Impacts of Restorative Justice on Youth in Conflict with the Law: A Narrative Approach

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ABSTRACT

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Jessica Cassell
Program of Social Work,
Ryerson University

Restorative justice is meant to be an alternative to retributive justice by putting the process and outcome of justice back in the hands of those involved in a crime. Through narrative inquiry, this study posed the question, "how does restorative justice impact youth in conflict with the law?" Anti-oppressive perspectives and critical and post-modern theories were used to analyze the narratives of participants and provide insight into the potential of restorative justice as an empowering alternative to retributive justice. Youth found the process beneficial in a number of ways. However, youth still experienced criminalization before participating in a restorative justice program, suggesting that the model is unable to completely minimize the marginalizing impacts of retributive justice. Furthermore, participants' narratives demonstrated the need for the restorative justice model to incorporate a critical analysis of intersectionality into its program delivery to avoid mirroring the oppressive relations of the mainstream system.

Keywords: Restorative justice, retributive justice, youth, anti-oppression

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Introduction

While the restorative justice approach is not without its limits, it has demonstrated the potential to challenge and offer an alternative to the marginalizing impacts of the retributive justice system and its criminalization of youth. Alvi (2012) explains that the criminalization of youth consists of increased surveillance and control of youth along with the rise of harsh, correctional, and punitive responses towards youth who come into conflict with the law. This punitive response, which is geared towards the individual, can be understood as unjust considering that the neoliberal agenda of dismantling the welfare state has left youth without the resources and opportunities they need to stay out of conflict with the law (Alvi, 2012). Furthermore, the mainstream retributive justice system marginalizes youth and their communities through its top-down approach, framed by a euro-centric lens that perpetuates classism, racism and sexism (Hudson, 2006). As such, anti-oppressive and critical social workers who are concerned with social justice and work with youth in conflict with the law should be concerned with developing an alternative, fairer approach to youth crime, which seeks to empower youth and their communities.

The restorative justice approach may offer such an empowering alternative. Van Wormer (2006) defines restorative justice as an umbrella term for non-adversarial methods rooted in Indigenous approaches to handling disputes. The major goal of restorative justice is to involve all those impacted by an incident or crime in the justice process and to collectively decide on a response to the conflict that is acceptable to all participants (Elechi, 2005). The empowering potential of this approach is that it places the justice process back in the hands of marginalized individuals and communities, emphasizes active participation, and seeks to repair harm and mend relationships instead of punishing the individual. The model therefore has the potential to

challenge the marginalizing impacts of the penalizing, top-down approach of the mainstream punitive justice system.

My experience facilitating peace circles as a volunteer in a restorative justice program for youth at a community-based, non-profit organization in Toronto has inspired me to dedicate my graduate research to exploring the potential of restorative justice as an empowering alternative to the marginalizing impacts of the mainstream retributive justice system. Peace circles, also referred to as peacemaking or restorative circles, are one model of restorative justice that is characterized by the "talking piece" (Boyes-Watson, 2005). The talking piece travels around the circle in order, giving the holder a chance to speak without interruption. Having facilitated peace circles with youth in conflict with the law, individuals impacted by their actions, and members of their community for the last five years, I have come to value the circle as a transformative process. For instance, I have observed that the circle process allows participants to make connections between their actions and broader systemic forces in addition to reflecting on how their actions have impacted others. I have always found this to be a positive alternative to the top-down approach of the court system, which does not engage those impacted by a crime or wrong-doing in any sort of transformative learning or healing process.

However, over the years I have also come to perceive particular limits and challenges of the restorative justice approach that have complicated my understanding of peace circles and their ability to challenge the marginalizing impacts of the retributive justice system. For example, several youth I have worked with have described experiences of pervasive discrimination, racism, and unwarranted brutality on the part of local police before ever having come into conflict with the law. Pavlich (2005) critiques the restorative justice model for being framed by the objectives and discourse of the mainstream criminal justice system. This is evident when

considering that to participate in a restorative justice circle a youth first has to be arrested, criminally charged, and plead guilty in their first appearance in youth court. This compels me to ask how much of an alternative the restorative justice process truly is, if youth still experience some degree of criminalization and its negative impacts such as stigmatization. Additionally, as Pavlich (2005) points out, the offender/victim binary is used in restorative justice discourse. These are stigmatizing labels which suggest that the person is the problem, masking more complex social forces at play.

Finally, I have come to perceive how issues of intersectionality and unacknowledged power and privilege disparities between youth and volunteers can hinder the restorative justice process and perpetuate marginalization. One impactful experience that highlighted issues of intersectionality and domination within restorative justice was a particular case I worked on involving a young black male. For several weeks, I had great difficulty building rapport with him and engaging him in an honest dialogue about his conflict with the law. Eventually, when a peer who was also working with us and had built better rapport with the youth in the case, asked him why he didn't trust me, the answer was "because she's white". This opened my eyes to the need to critically examine how facets of my own identity influence my working relationship with youth in restorative justice and reproduce experiences of marginalization. These potential limits and challenges have important implications for the extent to which restorative justice can offer an empowering alternative to the marginalizing impacts of the retributive justice system and its criminalization of youth.

My appreciation for the many strengths and successes I perceive of the model and my growing awareness of some of the possible limits has me questioning how meaningful and impactful restorative justice really is for youth. It is important to explore the narratives of youth

who have participated in the restorative justice process to learn more about its potential to challenge the marginalizing impacts of the retributive justice system. Furthermore, by exploring how youth experience and are impacted by restorative justice, there is potential to bring restorative justice approaches closer to the social justice goals of anti-oppressive and critical social work.

Chapter 1 - Theoretical Frameworks

The varying perspectives and complex interactions among participants can create multiple realities in the restorative justice process (Zehr, 2002). Therefore, I have combined multiple theoretical frameworks to inform this research, in order to capture the complexities of the issues that emerge from the narratives of youth who have experienced the restorative justice process. These frameworks are post-modernism, critical theory, and anti-oppressive perspectives.

Postmodern theory has largely influenced my choice of a narrative methodology for the study design. Postmodern theory asserts that reality and knowledge are constructed, fluid, multiple, and historically, socially, and culturally contextual (Mullaly, 2002). Discourse is a central concept of postmodern theory and refers to the language practices through which we understand and act upon reality (Healy, 2005). A narrative methodology was chosen to be able to learn, as directly as possible about, and to interpret, participants' unique subjective experiences of the restorative justice process and how it has impacted them. Indeed, Fook (2002) defines narrative as a way in which people construct and make meaning of their lives through language. I will also draw on postmodern concepts of power when interpreting participants' narratives. In contrast to critical theory and anti-oppressive perspectives, which I also draw on to inform this study and discuss below, postmodern theorists such as Foucault do not view power as concentrated in large social structures, but rather as an aspect of all social relations; something that is fluid and constant, requiring an ongoing assessment of who is exercising power and in whose interests, in different contexts (Mullaly, 2002).

While I believe it important to consider how power operates at the macro level to shape people's lives, this theoretical orientation will allow me to comprehend the complex power dynamics present in the micro-level relations of the restorative justice process, instead of only

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focusing on structural oppressions that youth in conflict with the law are challenged with. For instance, Foucault (1977) considers how the power to discipline does not only exist in the court room, but is fragmented and exists in every day interpersonal interactions. While drawing on postmodernism to explore how youth in conflict with the law experience and make meaning of the restorative justice process, I also draw on other theories that focus on external social and historical realities. I do so in order to avoid being escapist, which Fraser (2004) explains is a risk of erasing or ignoring the reality of social structures and cultural-political contexts; a risk which can be mitigated by using a critical approach.

Critical theory acknowledges objective and external conditions that impact people's lives as well as subjective reality and experience (Neuman, 2006). Furthermore, it seeks to describe these realities and uncover hidden truths within them to pursue social justice aims (Strega, 2005). Critical theory informs the underlying epistemological assumption of this study, which is that the subjective experiences of youth and the meaning they make about the restorative justice process are connected to and to some degree influenced by structural and material forces. Furthermore, this framework assumes that knowledge can be arrived at from an inquiry that acknowledges this interaction. While the study focuses on the subjective experience of youth through a narrative inquiry, the analysis and interpretation of their narratives will be, in part, informed by external contexts (such as poverty and racism), acknowledging multiple levels of reality in their interaction as they emerge in the narratives of participants.

As will be discussed in following chapters, restorative justice is largely framed by the discourse of the retributive justice system (Pavlich, 2005) which sees crime as the result of pathological flaws of the individual (Bottrell, Armstrong & France, 2010). Thus, much of the existing literature on restorative justice ignores social forces that influence youths' experience of

conflict with the law and the restorative justice process (Christie, 2000). By employing a critical framework, I seek to uncover the subjugated truths of youth in conflict with the law and explore how these are influenced by social processes.

It also must be emphasized that the goal of critical theory is to know about and understand human experience in order to promote social change (DePoy, Hartman & Haslett, 1999). This goal informs my research in that it is my hope that the narratives of youth detailing how they have been impacted by the restorative justice process can help agencies that provide such programs to better address the needs of youth in conflict with the law. Therefore, all youth participants in the study were asked what changes they would recommend to restorative justice programming, and their recommendations along with other findings emerging from their narratives will be presented to organizations that provide these services to youth in Toronto. As part of the social justice orientation of this study, it is my hope that this research can contribute to advancing anti-oppressive principles within the restorative justice movement.

