five weeks of the incident (Strang, 2001).

Family group conferences have continued to evolve over the past twenty years as the process carries on to reflect the needs of the communities in which it is used. Even so, concerns still exist with this process. In some conferences, professionals are not included in the initial development of the restitution plan (McCold, 1999). The professionals contribute to the normative affect of the group, and power imbalances may occur in the smaller private groups. Family members may also defer to gender roles and not share what they are truly thinking and feeling at the time (Strang, 2001). Fortunately, all participants must approve the restitution agreement and if the professionals do not support the document, it is revised. Furthermore, conferences require the commitment of the entire family and there may be reluctance by immediate members to invite the extended family. Admitting that one is having difficulty or has done something wrong is a challenging task. Reasons for the reluctance can include: not wanting the extended family to know about their problems; fear of being scape-goated; not being in touch with family members, and desiring privacy (Strang, 2001). Finally, through family group conferences the process for responding to troubling incidents is changing. Yet, some people find change difficult and, no matter how positive results are, resistance from prevailing systems is likely (Roberts & Masters, 1999).

The relatively long history of family group conferences has provided opportunities for numerous program evaluations. One study in New Zealand found that there was a reduction in re-offending when offenders directly apologized to their victims (Meirs, 2001). In Newfoundland, Canada, a pilot-project indicated considerable success with families characterized by long and complex histories of abuse and other issues (Shaw & Jane, 1999). Family group conferences are more comprehensive than

victim/offender mediation, going beyond addressing the needs of victims to addressing the offending behaviour and its causes. The success of the family group conferences has made an impact on society through implementation in schools, police departments, and probation offices. In a small way, the influence of family group conferences has made its way to Peace River South, School District #59.

Individual behaviour plans. There are numerous similarities between family group conferences and the use of individual behaviour plans in Peace River South, School District #59. In this district, when students are having difficulty conforming to expected norms of behaviour, individual behaviour plans are developed. Typically, plans are developed regarding unacceptable behaviours such as fighting, acting out and non-compliance. In conjunction with the student, his/her family, teacher(s), and other professionals such as social workers and helping teachers, a behaviour plan is developed.

There are a number of similarities between individual behaviour plans and restorative justice. The aims of these plans are to prevent re-offending and to reintegrate the student into the school community. Secondly, the student is an active participant during these meetings and the plan developed supports the student to manage his/her future behaviours. A third connection to restorative justice is the aspect of consensus. Consensus regarding future actions is essential because other participants are often required to support the student to achieve the desired outcomes.

Two significant aspects of restorative justice are the involvement of victims and the concept of restitution. Unfortunately, individual behaviour plans do not address the needs of victims and, therefore, this method cannot be considered as entirely restorative. Victims of the wrongdoing are not included in the meetings, so their needs have to be met

in other ways. Restoring damaged relationships is a significant aspect of restorative justice, and the focus of individual behaviour plans is limited to changing and managing a student's future behaviour.

Community conferencing. Community conferencing is a process that allows people to deal with wrongdoing throughout society and offers peacemaking possibilities in a wide range of situations, including schools, workplaces, communities, youth organizations and college campuses (McCold, 1999). This form of conferencing has roots in family group conferences and is based upon the work of Ted Wachtel and Terry O'Connell. *Real Justice conferencing* and *community accountability conferencing* are terms used synonymously with *community conferencing*. Community conferences are easily recognizable by their purpose, participants, protocol and use of a facilitator's script.

Community conferences are incident-focused, limited to repairing the damage caused by a specific offence and are not a tool for uncovering all of the needs requiring comprehensive counselling and/or other social services. This model assumes that the social bonds developed through a conference will have positive effects in this regard without external efforts by the facilitator (McCold, 1999). People invited to participate in the conference include families, friends and by-standers. Only the circles style of restorative justice offers a more direct community-participation model.

The facilitator plays a significant role in the success of the conference. Facilitators are trained third party members who aim to remain neutral throughout the process. The facilitator is required to conduct the conference and complete pre and post tasks (see Conferencing Checklist Appendix A). Initial contact by the facilitator is by phone or in

person where appropriate, and is limited to explaining the process, eliciting participation and gathering background information on the case. This contact does not represent counselling services but provides the participants with time to think about what they would like to achieve during the conference. The facilitator also contacts the nominated supporters of the victim and offenders, and schedules the conference giving priority to victims' preferences.

According to the *New Real Justice Training Manual* by O'Connell et al. (1999), there are three phases to the conference. In the first phase, all participants sit in a circle and respond to open-ended questions regarding how they feel about the incident. The second phase of the conference involves all parties negotiating a restitution agreement. Both the victim and offender must agree to all suggestions made during this agreement phase. The third phase occurs during an informal social period over refreshments. One distinguishing feature of community conferences is the informal reintegration period over refreshments. This symbolic 'breaking of bread' helps promote healing and closure. Community conference facilitators follow a script developed by Terry O'Connell, a former Australian police officer (see Conference Facilitator's Script Appendix C). The script maintains a specific speaking order for conference participants designed to have the offender take responsibility for his/her actions and to provide comfort for the victim. The use of a conference script has been researched and evaluated. Some participants find the structure stilted, yet, these studies have consistently found high rates of participant satisfaction, perceptions of fairness, and offender compliance with agreements (McCold, 1999). Perhaps the most beneficial reason for using the script is it ensures that the participants will maintain control of the conference outcome, not the facilitator. The

research indicates that participant control during group processes generates more cooperative relationships than autocratic group processes (Lewin, 1939).

The problem-solving nature of this process has lent itself to responding to non-criminal incidents including school issues. Community conferences have evolved from a community policing model, to a school and organizational model of discipline, to informal restorative practices in everyday interpersonal interactions. Since 1995, over 1,200 of the 3,300 conference facilitators trained by Real Justice are school personnel (McCold, 1999). A closer evaluation of the effectiveness of restorative justice style conferences in schools will occur later in this paper.

The shape of community conferences continues to evolve. Leading researchers in this field have commonly expressed three concerns with community conferences. To begin with, conferences involve dynamic participants who are responding to emotional issues. There is the potential for victims to be re-victimized during conferences if an unrepentant and argumentative respondent faces them. Secondly, the idea of re-integration assumes a community that is integrated. It is difficult for offenders to be re-integrated if they were not integrated to begin with. Finally, the choice of supporters rests with the offender and victim. There is a possibility that parents/guardians will not be included in the process as there is no formal requirement that parents attend. This possibility raises the question, "How can a young offender be reintegrated into his/her community when his/her parents are not included in the process?" The future success of community conferences depends, in part, on how these issues are addressed.

The examination of compliance rates provides supporting evidence that restorative justice conferences are able to meet the outcome of attending to the victims'

needs. Compliance rates measure whether the offender completed the restitution agreement or not. The evaluation of the Queensland Community Conferencing pilot project by Hayes, Prenzler and Wortley (1998) reported a compliance rate of 93%. Furthermore, Latimer, Dowden and Muise, (2001) indicated in their meta-analysis of community conferences that offenders who participated in restorative justice programs tended to have substantially higher compliance rates than offenders subjected to other arrangements.

Traditional restorative justice programs such as community conferences aim to prevent re-offending, therefore, the examination of recidivism rates is important. Latimer et al. (2001) reported that community conferences yielded reductions in recidivism compared to non-restorative approaches. Hayes et al. (1998) reported similar results with a 7% re-offence rate during the evaluation period. However favourable these data are, they can be misleading. Comparable data on re-offending rates for young offenders receiving cautions and traditional sentencing is not available (Hayes et al., 1998). The examination of these data also needs to reflect the voluntary nature of these conferences. It is likely that offenders did not volunteer for this process if they had a pattern of offending and lacked the support network necessary for the process to be successful.

The issue of participant satisfaction is important to restorative justice practices. If participants are satisfied with the process, it is another indication that healing relationships within the community may occur. A number of studies on community conference studies have indicated consistently high levels of participant satisfaction across a range of conferencing issues (Hayes et al., 1998; & Latimer et al., 2001). In a recent evaluation, Hayes et al. (1998) reported between 96.7% and 100% of young

people, parents/caregivers and victims were satisfied with conference agreements and felt the conference was fair. In the same study, between 91% and 99% of young people, parents/caregivers and victims felt the conference was just what they needed to sort things out.

Chapter 6: Restorative Justice in Schools

Restorative justice practices have been incorporated into school systems. The following narrative examines an administrative officer's perspective on discipline and aggressive behaviours in school.

Geoff and Adam's Journey Continues – The Schools Response

Before Mrs. Jones could reply Geoff blurted out, "Well if you made sure that students are safe at school we wouldn't be here, now would we?"

Mrs. Jones commented, "Now, it is Mr. Fredrickson's turn to share his thoughts. Mr. Fredrickson, what did you think when you heard about the incident?"

"Well, my first thought was about the boys and I had hoped that no one was seriously hurt. Then, well, I get frustrated when fights occur at school. We have peer mediators for students to talk to and there is the leadership team that is working towards improving the school culture. Now, it just seems like I cannot stop the kids from fighting. I am worried about them. So much bullying occurs now-a-days."

"What did you think when you heard about the incident?"

Adam jumped into the conversation, "Mr. Fredrickson, this isn't a bad school. You and the teachers are doing some great things here. I like to come to school here."

I finally had a chance to speak. "I am so glad that we are here together. I have read so much about restorative justice and I believe in what it can do. I agree with Adam when he says that this is not a bad school. There are many fine programs in place to combat violence and respond to harmful issues. If this case followed the traditional discipline path, the boys may have seen a counsellor at different times, Geoff would be suspended from school, and then possibly put on an individual behaviour plan. Now we

have the opportunity to hear what each other has to say and find out how to make things better. When we work together, we can come to a greater understanding. Mr.

Fredrickson, can I share at a later time with you the results of some school-based restorative justice projects I have discovered in my research?"

Mr. Fredrickson replied with, "I just wanted to say thanks for your support in making our school a better place and I would like to look at that information you have. I think it will be enlightening."

School-Based Restorative Justice Projects

Over the past several years, the issue of school violence has come to the forefront. Incidents range from minor discipline problems such as disobedience, teasing, and taunting, to obscene gesturing, verbal and physical threats, aggression, bullying, assault (with and without weapons), vandalism, extortion, and gang-related activities. School violence affects the offender, victim, other students, staff and the community as a whole.

In the last decade, there has been an increased reporting of bullying within the school system. Those who bully are more likely to drop out of school, use drugs and alcohol, as well as engage in subsequent delinquent and criminal behaviour (Morrison, 2002). Bullied children have higher levels of stress, anxiety, depression, illness and suicidal ideation (Morrison, 2002). In Peace River South, S.D. #59, as in other districts, there are acts of bullying. In the District Student Survey (Peace River South, 2000), 51% of students in grades four through seven indicated that they had been bullied one or two or several times, 38% of students reported that they had bullied others.