Anti-oppressive perspectives (AOPs) focus on the structural origins of a diversity of intersecting oppressions and calls on social workers to challenge unequal power dynamics and work to eradicate various forms of oppression (Sakamoto and Pitner, 2005). Restorative justice programs for youth in conflict with the law would then be understood based on the extent to which they are able to connect the challenges they face to structural processes. An anti-oppressive perspective would also be concerned with the restorative justice model's ability to challenge the oppressive power relations inherent in the retributive criminal justice system. For example, Van Wormer (2006) asserts that restorative justice is inherently anti-oppressive in that it gives voice to those who are traditionally disadvantaged in society and silenced in the court room or plea-bargaining process, ultimately challenging the oppressive power relations of the court

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system. However, other scholars such as Takagi and Shank (2004) argue that the potential of the model to empower communities is constrained and hindered by broader socio-economic processes that systemically marginalize people and bring them into conflict with the law to begin with.

My interpretation of youth narratives will entail a comparison between their lived experiences of the restorative justice process and the goals and aims of anti-oppressive perspectives, in order to provide deeper insight into this debate on the potential of restorative justice to offer an empowering alternative to the mainstream justice system. Furthermore, AOPs would consider how structural processes and social divisions such as race, class and gender have impacted service users or research participants. I will seek to draw these factors out of the narratives of youth in their stories about how they came to be in conflict with the law and how they experienced the restorative justice process.

Anti-oppressive perspectives translated into anti-oppressive practice entails certain practice principles that restorative justice can be judged upon. Healy (2005) outlines five anti-oppression practice principles: "critical reflection of self in practice" allows us to address power differentials in practice by reflecting on our own identity; "critical assessment of service users' experiences of oppression" involves connecting the challenges faced by service users to social and cultural processes; "empowerment" seeks to overcome structural, cultural and individual obstacles to service users' ability to take control of their lives; "working in partnership" entails including service-users in the decisions that impact their lives; and "minimal intervention" suggests intervening in the least intrusive and disempowering ways possible. I will be conscious of these principles when listening to and interpreting youth narratives in order to assess whether these principles are present in the restorative justice process.

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Chapter 2 - Literature Review

Before reviewing the literature on restorative justice with youth specifically, it is

worthwhile to briefly look at some of the existing knowledge on the limits of retributive justice,

for which restorative justice is meant to be an alternative. Studies show that while almost every

youth in Canada has committed an illegal act (Doob & Sprott, 2004), less than half will be

caught by authority figures (Alvi, 2012). However, it seems that some youth are more likely to

be caught than others. Only 28% of youth charged by the police are females, but such numbers

can mask the fact that females are over represented in certain crime categories such as

prostitution (Alvi, 2012). Racial and/or ethnic disproportionality is also evident. For instance, the

Toronto Youth Crime and Victimization Survey, which interviewed 3,400 randomly selected high

school students, demonstrates that black youth are more likely than those from other racial

backgrounds to be stopped by the police (Tanner & Wortley, 2002). The findings of this study

also suggest that black youth are stopped by police significantly more even when they are not

participating in illegal activity. Because black youth are subjected to greater police surveillance,

they are more likely to be caught when they break the law (Tanner & Wortley, 2002). Similarly,

research conducted on the experiences of aboriginal youth consistently demonstrates their over-

representation in the criminal justice system (Alvi, 2012).

While studies like the Toronto Youth Crime and Victimization Survey demonstrate that

social processes play a large role in youth coming into conflict with the law, the dominant

discourse of developmental criminology ascribes crime to individual traits and deficits such as

low self-control and anti-social tendencies (Bottrell et al., 2010). However, in a study by Bottrell

et al. (2010), youth identified the following factors as leading to their conflict with the law:

limited personal resources and poverty, lack of access to recreational activities and community

resources, peer pressure, community policing, surveillance and patterns of racial discrimination and profiling by police. This suggests a discrepancy between the mainstream retributive discourse and the lived experiences and perceptions of youth in conflict with the law.

Similarly, the overall aim of Rogowski's (2000/2001, 2006, 2010) qualitative research has been to compare youths' views and experiences of conflict with the law with the approach of the mainstream youth justice system. Common themes reported by youth about their perceptions of their pathways to crime were characterized by material depravity, boredom and furthermore, from being targeted for being from impoverished neighbourhoods by a justice system that they perceived to be sexist and racist in its operations (Rogowski, 2010). This research brings to light the complex interpersonal and social processes that influence youth coming into conflict with the law and suggests the need for a holistic alternative to the retributive justice system, which targets and punishes individuals without consideration of these complex processes.

Research on restorative justice has been predominantly carried out by scholars and professionals in the fields of criminology, criminal and youth justice, social work, and public policy. A variety of quantitative (i.e. experiments, surveys, and statistics), qualitative (i.e. focus groups and interviews), and mixed-method (such as evaluations combining statistics and focus groups) research methodologies have been used to construct knowledge on the impacts of using restorative justice with youth in conflict with the law. A bulk of the knowledge that exists on restorative justice with youth comes from comparative studies looking at the different impacts and outcomes between it and conventional retributive justice (including court sentencing, incarceration, and probation). Several studies comparing official court data and/or using quasi-experimental and experimental research methods demonstrate that youth who complete a restorative justice program are less likely to re-offend than those who participate in conventional

court processes (De Beus and Rodriguez, 2007;   Rodriguez, 2007; Bergseth and Bouffard, 2007; Maxwell and Morris, 2002; McGarrell and Hipple, 2007; Nugent,Williams, and Umbreit, 2003). Recidivism (re-offending), while prominent in the literature coming out of the criminal justice discipline, is not seen as the only marker of success of restorative justice.

Several comparative studies explore a variety of differences between the retributive and restorative models. For instance, research demonstrates that youth who participate in restorative justice programs perceive higher levels of fairness, report higher levels of happiness with the final outcome, and feel more involved in the process than youth who go through the conventional court process (Umbreit and Coates, 1993; Umbreit, 1999). These findings are complimentary to research conducted by Calhoun and Pelech (2010), who, using a quasi-experimental design, found that participation in restorative justice is associated with more positive intermediate outcomes such as more accountability, relationship repair, and closure than conventional youth court. While comparative research using mostly experimental or quasi-experimental designs has demonstrated positive outcomes of restorative justice in comparison to retributive justice, qualitative research has been able to generate knowledge about the subjective experience of youth who participate in these programs.

Qualitative researchers have focused on process rather than outcomes and look closer at how the process of restorative justice impacts youth who participate in it from their own perspectives. Coates, Umbreit, and Vos (2003) conducted qualitative interviews with participants in a restorative justice program and asked what they most valued about the restorative process, reporting that common themes mentioned included the perceived importance of the focus on relationship building between "offenders" and "victims", appreciation of opportunities to express feelings about the crime or harm, and the importance of community involvement. Kelly, Caputo

and Totten (2006) observed a community-based restorative justice program for three years and conducted interviews with community members and participants, finding that most community members felt that the experience was meaningful, empowering, and more appropriate than conventional justice. In a qualitative study seeking to explore youths' experiences of restorative justice processes, Choi, Green, and Gilbert (2011) found that a significant majority of youth reported that participating in a restorative justice program was a learning opportunity that helped them understand the impacts of their actions and develop empathy for those that they may have harmed; actually coming to understand how what they did was wrong instead of only being punished as they would be in the mainstream court system. Stahlkopf's (2009) qualitative research using a case study approach sought to explore to what extent restorative justice providers actively use restorative and reintegrative language and gestures and the degree to which the processes and outcomes are supportive and reintegrative or punitive and stigmatizing to youth in conflict with the law. Most youth reported that while they felt that they were treated fairly, the community volunteers were too old and out of touch with their lives. Even though inclusion is a fundamental value of restorative justice (Stahlkopf, 2009), many youth in this study also felt that others were still dictating the terms of restitution to them. This research demonstrates that while there are a lot of positive impacts of restorative justice compared to retributive justice, this model still has challenges and limitations from the perspectives of the youth they impact.

Some of the existing knowledge on restorative justice with youth has highlighted some limits and challenges of the restorative justice model. Gray (2005) used a mixed-methods research design to explore the ability of a restorative justice program for youth to achieve responsibilization of "offenders" (having youth be held accountable and accept responsibility for

their actions), repair of harm, and reintegration of "offenders" in to the community. Secondly, she asked in what ways and to what extent these youth were socially excluded and how the program sought to facilitate social inclusion. Some of the most telling findings, largely derived from in-depth qualitative interviews with youth themselves follow. Gray (2005) found that the focus on responsibilization overshadowed and interfered with the restorative goals of healing relations between the "offender" and the "victim" and reintegrating the "offender" back into the community. Furthermore, at least three quarters of the youth in the program were experiencing high levels of interpersonal and social challenges as well as social exclusion. These youth felt that the support they were receiving took the form of guidance and advice over practical assistance (such as help with material and financial challenges or receiving advocacy), the latter of which they valued higher. Finally, Gray (2005) found that the inability of the program to facilitate social inclusion and address the socio-economic barriers of youth that may bring them into conflict with the law in the first place was the largest challenge to achieving the goal of reintegration. This research suggests that despite the model's honourable intentions, restorative justice risks being a band-aid solution to the impacts of criminalization on youth.