Along with the increased incidence of bullying, other delinquent behaviours have increased. Day, Golench, MacDougall, and Beals-Conzalez (1995) reported that 21.8% of

their sample of disadvantaged Canadian youth had committed at least one of three serious delinquent offences (fighting with a weapon, entering and stealing, or stealing goods worth more than \$100) between the age of four and nine years. Loeber (1987) reported in Day et al. (1995) that as many as 50% of elementary-school children have engaged in theft and as many as 37% of boys have been involved in physical assault. Day et al. (1995) reported the results of a survey of 881 responding schools. The results revealed a 150% increase in major incidents such as biting, kicking, punching and the use of weapons, and a 50% increase in minor incidents such as verbal abuse over a three-year period between 1987 and 1990.

It is obvious to state that every student has the right to attend school and feel safe from harm or danger. Peace River South (2002a) has even included a statement supporting this belief in its bullying policy. School districts throughout the world, including the United States of America, Great Britain and Northern Ireland have turned to the restorative justice philosophy and practices as an alternative to other discipline techniques in the face of such escalating evidence. The following section of this paper will examine the use of restorative justice philosophy and practices in schools in Australia, School District #69 in Parksville, British Columbia; and School District #59, Dawson Creek, British Columbia.

School Based Restorative Justice Programs in Australia

In an attempt to repair the harm of a serious assault after a school dance, the first school-based community conference occurred in 1994 at Maroochydore State High School in Queensland, Australia (Cameron & Thorsborne, 2000). As schools have

worked towards reshaping the culture of discipline, many successes and failures have influenced the shape and use of restorative justice techniques today.

The success of restorative justice practices in Australia led to a study in Queensland during the 1995-1996 school year. Strang (2001) reported extensively on this project. One staff member from each school participated in training in restorative techniques to deal with disputes and conflicts. The majority of conferences were in response to assaults and serious victimization, property damage and theft. Student use of drugs, absenteeism, verbal abuse, and acting out were also reasons for holding conferences. In addition, one of the 89 conferences in this study was in response to a bomb threat. Despite the favourable reception the pilot received, it did not gain the financial support of the Queensland Department of Education. Reasons cited for the lack of financial support included the need for cultural change in dealing with behavioural management, and resource intensiveness.

The Queensland Education Department in Australia presented the results of its first study on the effectiveness of restorative justice practices in its' school system in 2000. No quantitative data were presented in this study but the anecdotal comments provided favourable impressions. Cameron and Thorsborne (2000) reported the following findings:

1. Participants were highly satisfied with the process and its outcomes;
2. High compliance rate with the terms of the agreement by offenders;
3. Low rates of reoffending;

4. A majority of offenders felt they were more accepted, cared about and more closely connected to other conference participants following conferencing;
5. A majority of victims felt safer and more able to manage similar situations than before conferencing;
6. The majority of conference participants had closer relationships with other conference participants after conferencing;
7. All school administrators felt that conferencing reinforced school values;
8. Most family members expressed positive perceptions of the school and comfort in approaching the school on other matter;
9. Nearly all schools in the trial reported they had changed their thinking about managing behaviour from a punitive to a more restorative approach.

The Australian state of New South Wales learned from the pitfalls of the Queensland project while developing the Alternative to Suspension project. The project started out small with 20 conferences being held. Conferences were held to solve issues of property damage, group conflict, persistent behaviour problems, and drug use (Thorsborne, 2001). Typically, school counsellors facilitated the conferences that have expanded to respond to conflict with students, staff and other members of the school community. One recommendation from this project was to include all adults in the school community in the training, as responsibility for managing student behaviour is shared among classroom teachers, administrators, janitors, support and clerical staff. All have contact with students and are able to influence their behaviour. It became critical that all adult members of the school community were introduced to the philosophy and practice

of restorative justice; that they were given a structured opportunity to reflect on current practices; on notions of compliance; justice; and democratic approaches to problem solving; and what is important to them in relationships (Thorsborne, 2001). In the end, the New South Wales Department of Education assessed the program as the most successful technique so far tried in dealing with bullying (Strang, 2001).

A further pilot by the Queensland Education Department in 1997 confirmed that conferencing is a highly effective strategy for dealing with incidents of serious harm in schools (Strang, 2001). Restorative justice provides an opportunity for schools to practice participatory, deliberative democracy in their attempts to address the serious incidents of misconduct that they find so challenging.

Caroline Chisholm, a high school administrator in Canberra, Australia began using community conferences in the late 1990s. With a school population of 720 students, Mr. Chisholm used formal suspensions 120 times in 1999 (Williams, 2001). A year later, after the implementation of community conferences, formal suspensions dropped to 60 in the same time-period. One student commented that the use of conferences brought the affects of the wrongdoing home and those could not be erased with 15 minutes of picking garbage.

Restorative Justice Programs in British Columbia

In the past five years, a number of restorative justice programs have begun in British Columbia. Most programs are community-based, as in the Chilliwack Restorative Justice and Youth Diversion Association (2001) and the Kaslo Restorative Justice Committee (1997). The Langley school district recently initiated its Restorative Action Schools Project (Mennonite Central Committee, 2002). The Arrowsmith Community

Justice Program (2001) in Parksville has gone beyond the community at large to work with the school system.

The Arrowsmith Community Justice Program (2001) is a collaboration between the Royal Canadian Mounted Police (R.C.M.P.) and the local school district. This program describes its purpose as the bringing together in a face-to-face meeting the victim(s), offender(s), and their supporters to respond to harmful incidents in a mutually agreeable fashion. One aim of this program is to create responsible and accountable relationships in the community. The values of accountability, respect, reconciliation, truth, consensus, forgiveness and compassion are corner-stones of the program.