Indeed, upon extensively observing a Canadian community-based restorative justice program for youth, Kelly, Caputo, and Totten (2006) found that the restorative justice principles of collective, bottom-up decision-making power were significantly constrained by the power and influence of the mainstream justice system. Christie (2000) conducted interviews with equality-seeking organizations, government officials, academics, victims' groups, and representatives of restorative justice programs in order to assess the extent to which considerations of race, class, and gender are incorporated into restorative justice programming in Canada. She concluded that there is a significant lack of intersectional considerations within the restorative movement,

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ultimately resulting in restorative justice mirroring the power imbalances of the retributive justice system. These findings demonstrate that more research into the potential of restorative justice to offer an empowering alternative to the retributive justice system is needed.

Bradt and Bouverne-De Bie (2009), inspired by knowledge on the potential problems created by the over-emphasis of individual responsibility and offender accountability within restorative justice, pose the question as to whether the social justice principles of social work could be upheld or achieved in the context of restorative justice, which they view as being framed by the dominant discourse of mainstream criminal justice. They evaluated a restorative justice program that was specifically developed to counter this challenge and found that by focusing on helping the "offender" and "victim" make meaning about the offence (i.e. focusing on repair of harm over responsibilization and process over outcome) that the program in this instance "was more than a methodological response to crime, but a form of social action" (Bradt and Bouverne-De Bie, 2009, p. 190). This shows that despite the existence of real and serious limits and challenges, there is also significant anti-oppressive, critical, and transformative potential with the use of restorative justice with youth in conflict with the law.

A major gap in the restorative justice literature is the lack of research informed by critical and anti-oppressive perspectives. This is reflected in Christie's (2005) findings that existing restorative justice literature fails to consider the impact restorative justice can have on persons experiencing multiple dimensions of inequality, concluding that restorative justice programs will continue to perpetuate existing marginalizing power relations in society as long as this is the case. Indeed, as an anti-oppressive researcher I find it problematic that while many of the researchers cited above described the characteristics of their study participants (e.g. demographic information such as age, gender and race), none engage with age, race, class and gender in their

analysis of the impacts of restorative justice on youth. This is particularly problematic considering that it is well documented that that groups of young people from particular racial and class backgrounds are at significantly greater risk of being criminally charged than those belonging to dominant social groups in Canada (Alvi, 2012).

There is generally a lack of literature on restorative justice from a social work perspective. For example, Van Wormer (2006) cites a scarcity of research and articles on restorative justice in mainstream social work literature despite it being in line with social work values and social work's ongoing search for creative solutions to social problems. This study will seek to fill these gaps by analyzing the narratives of youth participants from a critical and anti-oppressive social work framework that considers the operation of race, class, and gender in the restorative justice process as it is experienced by youth themselves. Through an intersectional lens, this study can highlight ways in which the restorative justice process works to empower and/or marginalize youth in conflict with the law.

The Canadian Association of Social Workers recognizes "Corrections Social Work" in the Social Work Scope of Practice (CASW, 2008) and a growing number of social workers are becoming involved in restorative justice initiatives across North America (Umbreit, 1999). This research is important to these social workers who work with youth in conflict with the law (as mediators, program developers, youth workers, probation officers, policy developers, etc.) because it will provide insight into how youth themselves perceive restorative justice programs as an alternative to the punitive criminal justice system. This insight can reinforce or challenge the way restorative justice programs are being delivered to foster and advance critical and anti-oppressive practice principles in social work interventions with youth in conflict with the law.

By seeking to answer the research question "how are youth in conflict with the law

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impacted by the restorative justice process?" through the narratives of youth in conflict with the law themselves, this study will ultimately provide insight into how meaningful and impactful the restorative justice process is for youth, and in which ways. The narrative methodology of the study is unique within the literature on restorative justice. Most of the qualitative literature reviewed above used combinations of observation, case study approaches, and semi to heavily structured interviews focusing on very specific elements of experience or pre-determined markers of success of restorative justice, such as levels of satisfaction, perceptions of fairness and inclusion, and achievement of desired outcomes such as responsibilization, repair of harm, and reintegration (see Gray, 2005; McGarrell & Hipple, 2007; Stahlkopf, 2009; Umbreit & Coates, 1993; Calhoun & Pelech, 2010; Umbreit, 1999; Coates et al., 2003; Kelly et al., 2006). The narrative approach, with its less structured interviews consisting of broad, open-ended questions, may allow me to uncover aspects of experience that have not been explored through more limiting study designs.

Chapter 3 - Research Design

This study draws on a narrative research methodology. Narratives help people organize their lives into meaningful episodes (Fraser, 2004). In this study participants were engaged in a dialogue that encouraged them to narrate the episode of their lives in which they came into conflict with the law and participated in a youth restorative justice program, focusing on how they were impacted by these experiences. Since narrative research is focused on storytelling, this methodology encourages a conversational style of interviewing that may be informed by a topic-based interview schedule but is not governed by it; allowing interviews to be "interviewee-focused" and responsive to the uniqueness of each individual narrative (Fraser, 2004). Guided by this methodology, I asked study participants to outline their experience in as much detail as they were comfortable with, beginning with their coming into conflict with law and up until the end of the restorative justice process. Questions such as 'how did it begin' and 'then what happened' were used to invite participants to translate their personal experiences into stories (Fraser, 2004). Using open-ended questions and prompters I sought to draw some of the following aspects out of their narratives: how were participants impacted by the restorative justice process (in terms of meaning-making, changes to thoughts, attitudes and behaviours, and/or concrete outcomes and consequences); what aspects of the program did youth feel positively and/or negatively about; how did youth relate to and perceive their treatment by program volunteers and staff; whether youth found the program to be meaningful and beneficial and why or why not; and what changes to such programming youth who have experienced it feel are needed to be more meaningful and positively impactful (see Appendix A for interview guide). How the conversation flowed and where it ended up varied for each interview as they were guided by the unique narrative of each youth participant.

Youth aged 13-20, inclusive of all genders, were recruited from the Restorative Youth Circles (RYC) Program at Peacebuilders International, a non-profit community-based organization located in downtown Toronto. The RYC program is a community-based alternative to the justice system that uses the peace circle model of restorative justice with youth in conflict with the law, those who have been impacted by their actions, and community volunteers who facilitate the process in the role of Circle Keepers. The sample pool from which four youth participants were recruited consisted of approximately 35 youth who are participating in the RYC program at any given time. An eligibility requirement for participants was that they have completed the RYC program at Peacebuilders International (implying that they have attended their final session and signed the 'circle agreement' in which all participants have reached a consensus about how harm resulting from a crime can be repaired). While the study is confidential and the personal names and identities of participants will not be disclosed, this was meant as an additional precaution to ensure that participation in the study could in no way impact the treatment and services youth participants receive from Peacebuilders staff and volunteers. Furthermore, while I had originally intended to get participants to fill out a pre-interview questionnaire to collect demographic information about age, race or ethnicity, class, gender and sexual orientation, this component was omitted at the request of the Ryerson University Ethics Board. It was decided that including these details in my research would increase the risk of identification to unethical heights.

Staff and volunteer Circle Keepers at Peacebuilders International were provided with information about the study, a script to follow when approaching youth in the RYC program about it, and a poster (see Appendix B for recruitment poster) with details about the study to distribute to eligible youth. Circle Keepers were asked to inform youth about the study and

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provide them with the recruitment poster, at the end of their final circle session. A youth worker

at the provincial youth court gave the poster with information about the study to youth who were

attending their final court date upon completing the RYC program. When informing youth about

the study, staff and volunteers at Peacebuilders were instructed to emphasize that the research

study was being conducted by an MSW student at Ryerson University and is independent of

Peacebuilders International, participation in the study was completely voluntary and confidential,

and that choosing to participate or not would not result in any consequences. These points were

also included in the poster that potential participants were given, in order to ensure that that

youth did not feel coerced or obligated to participate. Youth who were interested in participating

then contacted me on their private time to find out more information about the study.

One hour was allotted for interviews which took place in private study rooms at the

Ryerson University Library. Each participant was provided with transit tokens as it would not be

fair to expect youth participants to incur travel costs. Before the interview, both in the

recruitment conversation over the phone and through obtaining informed consent (see Appendix

C for the recruitment script and Appendix D for the consent agreement), participants were

provided with information about the possible risks and benefits of participation in the study. The

most significant ethical risk of participation was that of identification. Even though the study is

confidential, a possibility still remains that people could connect details in the stories participants

shared to the participants themselves. To minimize this risk, youth were made aware of it and

advised not to share very specific details which they felt others could recognize and connect to

them. The investigator also used her best judgement to edit out any such details, such as exact

words exchanged in a dialogue that participants outlined during an interview. The other

foreseeable risk of participation in the study was that of psychological duress resulting from

recounting potentially stressful or unpleasant memories and experiences. To minimize this risk it was made clear to participants that they didn't have to answer any questions that made them uncomfortable and they could request to take a break or cease participation at any time. The investigator checked in with youth participants throughout the interview to ask if they were comfortable with proceeding. At the end of the interviews youth were provided with a resource list of youth-orientated drop-in and free counselling services, in case they required additional support after the interview. It is my hope that participation in the study and the opportunity for youth to share their experience of restorative justice was a rewarding experience, especially considering that the insights participants provided can influence changes to the RYC program and other restorative justice programming to better serve youth in conflict with the law.

Data collection included recording the audio of the narrative-focused interviews as well as taking notes during the interviews. In narrative research, data analysis begins during the interview through taking note of participants' body language, tone of voice, and emotions as they narrate their experiences; providing instant clues about the meaning-making process (Fraser, 2004). The audio recordings of interviews were then transcribed and analyzed using Fraser's (2004) "line by line" approach to narrative analysis. First, I asked myself what the main points and themes were in each individual narrative, what the choice of language by each participant may imply, what emotions and body language were visible, as well as what shape and direction the stories took, what order information was shared in and if there were contradictions in the narrative, what they may imply. With each narrative I also sought to scan for different domains of experience (personal, interpersonal, intrapersonal, structural, and cultural aspects) and link the personal to the political (Fraser, 2004). Incorporating post-modern and critical concepts of discourse, I paid close attention to the manner in which dominant and subordinate discourses

emerged within the narratives of youth participants. Using a critical approach to narrative analysis also entails paying attention to what the stories may say about lived experiences of class, gender, race, sexual orientation, age, dis/ability, religion and/or geographical locations (Fraser, 2004). Lastly, I considered the commonalities and differences between narratives and explored the patterns and themes that emerged across narratives to assess the potential of restorative justice to offer an empowering alternative to the mainstream retributive justice system. I did this by weighing the impacts of restorative justice on youth against anti-oppressive and critical principles.

A narrative methodology is the best design to comprehend the impacts of restorative justice on youth in conflict with the law because it delves deeper than statistically driven generalizations in order to comprehend the way participants understand and make meaning of their experiences through language, as well as how culture and social structures manifest in the stories participants tell (Fraser, 2004). The research question guiding this study is aimed at understanding the subjective experience of youth in conflict with the law and how they perceive they have been impacted by the restorative circle process. Only an in-depth qualitative approach such as narrative research could allow me to uncover unique subjective experiences and perceptions of youth. The narrative methodology also strengthens the social justice aims of this study, informed by critical theory and anti-oppressive perspectives. Scholars who critique the restorative justice model have highlighted that the restorative justice discourse, as well as the model's aims and goals, are largely framed by the discourse and objectives of the mainstream retributive justice system, thereby running the risk of perpetuating marginalization through stigmatizing language and over-emphasis on the responsibility of the "offender" (Pavlich, 2005; Bradt and Bouverne-De Bie, 2009; Kelly et al., 2006, Christie, 2000). By using narrative

research with youth in conflict with the law who have experienced and been impacted by the restorative justice process, participants in the study can counter taken-for-granted beliefs and established accounts (Fraser, 2004) about youth crime and the strengths and limits of restorative justice.

Four youth who had completed the Restorative Youth Circles program at Peacebuilders were interviewed about their experience of the program and how it impacted them. All four youth, who for the purpose of maintaining confidentiality have been given the pseudonyms Tyler, Sammy, Kiron, and Sana (consisting of three males and one female, aged 16-18), had been criminally charged under the Youth Criminal Justice Act within the past year and a half before being referred to Peacebuilders International and participating in the RYC program. While youth are waiting to be assigned a pair of Circle Keepers who facilitate the restorative youth circles, also known as peace circles, they are expected to attend a weekly group session with other youth in the program. The next phase of the program is the peace circle stage where the youth in conflict with the law meets with Circle Keepers on a weekly basis to explore the impacts of their actions and set goals for the future. This stage is supposed to involve the "victim" or person who experienced harm as a result of the crime, as well as family and community members who were impacted, but this is not always the case. Tyler, Sammy, Kiron and Sana were asked to share their experience of the RYC program "as if they were telling a story, from beginning to end", starting with coming into conflict with the law until they completed the program.

Before continuing it is important to note the limitations of this study. One limitation stems from my using gate-keepers in my recruitment process. It is possible that the youth who agreed to participate in the study were those who had particularly positive relationships with staff

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and volunteers at Peacebuilders (the gate-keepers), who were the ones to make initial contact with possible participants. Having a favourable view of the process and the staff and volunteers may have increased the likelihood of agreeing to participate, even though it was made clear at all stages that participation was completely voluntary. Conversely, one could imagine why a youth who had a particularly negative view of the program and/or its staff and volunteers might not be interested enough to be informed about such a study once they had completed the RYC program and were not obligated to maintain communication with program staff any longer. Secondly, because I only conducted qualitative interviews with four youth, my findings cannot be generalized. Fraser (2004) highlights that this is not the point of narrative inquiry, which instead seeks to validate the knowledge of "every day people" and unearth subordinate knowledge rather than draw measurable and generalizable conclusions. Lastly, the findings and discussion to follow are rooted in my interpretation of the narrative accounts of youth participants, filtered through post-modern, anti-oppressive and critical lenses – and may not represent intended meanings of youth narrators. Nonetheless, the narratives of youth who have come into conflict with the law and participated in a restorative justice program can provide invaluable insights into the impacts of restorative justice on youth in conflict with the law and its potential as an empowering alternative to the retributive justice system.

Chapter 4 - Findings

4.1 Experience of Criminalization

All four youth participants had experienced some degree of criminalization before getting diverted into the Restorative Youth Circles program at Peacebuilders International, and started their story with their experience of coming into conflict with the law. This is not surprising because the program is meant for youth who have been criminally charged and pleaded guilty. However, I feel it important to explore the participant's initial experience of coming into conflict with the law because at least three out of the four youth were negatively impacted or shaken by the experience. I believe this has important implications for the potential of restorative justice to offer an empowering alternative to the mainstream retributive system.

Tyler identified himself as a "young offender" at the very beginning of his narrative, seeming to have adopted this label with a stigmatized social meaning (Pavlich, 2005) to describe and understand himself. Indeed, Tyler's experience of criminalization was extensive before ever getting referred to the Restorative Youth Circles program as reflected in the following passages from his narrative account:

"I had a couple months where I just kept getting booked for things that had happened like a

month before so the courts were like 'you're constantly just coming back', and in a short time

span, so they're putting it pretty hard on me. Bail got raised a bit higher so I was in there a little

bit, in the Roy (referring to a jail for youth), *and it wasn't that bad it was just a couple fights and*

whatever, it's not that fun there though. Then when I got bail I was on house arrest and I went

from house arrest to finally just a curfew. So now they're trying to put another charge on me, so

then I got an even later curfew, so it's basically just like, I dunno, the cops are just rude, I've

been tazed before – it's not fun…I got dismissed a bunch of charges cause they don't have full

evidence, they just have people who say 'oh it might be him'. In one of the videos they tried to use

against me, I didn't even match the person in the video, I was wearing different clothes, but when

they see you they'll just pick you up. And that's the night I got tazed too, for something I didn't

even do. I just went out to chill with a group of friends. Of course when you see cops you're

gonna run, that's your instinct cause there's cop brutality....When I got arrested a couple times,

they'll like spit in your sandwich, nasty stuff like that and they'll give you the dirtiest cell and turn

on the cooling thing so you're freezing, you're shaking, on a metal bed – not metal, like cement –

but when it gets cold you get COLD".

Tyler spoke very nonchalantly about these events to the extent that conflict with the law
and the police seemed to have become part of normalized every-day life for him. He also seems
to feel that he has been targeted and mistreated by the police and justice system. He discussed
social and economic barriers that resulted from his conflict with the law:

"All you get to do is think when you're on house arrest - that's the worst, the worst... and

they made sure I couldn't even take the TTC to school, so on top of that I had to pay with my own

money 60 bucks a day to get to school and back by taxi. So 'cause of that I missed school a lot, I

only got 2 credits, in the span of grade 10. So that really impacted me."

I found myself asking how much of an "alternative" restorative justice can be when youth
still experience discriminatory targeting and treatment by police and are still negatively impacted
by punitive sanctions imposed by the retributive justice system. Furthermore, it seemed that the
restorative justice process and experience of the RYC program was coloured with Tyler's
negative experiences with the police and court system, which was evident in his mistrust of the
Circle Keepers who he thought, might "run and tell the courts everything [he] said". I believe
Tyler's experiences show some of the limitations of using restorative justice in parallel to

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retributive justice.

The other three participants did not describe an extensive past history of conflict with the law but were nonetheless impacted by their experience of being arrested and criminally charged. Kiron took a fair bit of time to walk me through the process from when he got arrested to when he appeared in court, explaining that,

"The first holding cell was all white with no windows so you couldn't see anything. Then I was transferred to another division in a court services truck...it was really cold and so dark you couldn't see anything outside 'cause there weren't any windows and it was really loud and bumpy. Then I was put in another holding cell to spend the night. It was cold, the bed was hard, the food was bad and I couldn't sleep. Before appearing in bail court the next morning they made me do a strip search and have my...stuff checked. It was pretty awkward."

Kiron's voice got quieter and he looked embarrassed and uncomfortable as he spoke of being strip searched. For me, this part of Kiron's story highlighted the trials (quite literally) and tribulations youth have to go through before they ever get referred to a restorative justice program. This reinforces Alvi's (2012) critique of restorative justice for being a "post-hoc" approach which is only implemented after a youth comes into conflict with the law, meaning that the harmful impacts of formal processing and the social roots of crime go unaddressed.

For Sana, the experience of getting arrested and held overnight was scary and very stressful. She shifted uncomfortably and fidgeted as she recounted her experience:

"When the police came and told me I had the right to remain silent, I was scared, I was so scared, because I had never been arrested....So then they took me to the police station and I was in the holding cell for 5 hours and then they told me that they called my parents but they didn't at the time that they told me they called, so I didn't think I was gonna be in there for that

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long. So I'm freaking out, I have the worst anxiety so I was shaking and I didn't know what to do.