The Arrowsmith Community Justice Program (2001) uses the community conferencing model. One aim of this program is to create a group agreement by consensus, which will repair the harm and damage created by the wrongdoing, and to provide reconciliation for all participants. Another aim of this program is to facilitate conferences within three days of the referral.

Students voluntarily enter the program if they accept responsibility for actions and the school administrator believes the conference is an appropriate intervention for the individual. When offender(s) and/or victim(s) are unable or choose not to respond to misbehaviour in a collaborative way, the school administrator will use the traditional discipline processes including suspension and school board hearings. All facilitators receive training in restorative justice principles and the community conferencing model. The role of the facilitator is to become familiar with the case, meet with the participants, and arrange the time and place to hold the meeting. Additionally, the facilitator guides the

conference dialogue. The school administrator, in conjunction with the facilitator, monitors the restitution phase of the agreement.

A unique element of the Arrowsmith Community Justice Program (2001) is the use of mentors. After the conference, the role of the mentor is to provide one-on-one support for the offender. Mentors work towards developing a caring relationship with the offender in order to help the individual develop his/her own vision of the future and to complete the restitution agreement.

Cases facilitated through the Arrowsmith Community Justice Program (2001) include theft, assault, possession of weapons and uttering threats. The only quantitative information provided by the program is the number of conferenced cases and length of time for completion of restitution agreements. The program received 12 school-related referrals between March 1999 and October 2000, of which the committee did not accept two cases for conferencing. Of the ten conferenced cases, 17.4 days lapsed between the offence and the referral; an additional 26.8 days were required between the referral and conference; and 102.1 days between referral and the completion of restitution. This is a long way off the program goal of a three-day lapse between the offence and conference. Forms of restitution included apologies, written essays, personal and community service, counselling, and the arrangement of a potluck for the victims. It is impressive to report that 100% of the restitution agreements were completed. For a comprehensive picture regarding the effectiveness of this program, additional evaluations are required. Further areas to examine include participant satisfaction and recidivism rates.

Restorative Justice in Peace River South, School District #59

Along with other restorative justice programs in British Columbia communities and schools, the practice has emerged in Peace River South, School District #59. In 1999, an elementary school administrator became familiar with restorative justice through the local R.C.M.P - Victim Services program. He became personally committed to finding alternatives to school suspension. A year later, the same administrator began to incorporate the philosophy and practices into the operation of his school. Two restorative justice conferences occurred during the 2001-2002 school year. Upon reflection, the administrator indicated that both conferences ended favourably, as neither student had been referred subsequently to the office for misbehaviours.

This administrator echoes the research on the difficulty of implementing restorative justice conferences. Drawbacks include the lack of local facilitators and the time involved in holding a conference. An additional hurdle is the culture of discipline in schools and homes. A few families indicated to the administrator that spanking was an appropriate form of discipline and even some teachers believed that having students write lines was appropriate when the students have done something wrong. The change this administrator is trying to effect is a large hurdle, similar to those reported by Thorsborne and Cameron (2000). Cultural change is a vital ingredient for restorative techniques to take root in school settings, and failure to change makes it difficult or unlikely that the program goals will be attained.

Even though there are obstacles to implementing a sustainable restorative justice program in Peace River South, this administrator was committed to the process. The involvement of all parties related to the incident was an important reason for holding

conferences. When the participants come together, they hear the same message about the affects of the wrongdoing as opposed to the administrator trying to convey second-hand information on an individual basis. Secondly, parent satisfaction was a motivator for holding the conferences. As parents and teachers indicated their satisfaction with the process, the cultural changes continued to occur. After numerous years in the educational system, this administrator had wished he had started to use restorative practices 30 years ago in order to see the long-term positive effects.

In the Peace River South School District, board policy states, “Schools shall intentionally: develop practices and strategies to identify and remediate students who harass, bully or act violently towards others” (Peace River South, 2002a). This policy lays the foundation for further development of restorative practices.

Geoff and Adam’s Journey Continues – the Restitution Phase

After all the participants had the opportunity to express what they were thinking and feeling regarding the incident it was time to determine what people needed to happen to make things better. Mrs. Jones addressed Adam first, “Adam, what would you like from today’s conference?”

Adam replied, “Well, I have been thinking about this for some time and I originally wanted Geoff to be suspended from school for what he had done but now I am changing my mind. He wasn’t the only one that had done something wrong. I know that I am partially responsible as well. I think if he promises not to hurt me again that is enough.”

Adam’s mom jumped into the conversation. “I want Geoff to pay for the cast. I had to take time off of work and I can’t afford to pay for it!”

Each of the participants had the opportunity to share what they wanted to come out of the conference and through some negotiating a formal restitution agreement was reached including how reparation would be made and monitored. The formal agreement required Geoff to pay for the cast and to promise not to hurt Adam again. At the suggestion of Mr. Fredrickson, both boys were required to participate in the school leadership team as it works towards improving the school culture. Adam was required to tutor Geoff for one hour a week in science for the rest of the semester and to refrain from calling him names.

While Mrs. Jones went to type up the agreement, the participants enjoyed juice and cookies. I particularly enjoyed listening to the ensuing conversation amongst everyone. It was so different from when we first arrived. The atmosphere was much lighter. Geoff and Adam were talking about the basketball team, and the adults were talking to each other as well. All of a sudden, I saw Mr. Fredrickson go and get Mrs. Jones. Everyone rejoined the circle as Mr. Fredrickson had something to say.

“I know we already finished the agreement but I think we have forgotten something. I am required to suspend Geoff from school for five days for his actions but I do not think that is needed. Both boys have made significant amends to each other and I think it is appropriate if they work on the school leadership team and together on science. If it is alright with the group I would like your support to appeal the suspension at the school board level.”

Geoff replied with, “Oh, you don’t have to do that Mr. Fredrickson. I know what I did was wrong and I need to make it right.”

“I think that is a kind decision,” Sue, Geoff’s mom replied. “I will do what ever you need to help out.”

Adam’s parents echoed her response and the issue of the formal suspension was added to the restitution agreement.

Mr. Fredrickson added, “Now that I see how this program works I am going to let my colleagues know the success we have had today.”

Chapter 7: A Proposed Model of Restorative Justice for Peace River South, S.D. #59

Schools have the right and the responsibility to teach students acceptable forms of behaviour and to respond to all the participants in wrongdoing. There is legislation and policy in place to guide educators in this process. The continued development of the restorative justice philosophy and the incorporation of community conferences will assist Peace River South, S.D. #59 to meet its obligations. Therefore, I will propose the following restorative justice model using community conferencing for the district.

Legislation

The British Columbia School Act (1996, p. 8) states the purpose of the school system is to “enable all learners to develop their individual potential and to acquire the knowledge, skills and attitudes needed to contribute to a healthy, democratic and pluralistic society and a prosperous and sustainable economy.” School systems have numerous opportunities to influence the immediate and future society as they enable all learners to accomplish this goal. When students are together for five hours a day there are countless opportunities to learn the information, skills and attitudes necessary for the rest of their lives. Along with this, the school system has the responsibility to foster a harmonious environment. In order to complete these tasks, schools often develop discipline policies and codes of conduct.

The Peace River South S.D. #59 (2002b) discipline policy states, “The purpose of discipline is to teach students acceptable standards of behaviour, which will engender a peaceful, harmonious and respectful co-existence among all students and staff.” The focus of disciplinary action will be to deter and reform those few students who have not

developed proper behaviour and to encourage all students to develop a sense of responsibility to themselves and others.

Community Conferencing Model

It is the responsibility of the school system to teach students acceptable standards of behaviour and respond to those whose behaviour fails to meet those standards.

Community conferencing is the most appropriate restorative justice practice to assist the district in fulfilling its responsibility. Victim offender reconciliation programs and circles models of restorative justice are not as comprehensive as the community conferencing model. Victim offender reconciliation programs lack the inclusion of supporters for the victim or offender. Circle models go beyond the mandate of school systems by addressing the underlying causes of behaviour. The main objective of the school system is to educate students, not to fully support students and families in complex social issues.

Community conferencing is the most appropriate restorative justice practice to respond to incidents of wrongdoing. This practice is being used in other school locations and trainers are available. Community conferencing is the most complete model of restorative justice. All the participants of the wrongdoing and their supporters are included in the process. Conferences do not go beyond the scope of the school's responsibility, as comprehensive issues requiring extensive counselling and social services are not the focus. If issues arise that require this support the necessary interventions can be arranged.

In order to incorporate more of the restorative justice philosophy and practices in Peace River South S.D. #59 many steps need to be taken. Issues around possible candidates and the types of offences committed along with the training of facilitators in

community conferencing will be addressed in this model. The role of facilitators, coaches and mentors will also be described. For the restorative justice philosophy and the practice of community conference to be sustained, some elements of school culture will need to be changed.

Candidates

Candidates that would likely benefit from community conferences are those who admit to the wrongdoing. Students in grade two and above are the most likely candidates as they are able to communicate their feelings and contribute to the proceedings. An additional criterion for acceptance into the program is that one supporter for each victim and offender is required to attend. The supporter is typically a parent or guardian, but exceptions are possible depending upon the circumstances. Finally, the offender must have minimal previous infractions for the changes in behaviour to take affect. When a school administrator has an appropriate candidate for conferencing a facilitator can be contacted for the process to continue.

Types of Offences

Community conferencing is an appropriate means to address most acts of wrongdoing committed by students. Offences need to be serious enough to warrant a conference, as the procedure is emotionally challenging and time consuming. Appropriate offences are those mentioned in the school code of conduct including bullying, vandalism, theft and harassment. If the offence is serious enough to warrant charges by the R.C.M.P, then the decision to proceed will be made in conjunction with the school district and R.C.M.P.

Facilitators

In order to operate effective conferences, facilitators need to be trained. Selection of facilitators is key to the sustainability of this program. To establish a foundation for delivering community conferences, a core group of four school district personnel including teachers, administrators and counsellors should be trained. Candidates need to be skilled in working with groups, believe in the process and be able to remain neutral. Facilitators need to be trained in the restorative justice philosophy along with the conference procedures. After the first year of using the conferencing model, the school district should evaluate the program. If it is seen to be effective, then training should be expanded until there is one trained facilitator in each school.

The role of the facilitator is demanding and comprehensive. The facilitator, in conjunction with the school administrator, will collaboratively determine if a case is appropriate for community conferencing. Next, the facilitator will be required to call or meet with the victim, offender and supporters individually to outline the process, establish conference guidelines and solicit relevant details of the wrongdoing (see Conference Checklist in Appendix A). Meeting with the participants also helps develop rapport between them and the facilitator, which in turn is needed in the conference to diminish unexpected behaviours. The facilitator will also determine a mutually agreeable time and place for the conference. Prior to the conference, the facilitator will establish the seating plan (see Conference Seating Chart in Appendix B). During the actual conference, the facilitator will guide the dialogue (see Conference Facilitator's Script in Appendix C) and prepare the collaboratively determined restitution plan. The facilitator is also required to gather post-conference satisfaction surveys and other conference data.