It was the worst. I'm claustrophobic too so it was so much worse than that."

Listening to these young people describe being locked up and scared in cold, dark cells was troubling for me because people make mistakes, and even when those mistakes harm other people, there are a myriad of ways to help that person understand the impacts of their actions, seek reparation with those who have experienced harm, and to overcome the social and economic barriers that may have brought them into conflict with the law. I thought this was the purpose of having an alternative such as restorative justice. Hearing youth narrate their experience of coming into conflict with the law, getting arrested, jailed and sent to court to plead guilty and still have to attend the RYC program, make Kelly et al.'s (2006) assertion that community-based restorative justice is an *appendage* of the criminal justice system rather than an alternative very relevant.

4.2 Restorative Justice Process as Meaningful Experience

All four participants expressed that their experience of the RYC program itself was generally positive and went on to provide examples of how they were positively impacted by participating in the program. Having experienced how unpleasant the mainstream retributive justice system is through their experience of being arrested, jailed, and sent to court, participants noted that the RYC program was more meaningful and beneficial because it actually engaged them in a process, giving them something to think about and do. This sentiment is reflected in Kiron's statement, comparing the RYC program to the mainstream court process:

"It was more positive 'cause I thought having youth do an alternative program is a better idea

than sentencing them because then they make use of their time and they actually learn stuff

instead of doing time. 'Cause they say when you go to jail you don't really learn good stuff, you

learn more bad stuff. So I thought the alternative was pretty good because you actually do stuff."

Tyler mirrored this appreciation for having something to do and think about:

"I feel like Peacebuilders gives you something to think about, something to do after school so

you're not going around doing anything stupid. So I think it's a good alternative, 'cause it's

something to do... I'm not worried about smoking up with my buddies; I'm worried about

following a process."

Sammy highlighted why the RYC program is preferable to court, saying:

"Going through the court system, you think that will be the end of the world because now you're

in the court system and police are gonna look at you now that you're labelled a criminal. But

going through Peacebuilders, they take off that label and help you organize your life in a way

that you could end that".

According to Van Wormer (2004), restorative justice is empowering because it builds on

active involvement of people in conflict with the law in their own restitution, starkly contrasting

to the standardized one-size-fits-all and punitive approach of the mainstream criminal justice

system. Youth participants in the study felt actively engaged in a reflective process that resulted

in useful life-lessons and goal-setting, showing the empowering potential of the model.

Participants acknowledged that this was a more useful and beneficial way to address youth crime

than criminal conviction and the detrimental effects on one's life it entails. Sana referred to

having her charges dropped at the end of the program as a "fresh start" and the other three all

expressed gratitude for not having a criminal record as a result of completing the RYC program.

Some found the opportunity to reflect on their actions in the peace circles particularly

meaningful, such as Sammy who reflected:

"We talked about why I broke the law and what my life situation was like at the time, what was going on in my head, and that made me understand more, it opened my eyes a lot... it was kind of like a mirror to myself so I could actually see my own life and in doing that I was able to see my own life and then make changes to it, you know? So it took me in a different direction and it was very helpful."

Participating in the RYC program had concrete impacts on the attitudes and behaviours of youth participants. Youth discussed wanting to stay out of trouble and achieve positive life goals they had set for themselves. Most talked about education and career goals. Sana spoke of gaining confidence and leadership skills as a result of participating in the group circles with the other youth where she made a conscious effort to be a good role model for the other youth:

"I didn't ever like dealing with other people before. Like, I'm very quiet and I stay to myself. I don't really tell people much so it was kind of nice to have those people show me that you can actually be open about stuff. I didn't ever see myself doing something like that, helping at-risk youth, and since I've been through it and I thought it was a positive experience I want to do something like that, help kids like exactly what the circles do. I would love to work there it would be a very positive experience. It's a good feeling to give back".

Sana had actually ended up volunteering to help run the group circles as a condition of the restorative justice process and evidently found the experience to be meaningful. Similarly, Kiron agreed to write an apology letter and volunteer at another local youth organization and was positively impacted by his experience:

"I wanna do, you know, good things for myself and also for other people, which is why I decided to do the 20 hours and write the letter....It felt good completing the letter because I wasn't only doing it for me but I was doing it for the victim, actually telling him that I was sorry

for what happened and that it wouldn't ever happen to him again. By doing community service I

met some new people. It wasn't boring, it was fun. I had lot of good conversations."

These quotes show that in addition to reflection and reparation, the program allowed

youth to build on their skills and efficacy. Sammy proudly spoke of tangible ways that

participating in the RYC program impacted him, explaining that he was given the opportunity to

get CRP training and certification through the program. Upon completing the program he was

also offered a job and began working on a project with Peacebuilders that seeks to prevent theft

by refurbishing and selling affordable MP3 players to low-income youth. These findings

corroborate previous studies which suggest that youth find restorative justice to be fairer, more

meaningful and more valuable a learning process as compared to the mainstream system

(Umbreit and Coates, 1993; Umbreit, 1999; Coates et al., 2003; Choi et al, 2011). Additionally,

building upon service user's capacities and skills has important implications for the anti-

oppressive principle of empowerment as discussed by Healy (2005).

4.3 Tensions between Power-Sharing and Coercion

There were both elements of power-sharing and coercion evident in the narratives of

youth who had participated in the Restorative Youth Circles program. The existence of both, side

by side, is depicted in Tyler's experience of the peace circle process:

"The first circle was alright, an intern from another country who wants to bring Peacebuilders

there was with us and it was a pretty good discussion. The time after that it just got really sour.

Like, I dunno, they kept on asking me the same type of questions I didn't really feel like I wanted

to answer. So after that day, they were like 'do you want to bring someone in to join the circle?' I

was like, I think it'd be easier if you brought in one of the guys who lead the group sessions, so

one of them came in and he really smoothed out the way."

Throughout our interview Tyler spoke negatively about being pressured to answer questions he didn't want to, or that "shouldn't be asked". Tyler's discontent was remedied, however, when the Circle Keepers noticed he was resisting their questioning, and gave him some agency in deciding how to move forward in the circle.

The language of participants suggested that it is common for Circle Keepers to suggest actions to be taken, sometimes so strongly so as to portray the recommended action as mandatory. This was not always experienced negatively, such as in Sammy's case. He used language such as "they made me" and "they recommended" when describing his experience of the program but was fortunately agreeable to all of their suggestions, as evident in his description of the circle process:

"They made me talk about almost every detail that happened through the incident, they asked me questions about it like, how did I feel and why did I do it, what was going on in my life at the time and um....they made me write - well they didn't make me but they recommended it and I felt comfortable writing it because I had remorse - so I wrote a sorry letter to the victim. It made me reflect on it all a lot."

Sammy experienced these suggestions and requirements positively. He explained that he was hesitant to have his family involved in the circle but was glad they were included in the end. Sana also used language that implied she didn't always have a choice in the circle process and its outcomes. Other times when an action was presented as mandatory by the Circle Keepers, Sana actively resisted. These elements of her experience are represented in the following passage:

"I felt bad about it but they had asked me to write an apology letter and I refused because even though I feel bad about it, I'm not sorry. I wouldn't do it again 'cause I learned my lesson

but I wasn't sorry so I didn't write an apology letter. Overall it was still a really positive

experience for me so when they told me I had to do community hours, at least 20, I agreed..."

I asked Sana how the Circle Keepers responded to her refusal to write the apology letter and she

replied:

"Not well at first, they didn't understand why I wouldn't write it but I explained it to them, how

terrible and mean this girl had been to me. They asked me if I wanted to have a session with the

girl and I said no 'cause I'd rather not talk to her. They would make it like a mandatory thing but

I disagreed because I didn't think it was necessary."

Writing the apology letter and including the individual Sana had been involved in a

conflict with were presented as mandatory but Sana was able to assert herself, demonstrating the

tension between power-sharing and coercion within the restorative justice process. In Sana's case

this tension was resolved through her own resistance. That she had to resist at all, though,

demonstrates that the model, while egalitarian in theory (Boyes-Watson, 2005), may not be in

practice, as the Circle Keepers can use their positions to enforce desired actions and outcomes.

While Sana was told she *had* to volunteer, this action was agreeable to her and she was given

agency in choosing where to volunteer.

Participants sounded more content and even proud when they spoke of aspects of the

program that included them in decision making, such as Kiron when he spoke of *choosing* to

write the apology letter and volunteer in the community (quoted above under 4.2). The fact that

Sana was able to resist requirements that were presented as mandatory, and that Tyler was able to

resolve the tension of being coerced to provide certain information by including an individual he

trusted in the circle, demonstrate that there is potential for the restorative justice approach and

specifically, the peace circle model, to achieve the anti-oppression principle of "working in

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partnership" with service users (Healy, 2005). A more thorough analysis of the existing

challenges to fully implementing this principle will ensue in the discussion chapter.