Facilitator's Coach

I have proposed the use of a facilitator's coach for the process. During the conference, the coach is responsible for taking notes to be used in the facilitator's personal debriefing. Reflecting on one's practice is central to establishing an effective program and the use of cognitive coaches is an existing practice in this district. The facilitators can take turns being each other's coaches. Furthermore, the coach is also an additional neutral adult involved in the process if any unmanageable altercations should arise.

Mentors

I have also proposed the use of a mentor for the offender in this process. At times, students in difficult situations do not have an extensive support network. A mentor can be another significant adult in the offender's life that will support him or her to make the best decisions he or she can and complete the restitution agreement. If the student is unable to complete the restitution agreement, the case will be referred back to the school administrator to be handled in the traditional manner. The mentor will be selected through discussion with the offender, facilitator and school administrator. Possible mentors would be school personnel including the administrator, teachers or other support staff. If the student already has a mentor from the local Big Brothers and Big Sisters in-school mentoring program, that person can fill this role as well.

Supporting Cultural Change

For formal restorative justice practices to be truly effective, a culture of restoration needs to exist. Our school system needs to culturally change its method of discipline. Currently, suspension is a common method used as a response to students'

wrong-doing. When a student does something wrong, such as acts of bullying, responding to the incident is often the response of the administrator and, occasionally, teachers. Consensus regarding response to wrong-doing does not typically occur as victims, offenders and their parents are often informed of the response but not involved in determining the nature of the response. To foster the culture of restoration, facilitators will also be responsible for staff development in the restorative justice philosophy and the community conference practice. As this district has a close working relationship with the Alaska Highway Consortium on Teacher Education (ACHOTE) pre-service teachers could benefit from training in restorative justice philosophy and practices as well.

From around the world, there is evidence that school-based community conferencing is effective in response to wrongdoing. But, it is important to develop an ongoing assessment of this initiative locally, to refine the practice as needed. The ongoing assessment will include participant satisfaction surveys, conference statistics, review of the school district bullying survey results from the 2002-2003 school year, and an analysis of the days lost to suspension. Conference statistics will include information on preparation and conference time, types of conferences, completion of restitution agreements and the number of participants. All of this information will then be used to refine the program to suit the needs of the district and schools.

As the school system enters a new century, methods of discipline need to change. Research is showing that, “out-of-school suspension as a discipline measure may not have the same effect as it once had” (British Columbia Ministry of Education, 1999, p. 2). The literature is even indicating that the use of suspension is contributing to students getting involved in risky or anti-social behaviour. (British Columbia Ministry of

Education, 1999, p. 2). The model of community conferencing described in this paper can be used as an alternative to suspension.

Chapter 8: Conclusion

The principles of restorative justice have existed for centuries. Ties exist in the religious, aboriginal and legal communities. Victim offender mediation, circle sentencing and community conferences all practice elements of restorative justice. I found that restorative justice in the school setting views misconduct, not as school rule-breaking, but rather as a violation against people and relationships in the school community. Restorative justice means that the harm done to people and relationships needs to be examined and repaired. My original question was, “How appropriate might restorative justice be as a response to discipline situations in Peace River South, S.D. #59 schools?” I believe the answer is that restorative justice is very appropriate and needed.

Schools have the responsibility to teach students how to repair relationships when they are damaged. Restorative justice provides opportunities for schools in a purposeful and participatory democracy to practice and problem-solve around serious incidents of misconduct. The philosophy of restorative justice and the practice of community conferencing is a very appropriate response to many discipline situations in schools.

Restorative justice practices in the legal and school communities have been successful. Victims, offenders and supporters all agree that the process is fair and most are satisfied with the outcome. Offenders participating in community conferences do not re-offend as often. Offenders participating in community conferences are more likely to complete restitution agreements. The philosophy of restorative justice and the practice of community conferencing in schools are powerful tools with which to respond to acts of wrong-doing.

Schools may be the most appropriate organizations to focus on reducing antisocial and criminal behaviour patterns in children while promoting health, resilience and social responsibility. Schools are a microcosm of society, with the potential to nurture and integrate individuals within their influence. The school system has the ability to hold bullies accountability for their actions, along with providing them with support do so. The philosophy of restorative justice and the practice of community conferencing are appropriate and beneficial methods of responding to the issue of bullying in schools.

A complete restorative justice program in Peace River South School District #59 is possible. The culture of restorative justice already has as foundation in this district, yet needs to be strengthened. The development of a working community already occurs when staff, parents, community members and students work together in school-based team meetings. The concept of reintegrating offenders already occurs through the development of individual behaviour plans. A foundation for student behaviour and for responding to victims and bullies already exists within the district policies. To be a truly restorative justice school district it will have to address more fully the needs of victims. As well, offenders need to be supported to take responsibility for their actions and those affected by the wrong-doing need to work together to find the appropriate resolution.

The development of a restorative justice program in Peace River South School District #59 is needed. In grades four through seven, one of every two children has indicated that he or she has been bullied. There is no formal procedure to deal with the victims of crime and wrongdoing. Too many days of instruction are lost to out-of school suspensions. There isn't a clear method to repair the relationships damaged by the wrongdoing. The philosophy of restorative justice and the practice of community

conferencing will provide a comprehensive structure to deal with discipline situations in a positive and proactive manner.

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Appendix A

Conferencing Checklist

*adapted from The New Real Justice Training Manual,
O'Connell, T., Wachtel, B., & Wachtel, T. (1999).

△ Victim Group

△ Offender Group

Facilitator: _____

Pre-meeting Date: _____

Coach: _____

Conference Date: _____

Conference Locations: _____

Introductions:

- The program
- The referral
- The facilitator

Purpose of the Program:

- The conference is a meeting to resolve an incident with the people affected.
- This is a restorative justice program, which means that the focus is on repairing the harm.
- This is not about shaming or punishment; this is different from the traditional discipline process.
- The goals of this program are to give the offender a way to make amends, restore the victim, and strengthen the community.

Background:

- Brief description of the incident (date, form, location).
- How the case was referred.
- Offender: Are you ready to take full responsibility? (It is a prerequisite for the program that you freely and fully admit to this offence.)

Participants:

- The people who will be at this conference are: _____
- Offender: You are required to bring a supporter with you. This is for your own benefit, so that the discussion and the agreement will be balanced and fair. It is also a protection for the program – a witness who participates with you and ensures fairness by signing the agreement. Who will be your supporter(s)? How do we contact your supporter(s)?

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-
- Victim: You are required to bring a supporter with you. This is for your own benefit, so that the discussion and the agreement will be balanced and fair. It is also a protection for the program – a witness who participates with you and ensures fairness by signing the agreement. Who will be your supporter(s)? How do we contact your supporter(s)?
-
-

Facilitators:

- Facilitators are neutral. Facilitators have no decision making power.
- Facilitators are trained to follow a script for the conference and will not interject or give his or her opinion.

Mentors:

- Mentors support the completion of the agreement. Possible mentors are the school administrator, teachers, school support personnel, or other significant adults. The mentor for the offender is _____.

The Conference

- People who were involved will sit in a circle with their supporters and the facilitator.
- The group will talk about the impact of the incident and how to repair the harm.
- Each person will have a chance to speak, one at a time.
- First: Admission of responsibility. Person causing the harm takes ownership and tells what happened.
- Second: Discussion of impact. People describe how they have been affected.
- Third: Repairing the harm. The whole group works out an agreement that is acceptable to all.
- Closing: Final comments.
- Afterward: Agreement is signed and copied for all, share refreshments, talk with one another for reintegration and closure.

The Agreement:

- The agreement should be meaningful to all involved, the goal is to repair the harm.
- Making an agreement is not the same as deciding a sentence; the contract is not a punishment.
- Each person will be asked to give his or her input and help decide on the agreement.

- A mutually agreeable deadline for completion of the contract is needed.
- Agreement items need to be workable and specific: days, hours, deadlines, means of verification.

The Ground Rules:

- There are ground rules for everyone in the conference: no disrespect, no interruptions, no insults. Be honest, be willing to tell your story, be willing to listen. Come willing to work out an agreement.
- Strong feelings are welcome. Call a time out if you want to talk privately with the facilitator. Breaks may be taken for bathrooms and water.

Miscellaneous:

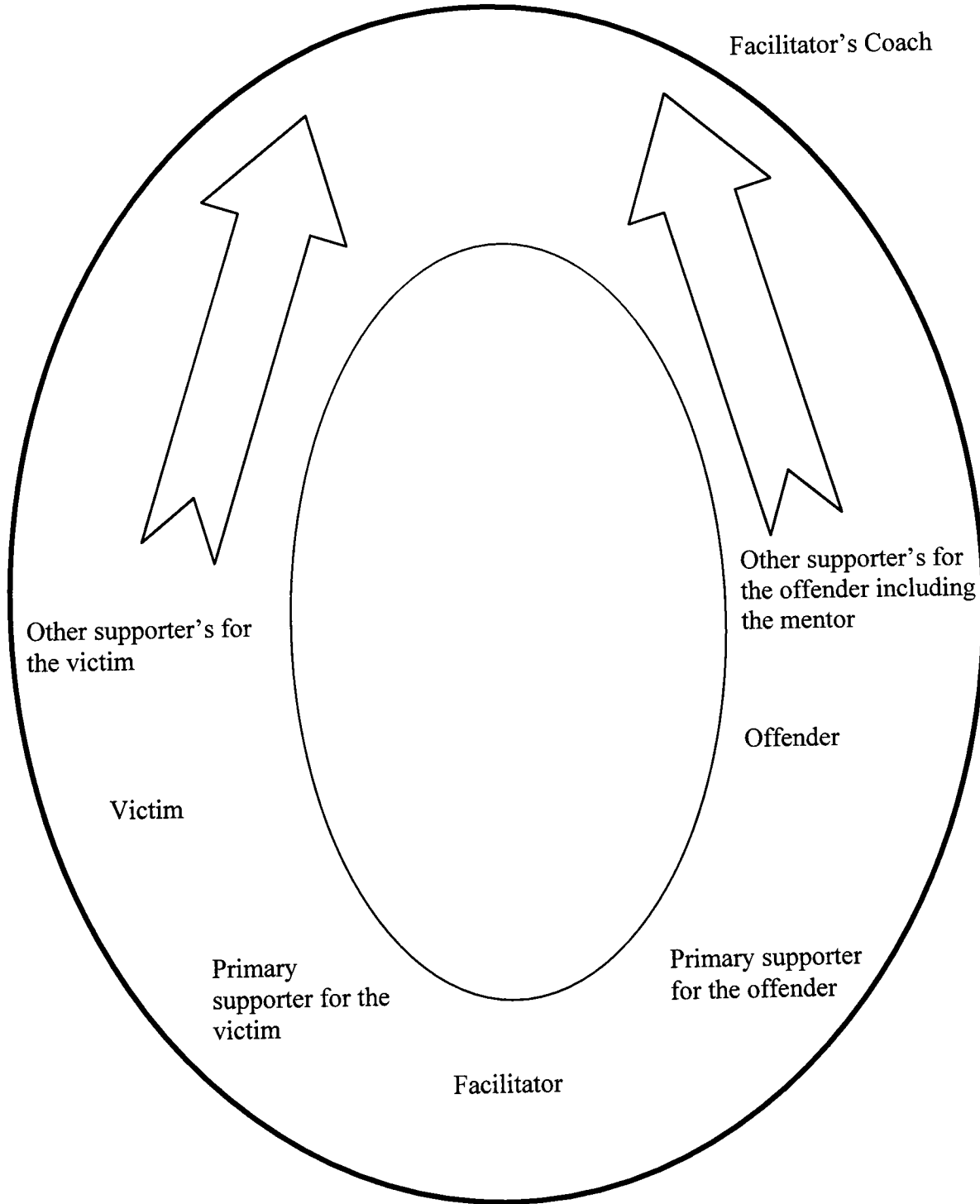
- The location of the conference will be _____
- This program is new, so we need your feedback. An evaluation will be sent in the mail with a stamped envelope. Please describe your level of satisfaction. This is important for quality control.
- Offender: There is a cancellation policy in effect. If the conference is cancelled it will be automatically returned to the school for further consideration. If anything happens at any time that would prevent you from attending on time, call the office immediately.