4.4 Limitation of Time-span

The issue of time-span was a reoccurring critique of the restorative justice process that

emerged in participants' narratives. Participants reported having to wait many months before

they were assigned Circle Keepers and able to begin the circle process. In the mean time they

were expected to attend weekly group sessions with other youth. While the weekly group

sessions were experienced positively for the most part, participants expressed frustration about

how drawn out the process was. This frustration is reflected in this passage from Tyler's narrative

account:

"It was like, I think an 8-month process for me to get to the circle part, that's where you

meet with the two ladies and write an apology letter. Apparently I set the record....it was a long

time to wait and in that whole 8 months I only missed two of the group sessions. So out of that I

thought I was doing pretty well, I just didn't understand why it took so long. Maybe the courts

are flooded, whatever. They kept on pushing my stuff back and back and back which means

lawyer fees, so they're making me and my family pay a ton of money, I mean it's ridiculous....I

feel like I could have just stayed home the whole time, the whole 8 months. They kept just

pushing it back. I don't see why I'm constantly in Peacebuilders, I'm trying to do good, and you

just keep pushing it back, that's tedious. I don't understand why they're doing that and what's the

point of Peacebuilders if I'm just gonna wait to write an apology letter at the end. Why couldn't I

just write the apology letter, get it done right then and there, know what I mean? Instead I had to

wait after a year and a little bit for me to finally get my charge dropped 'cause it kept getting

pushed back. So I dunno, I feel like the system is really, really corrupt when it comes to that."

In the above passage Tyler implies that the time-span of the program and the wait-time to get to the actual restorative circle had economic disadvantages for his family. The time-span was also frustrating to Tyler because it was all "just to write an apology letter" in the end, suggesting that the length of the program can be detrimental to its restorative aims and take away from the intended impacts of the reflective exercise of writing an apology letter. Sana also expressed some frustration at the length of the program, going on to explain that it made the restorative circles less effective in some ways:

"I had to go to Peacebuilders for one whole year, one whole year I was dealing with court. The process took longer than I thought it needed to but I still learned a lot from the experience. I liked going but at some point I just wanted it to be over. Everything else was moving along so quickly and this was just going so slowly. It would probably be better to touch on the incident with the two counsellors in the private circle first so you could just talk about it and get it over with because it's not something you wanna talk about to begin with, but when you have to keep bringing it up after it's been so long it's not always a good feeling and you might not always wanna talk about it. If you got it out of the way first, then you move on with the group session that would be good. I was so over it by the time I had to go into it because it was months before the second circle part."

While Sana learned a lot from participating in the program overall, her desire to reflect on the conflict that had gotten her arrested and charged and the potential transformative impacts of such reflection had diminished by the time she got to the peace circle component of the program. In the grand scheme of things, the length of the program did not completely cancel out the potential benefits of the program because participants still felt that they were positively impacted

in other ways. However, the length of the program and the wait time to be assigned Circle

Keepers had detrimental impacts to the program's restorative aims and its potential to be

empowering and meaningful to youth in conflict with the law. Because the time-span of the RYC

program had negative impacts on youth participants and their families, it could be considered

coercive and furthermore, has important implications for the anti-oppressive principle of

"minimal intervention" (Healy, 2005) which will be explored further in the discussion chapter.

4.5 Issues of intersectional oppressions prevalent, but not engaged with in restorative process

Youths' experiences of conflict with the law as well as the restorative justice process were

shaped by age, race, class, and gender. Tyler, who expressed that he was from a community

housing project, had experienced ongoing conflict with the police in his neighbourhood.

Referring to crime, he remarked,

"It's money, it's friends, but it's not really a good path to go down."

For Tyler, crime seems to be a means to acquire money, a resource which is limited to

low-income youth of colour who have barriers to employment and opportunities that could keep

them out of conflict with the law (Alvi, 2012). Sammy also talked about how a lot of low income

youth get into trouble stealing items such as Apple products that they couldn't otherwise afford,

referring to himself as "one of those kids". Through these narratives we can see the operation of

class and race and how it has influenced youth participant's experience of conflict with the law.

In talking about "friends" as part of crime, Tyler also points to peer-pressure and social

expectations which cannot be separated from gender.

This is also relevant to Kiron and Sana's experiences, the former who got into a physical

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fight with another male at a party and the latter who got into a physical altercation with another female after a long period of bullying and conflict. As Cook (2006) explains, all people "do gender" all of the time and teasing can be a form of enforcing social gender expectations. Similarly, physical violence can serve as a way for young men to assert their masculinity. Because of this, conflict with the law cannot be understood separately from social location and intersecting oppressions.

Despite this, the narratives of youth participants demonstrated that the focus of both the group sessions with all the youth present and the restorative circles largely focused on the individual actions and choices of youth in conflict with the law as demonstrated in the following quotes:

"They made me talk about almost every detail that happened through the incident, they asked me questions about it like, how did I feel and why did I do it, what was going on in my life at the time…" – Sammy

"In the group they taught us about the consequences of certain lifestyles and that's not how we should be living considering we are still young, we still have a lot to do and to throw that away is kind of useless and pointless. In the circle we basically just talked about what happened from start to finish and they would sort of stop me in between some parts and get me to think about my actions." - Kiron

"I had to tell them about my emotions, how I was feeling at the time and how long it took for my anger to come out like that" - Sana

These were the responses of participants when asked to tell me about the kinds of things they discussed and reflected on in the program, and in every case the language points to a focus on the individual. Criminal activity seems to be treated as an individual choice, disconnected

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from the reality of poverty, racism, and expectations and social norms based on age and gender. From an anti-oppressive perspective, this suggests the need for improvement in the area of connecting service users' experiences to systemic inequality and consciousness raising (Healy, 2005).

In addition to their experience of conflict with the law, the experience of the restorative justice process itself was influenced by participants' social location. For instance, I asked Tyler how he felt about the treatment he received by the Circle Keepers and he responded,

"I think when I first came in they perceived me as just a young, black male, doing whatever, from the hood. But I think after a couple sessions they realized I was actually....that I'm not an idiot, I'm smart, pretty smart. Once they got to know me a little bit it was better."

When I asked Tyler how he thought the RYC program could improve he answered,

"If you got better workers it'd be a lot easier. Younger, not as old women, who can connect with you. If you can connect with someone you can just talk for hours. Otherwise you can't really elaborate; you can't really speak your mind."

Tyler felt that he was perceived and judged for his age, race, and economic status. Even when the Circle Keepers got to know him, Tyler did not feel that the volunteers could relate to him due to differences in age and gender. It is telling that all of the male participants felt more connected to the facilitators of the weekly group sessions, who happen to be young men. Some of the participants even explained that the group facilitators were more trustworthy and relatable.

Sana seemed to have more of a bond with her Circle Keepers who were females as well. She appreciated their emotional support in the circle and that they would check in on her via text-message throughout the week to see how she was doing. On the other hand, Sana talked about being uncomfortable with the gender dynamics of the weekly group sessions with all of the

other youth, saying:

"It was mostly guys, it was kind of awkward. There were only seven girls and it created a lot

rumours and stuff. A lot of he-said-she-said. Maybe it would be good to have separate groups for

girls and guys 'cause sometimes even some of the females wouldn't answer some of the questions

that the facilitator would ask because there were guys there and they felt uncomfortable."

Sana's experience of the program was evidently shaped by gender. While all interactions

are shaped by social constructs (Cook, 2006), a risk of letting this reality go unacknowledged is

the perpetuation of marginalizing power dynamics within the restorative justice approach.

Chapter 5 - Discussion

5.1 My Thoughts

Youth participants reported finding the RYC program to be meaningful and positively impactful in a number of ways but they also discussed ways in which they were frustrated, inconvenienced, and uncomfortable due to other aspects of the process. For me, this demonstrates the co-existence of contradictory elements within the restorative justice approach; the potential of empowerment and the realization of anti-oppressive principles inherent to the model, and coercive and marginalizing elements that are hindering their full realization. What emerges from these contradictory elements is a unique experience for each youth participant, shaped by social location and the experience of intersecting oppressions.

5.2 Critical Analysis and Implications

It seems evident from the narratives of participants, that one's experience of restorative justice and the impacts of participating in such a program will be influenced by one's social location and the power this affords or denies them in society. Christie (2000) asserts that some proponents of the restorative justice model seem to assume that because the structure and process of restorative justice is aimed at power-sharing, a critical analysis of power relations is unnecessary. This assumption is evident in Elechi's (2005) assertion about the restorative justice process, that "when participants are free to express their feelings in an environment *devoid of power,* there is nothing left to embitter leading to a more enduring peace" (p. 34). If we assume that restorative justice can create an environment "devoid of power" we are ignoring the reality of unequal power relations. However, the circle process was not devoid of power because the operation of such constructs of age, race, class and gender were in effect. Cook (2006) critiques restorative justice for being "gender blind" and emphasizes the notion that people participate in

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restorative justice within their own social locations. Sana's experience of discomfort as a female in the program, dominated by males, demonstrates the need for restorative justice to critically engage with gender and other aspects of identity. Otherwise, participants may end up being silenced and further marginalized.

Tyler's experience of feeling perceived negatively for being a "black youth from the hood" demonstrates the operation of whiteness, race and class, resulting in a potentially marginalizing power dynamic between him and his Circle Keepers. Razack and Jeffrey (2002) point out that racism is so embedded in our social structures that it seems normal and natural, resulting in unconscious racism that reinforces power imbalances and the marginalization experienced by "inferiorized" groups. This is not to suggest that the Circle Keepers working with Tyler had bad intentions, but they may have carried negative stereotypes of black youth that they hadn't interrogated and unsettled within themselves; something that Tyler sensed based on their attitude towards him. In the personal example I shared in the introduction chapter about the young black male who did not trust me, I was exercising whiteness without realizing how it was impacting him and the restorative justice process. Not only can this harm the restorative justice process and the self-perception of youth participants, by not acknowledging and working to unsettle unequal power dynamics, restorative justice risks "setting up a smokescreen" where the 'invisible privileges' around gender, race and class are reproduced (Cook, 2006).

Another implication of ignoring unequal power dynamics as they pertain to age, race, class, and gender within the restorative justice process is the assumption that a state of justice previously existed for those involved in a crime or wrong-doing (Christie, 2000). As discussed in the literature review, youth identify social processes such as poverty, peer pressure, and racial discrimination by police as pathways to crime. If these social dynamics are unacknowledged, the

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socially constructed categories of difference are not eliminated, but instead are enacted as subtle devices of domination within the restorative justice process (Cook, 2006). This is evident in the focus on the individual with the RYC program, which can be seen as a process of domination. Pavlich (1996) discusses how restorative justice still serves a social control function as disputant's or "offender's" perceptions of self are confronted with the scrutiny of mediators or facilitators who encourage them to regulate themselves according to certain social expectations.

The appearance of a more holistic and fair alternative justice model, which operates parallel to and in cooperation with the mainstream justice system, may allow for the perpetuation of the surveillance and criminalization of low-income and racialized youth, albeit masked in a milder form (Kelly et al., 2006). This "masking in a milder form" is related to Foucault's (1977) post-modern concept of discipline and punishment, whereby the power to do so is fragmented and proliferated to subsidiary authorities outside of the courtroom and legal process, making surveillance and discipline aimed at coercing individuals to fit within the social machinery all the more efficient and pervasive. This is evident in that youth participants are encouraged to reflect on and change *themselves* as opposed to questioning their social world. In my experience as a volunteer Circle Keeper in a restorative justice program for youth, I acted as a surveillant and disciplinary of youth in conflict with the law by monitoring their behaviour and enforcing requirements of the program.

Community-based restorative justice volunteers therefore have considerable power because they guide the discourse formation around the conflict to be mediated and ultimately place social and cultural pressure on participants to conform to certain norms and behaviours (Pavlich, 1996). Indeed, Woolford and Ratner (2003) suggest that practitioners of restorative justice are, in socio-economic aspects, closer to criminal justice employees than its subjects.

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There is a clear need to integrate critical analysis into the restorative justice paradigm, otherwise the same power imbalances and pre-existing social constructions which are present in the prevailing retributive justice system, will be duplicated in restorative justice practices (Christie, 2000).

5.3 Implications for Anti-Oppression Social Work

"Critical reflection of self in practice" is an anti-oppressive practice principle identified by Healy (2005) which involves interrogating our membership in certain social categories and reflecting on how these impact our practice relationships. This process can allow us to begin to address and minimize power differentials in practice. This is important in the field of restorative justice with youth in conflict with the law because as Stahlkopf (2009) points out, unpaid volunteerism excludes those who cannot afford the time commitment required. This can result in restorative justice being implemented by a homogenous volunteer group who come from more privileged backgrounds than youth and their families in any given restorative justice program. Without examining our own privilege, we risk wielding it in marginalizing ways such as in my personal example of not being aware of how my whiteness was impacting a black youth I was working with.

Indeed, Razack (1998) argues that encounters between dominant and subordinate groups cannot be unmarked by histories of oppression. So, by not critically reflecting on how we are each implicated in oppression, relations of domination and subordination continue to regulate our encounters. This is relevant to Tyler's experience of feeling negatively perceived by volunteers for his race and class identity. Tyler also felt that he couldn't connect with the volunteers because they were "old white ladies". Similarly, Stahlkopf (2009) interviewed youth who had completed a restorative justice program and found that participants didn't feel like they could

connect with the staff and volunteers because they were "too out of touch with their lives". In such instances, one aspect of critical reflection of self in practice may be replacing ourselves with other workers or volunteers who have a more similar background with the service user (Healy, 2005). This further demonstrates the need for restorative justice programs like the RYC program at Peacebuilders to include critical reflection as a component of volunteer training and case assignment.

Another anti-oppression practice principle is the "critical assessment of service users' experiences of oppression". This involves connecting the challenges faced by service users to social and cultural processes such as systemic inequality stemming from social divisions across race, class, and gender (Healy, 2005). It has been discussed elsewhere in this paper that social processes such as racism, poverty, peer-pressure, and gender expectations are common pathways to conflict with the law for youth. Through Sammy's narrative account, we learnt that Peacebuilders has developed an initiative to sell affordable MP3 players to low-income youth in order to discourage theft. This demonstrates the potential of restorative justice to acknowledge and attempt to address the social and economic barriers that bring youth into conflict with the law. While this is a positive step forward for restorative justice, it still falls short in my view because it continues to place the emphasis on the choices of the individual (e.g. whether to steal an MP3 player or not), but does not acknowledge or challenge the social causes of such theft, such as consumerist culture, unemployment and cuts to social services and programs for youth (Alvi, 2008; Alvi, 2012).

Instead, the narratives of youth participants in this study suggest that the focus of the RYC program is personal reflection on one's own choices and actions. This is not to say that personal reflection is not meaningful for youth in conflict with the law. Participants spoke of

such reflection as a learning opportunity that was positively impactful. However, I find the focus on the individual to be concerning because the over-emphasis on individual responsibility in many restorative justice programs has been critiqued by scholars who highlight that this perpetuates stigmatization of the individual and distracts from broader social inequities (Bradt and Bouverne-De Bie, 2009; Gray, 2005; Pavlich, 2005). Furthermore, the focus on the individual in the RYC program suggests that the discourse of restorative justice is framed by the mainstream retributive system which views crime as a result of pathological flaws (Bottrell et al., 2010). So while restorative justice is experienced as a preferable and more meaningful option compared to the criminal courts by youth, it may be complicit in the perpetuation of the marginalizing impacts of the mainstream retributive system for which it is meant to be an alternative. The model therefore seems to be more successful at achieving empowerment at the individual level than the structural.

Healy (2005) discusses empowerment as an anti-oppression principle that seeks to overcome structural, cultural and individual obstacles to service users' ability to take greater control of their lives. Examples of individual empowerment were evident in the narratives of youth participants in this study. For instance, participants acknowledged that a criminal record would be damaging to their futures and were grateful that their charges were dropped as a result of completing the RYC program. Part of empowerment from an anti-oppressive paradigm is working with service users to identify areas for skills development and to foster opportunities for service users to exercise and build on their capacities (Healy, 2005). This was evident in the narratives of participants who reported that participating in the RYC program resulted in the enhancement of leadership skills, confidence, goal-setting for the future, and employment and volunteer opportunities. As discussed in the findings, youth spoke the most positively about

aspects of the programs that included them in decision-making and the least positively about aspects of the program that afforded them little agency or choice.

Healy (2005) explains that according to the principle of "working in partnership" service users should be included as much as possible in decision-making that affects their lives. Additionally, this principle requires genuine power sharing, open communication, and respect for the individual's perspectives. Van Wormer (2006) argues that restorative justice is inherently anti-oppressive because it gives voice and decision making power to those who have been traditionally silenced and disempowered in the courtroom or plea-bargaining process. Youth participants in this study spoke of having some say in decision-making throughout the restorative justice process. This demonstrates the anti-oppressive potential of the model, especially when contrasted to the top-down retributive justice system. However, power-sharing was limited in some areas and youth were obliged or pressured into committing to certain actions. Additionally, the challenges pertaining to a lack of critical reflection and intersectional analysis previously discussed mean that power imbalances in the restorative justice process (between youth as well as between youth and volunteers/staff) continue to go unaddressed.

While restorative justice can be meaningful and even empowering to youth participants, there still exist significant barriers to the model resulting from the limits placed on it by the mainstream criminal justice system, whose discourse and objectives it is ultimately framed by (Bradt & Bouverne-De Bie, 2009; Pavlich, 2005). As I listened to youth participants explain that they were arrested, jailed and had to plead guilty before they were referred to the Restorative Youth Circles program at Peacebuilders, it became apparent to me that restorative justice will not be able to fully realize the anti-oppression practice principle of "minimal intervention" so long as it exists as an appendage of the criminal justice system. This principle entails intervening in the

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least intrusive and disempowering ways possible (Healy, 2005). By inconveniencing youth and their families, the extended wait-time to get assigned Circle Keepers and complete the RYC program can be considered as intrusive. This can be the result of a shortage of volunteers, funding or other constraints placed on restorative justice programs by the criminal justice system. However, there is a clear need from an anti-oppressive perspective for restorative justice proponents and organizations to advocate for the necessary changes to minimize the marginalizing and intrusive impacts of being run as an appendage of the criminal justice system. This may involve advocating to fundamentally re-structure how justice is conceptualized and carried out.

Upon extensively observing a Canadian community-based restorative justice program for youth, Kelly, Caputo, and Totten (2006) found that the restorative justice principles of collective, bottom-up decision-making power were significantly constrained by the power and influence of the mainstream justice system. Such constraints could very well be at the root of the limits to power-sharing previously discussed. At the end of the day, volunteers in the RYC program have to get concrete commitments from youth in conflict with the law that demonstrate that they've taken responsibility for their actions and are committed to making amends and avoiding future conflict with the law. Otherwise, they will not be able to truthfully say the youth has successfully completed the program and provide the judge in the case with any reason (from the mainstream retributive standpoint) to drop the youth's charges. Some level of coercion may be deemed necessary by even the most well-intentioned volunteers to get these commitments and actions from youth in time for their final appearance in court. This is one clear example of how restorative justice is limited and shaped by the mainstream criminal justice system. Because of such limitations, Christie (2000) describes restorative justice as currently conceptualized and

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implemented, as "making changes on a faulty foundation when changes should be made to the foundation" and "merely repackaging the medium, not changing the model" (p. 89).