Conclusion:

- Any questions?
- Thanks-you for your participation. See you _____.

Conference Seating Chart

*adapted from The New Real Justice Training Manual,
O'Connell, T., Wachtel, B., & Wachtel, T. (1999).



Appendix C

Conference Facilitator's Script

*adapted from The New Real Justice Training Manual,
O'Connell, T., Wachtel, B., & Wachtel, T. (1999).

1. Preamble

“Welcome. As you know my name is (your name) and I will be facilitating this conference.”

Now introduce each conference participant including the mentor and facilitators coach, and state his/her relationship to the offender(s) or victim(s).

“Thank you all for attending. I know that this is difficult for all of you, but your presence will help us deal with the matter that has brought us together. This is an opportunity for all of you to be involved in repairing the harm that has been done.”

“This conference will focus on an incident which happened (state the date, place and nature of offence without elaborating. It is important to understand that we will focus on what (offender name(s) did and how that unacceptable behaviour has affected others. We are not here to decide whether (offender name(s)) is/ are good or bad. We want to explore in what way people have been affected and hopefully work toward repairing the harm that has resulted. Does everyone understand this?”

“Offender name(s) has/have admitted his/her/their part in the incident.”

Say to offender(s): **“I must tell you that you do not have to participate in this conference and are free to leave at any time, as is anyone else. If you do leave, the matter may be handled by the school disciplinary policy.”**

“This matter, however, may be finalized if you participate in a positive manner and comply with the conference agreement.”

Say to offender(s): **“Do you understand?”**

2. Offender(s)

“We'll start with (one of the offender's names).”

If there is more than one offender, have each respond to all of the following questions.

“What happened?”

“What were you thinking about at the time?”

“What have you thought about since the incident?”

“Who do you think has been affected by your actions?”
“How have they been affected?”

3. Victim(s)

If there is more than one victim, have each respond to all of the following questions.

“What was your reaction at the time of the incident?”
“How do you feel about what happened?”
“What has been the hardest thing for you?”
“How did your family and friends react when they heard about the incident?”

4. Victim Supporter(s)

Have each respond to all of the following questions.

“What did you think when you heard about the incident?”
“How do you feel about what happened?”
“What has been the hardest thing for you?”
“What do you think are the main issues?”

5. Offender Supporter(s)

To parent/caregiver ask: **“This has been difficult for you, hasn’t it? Would you like to tell us about it?”**

Have each respond to all of the following questions.

“What did you think when you heard about the incident?”
“How do you feel about what happened?”
“What has been the hardest thing for you?”
“What do you think are the main issues?”

6. Offender(s)

Ask the offender(s) **“Is there anything you want to say at this time?”**

7. Reaching an agreement

Ask the victim(s): **“What would you like from today’s conference?”**

Ask the offender(s) to respond.

At this point, the participants discuss what should be in the final agreement. Solicit comments from participants.

It is important that you ask the offender(s) to respond to each suggestion before the group moves to the next suggestion, asking **“What do you think about that?”** Then determine that the offender(s) agree(s) before moving on. Allow for negotiation.

As the agreement develops, clarify each item and make the written document as specific as possible, including details, deadlines and follow-up arrangements.

As you sense that the agreement discussion is drawing to a close, say to the participants: **“Before I prepare the written agreement, I’d like to make sure that I have accurately record what has been decided.”**

Read the items in the agreement aloud and look to the participants for acknowledgement. Make any necessary corrections.

8. Closing the Conference

“Before I formally close this conference, I would like to provide everyone with a final opportunity to speak. Is there anything anyone wants to say?”

Allow for participants to respond and when they are done, say:

“Thank you for your contributions in dealing with this difficult matter. Congratulations on the way you have worked through the issues. Please help yourselves to some refreshments while I prepare the agreement.”

Allow participants ample time to have refreshments and interact. The informal period after the formal conference is very important.