It is evident from the narratives of youth who participated in this study that restorative justice is a preferable and more meaningful experience than the mainstream retributive justice system, demonstrating the potential to empower youth in conflict with the law at the individual level. However, empowerment at the structural level requires us to work towards fundamental changes to social, economic, and political structures in ways that lead to a more just distribution of wealth and power (Healy, 2005). Unless social workers, youth workers, researchers and other staff and volunteers in the restorative justice movement work towards this level of change, the model will not be able to realize its full anti-oppressive potential.

5.4 What next?

As my research is informed by critical theory, I hope that these findings will promote social justice and make a difference (Dentith, Measor and O'Malley, 2009) so that restorative justice can better empower youth in conflict with the law. As such, a summary of findings and recommendations will be sent out to community-based organizations that provide restorative justice programs for youth in Toronto. Several aspects of the Restorative Youth Circles program were meaningful and positively impacted youth participants. I summarize these here so that restorative justice staff and volunteers know that these are elements of programming that should be upheld:

- The opportunity to learn from conflict with the law instead of just being punished

- Thinking about and reflecting on one's actions and life direction

- Helping to understanding the impact of one's actions on others

- Opportunity to express feelings and be supported

- Having weekly meetings and a process to follow in order to help youth stay out of trouble

- Getting a fresh start by having one's charges dropped

- Building on confidence and leadership skills

- Volunteer and job opportunities

- Pizza! (all the youth in this study were very enthusiastic about the pizza provided at the weekly group meetings)

As discussed in the findings chapter, other research has demonstrated that these aspects of restorative justice program positively impact youth in conflict with the law and should continue to be incorporated into restorative justice programming.

Also existing within the narrative accounts of youth participants, were contradictory sentiments of dissatisfaction with certain aspects of the Restorative Youth Circles program which suggest some limitations of restorative justice. Youth participants put forward several clear suggestions for improvements to address some of these limitations:

- Have staff and volunteers that are trustworthy and relatable to youth

- Be aware of the personal nature of questions being asked and the discomfort this may cause

- Be aware of gender dynamics and consider having separate groups for males and females

- Be aware of how long waiting lists and length of program can impact restorative justice aims as well as inconvenience youth and their families

- Consider shortening length of program or waiting lists which may involve advocating for more funding for the program or for changes within the court system

Restorative justice staff and volunteers may want to explore these suggestions to ensure that their programming is meeting the needs of youth in conflict with the law and not perpetuating

marginalizing impacts of the mainstream retributive justice system. As these findings are not generalizable, agencies that provide restorative justice may consider conducting critical research with youth they serve to ensure their programs meet their unique needs.

Scholars have also put forward some pertinent suggestions for needed changes to the restorative justice model that could enhance its ability to be a genuine and empowering alternative to the retributive justice system:

- There must be a critical consideration of race, class, and gender and how they interact in broader society as well as in the restorative justice process to impact people differently (Christie, 2000).

- There is a need to recruit community volunteers who are representative of diverse racial and ethnic, age, gender, and socio-economic groups to promote genuine inclusivity, equity, and a sense of connectivity between volunteers and youth (Stahlkopf, 2009).

- Equality-seeking groups, race and ethnic-based organizations, and other concerned stakeholders should be involved in the planning and implementation of restorative justice programs. This would actualize the collective and democratic principles of restorative justice and resist the top-down imposing of programs that are not relevant to a community's needs (Christie, 2000).

- The racism, sexism, and classism perpetuated by the mainstream retributive justice system and other institutions must be challenged at the structural level. The conception of justice itself must be changed through reconstructing discourse, education and policy, to make the eradication of poverty, racism, sexism and all oppression the objectives both of justice in general, and of justice in individual cases

dealt with by restorative justice processes (Hudson, 2006).

This is not an exhaustive list, but rather some key points that my own findings and the critiques of other scholars have highlighted as central. Christie (2000) highlights that the majority of the literature on restorative justice is devoid of any substantial discussion on the effect of restorative justice on race, class and gender relationships. This suggests a clear need to continue conducting critical research on how restorative justice impacts youth in conflict with the law. Through ongoing research and analysis that includes the voices of youth who are impacted by restorative justice, the model will be able to fully realize its anti-oppressive potential to challenge the marginalizing impacts of the mainstream retributive system.

Conclusion

Restorative justice is centred on principles that are in line with social work's concept of empowerment within an anti-oppression framework (Van Wormer, 2005). Aspects of power-sharing were evident in the narratives of youth who went through the Restorative Youth Circles program at Peacebuilders International. Hudson (2006) highlights that the mainstream retributive system marginalizes those in conflict with the law by concentrating the power to decide what evidence and information is relevant or not and to make the final decision based on a standardized set of pre-determined rules with correlating punishments. This approach excludes the unique perspectives and needs of those involved in a given crime or wrong doing. Youth in conflict with the law interviewed for this study expressed that the restorative justice process was a positive alternative to this system because they were actively involved in the discussion about how they could repair the harm they had created, while reflecting on their actions and learning from their mistakes. All four of the youth interviewed spoke of looking positively to the future as a result, suggesting that some level of empowerment had been achieved. However, their narratives also highlighted some possible limits of the restorative justice system and the extent to which it can act as a genuine alternative to the retributive justice system.

Such limits included the fact that restorative justice does not address the root causes of youth crime and furthermore, that youth still experience criminalization before ever getting referred to a restorative justice program. Therefore, restorative justice has yet to achieve empowerment at the structural level. Also emergent out of the narratives of youth participants are issues of intersectionality. Some youth participants did not feel comfortable with the other participants or the volunteers based on race, gender and age. Considering this, and that community volunteers exerted their influence to the extent that certain activities were portrayed

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as mandatory – it is clear that there are barriers to genuine power-sharing within the restorative

process. Some of these barriers may be the result of limits and constraints of the mainstream

criminal justice system, which restorative justice is currently operating as an appendage of (Kelly

et al., 2006). Anti-oppressive social workers who work with youth in conflict with the law should

be concerned with addressing these barriers because dominant and marginalizing power relations

will continue to persist within the model otherwise. With the ongoing contribution of critical and

anti-oppressive research and analysis, restorative justice has the potential to be a genuine and

empowering alternative to the mainstream retributive system and its marginalizing impacts on

youth and their families.

Appendix A

Interview Schedule

Because I am using a narrative approach with a semi-structured interview, the interview questions were meant to guide the discussion and not strictly inform it. All participants were asked to "start at the beginning" and tell me about their experience of the RYC program "as if it were a story".

Possible Interview Questions and Prompters:
- How did you come to be involved in the RYC program at Peacebuilders? Start by telling me about your experience of coming into conflict with the law and what led up to you getting referred to the Restorative Youth Circles program.
- Tell me more about your experience of the RYC program and the ways in which it has impacted you
   - For example, how have you been impacted in terms of concrete outcomes and consequences, your thoughts, feelings, and attitudes, or other perceived outcomes or impacts
- What, if any, aspects of the program did you feel positively about?
   - Please provide examples or discuss particular circle sessions that stood out positively. What was positive about them?
- What, if any, aspects of the program did you feel negatively about?
   - Please provide examples or discuss particular circle sessions or incidents that stood out negatively. What was negative about them?
- How did you feel about the Circe Keepers?
   - For example, what was your impression of them, their behaviours, attitudes, and treatment of you?
- I'd like to know how you think and feel you should have been treated in the program and how the program did or did not match those feelings.
- If you found this program beneficial to you in any way, why or how so? If you didn't, or if it could have been more beneficial to you, discuss how it could have benefited you more?
- If you could suggest any changes to the program, what would they be?

Research Participants Needed!

I want to hear about your experience in the **Restorative Youth Circles** program at Peacebuilders International!

Details...

❀ One-on-one in-person interviews will be held in private study rooms at Ryerson University near Young and Dundas (alternative locations can be arranged if necessary)

❀ Interviews will last up to 1 hour

❀ Interviews will occur during the months of April and May of 2014

You are eligible if.....

you are 13-20 years old

you have completed the RYC program

This research is being carried out by a Master of Social Work student at Ryerson University and is completely independent of Peacebuilders International. Participation is completely **voluntary**! This study has been reviewed by the Ryerson Ethics Board.

Learn more or sign up by emailing Jessica at **jessica.cassell@ryerson.ca** or calling *647-378-1375*
(Dial *67 to keep your number private)

A $30 cash honorarium and TTC tokens will be provided to all participants.

Appendix C

Recruitment Script (for when potential participants call or email in response to the recruitment poster)

If by email:
Thank you for taking your time to email me to find out more about the study. My name is Jessica and I am a Master of Social Work student at Ryerson University. As you might know, I am interested in interviewing youth who have completed the RYC program at Peacebuilders International. I'm hoping you are able to call me directly so I can give you some more information about the study and what participation would involve. You can reach me at 647-378-1385. Dial *67 before my number to protect your privacy. Thanks and hope to hear from you soon!

If by phone:
Thank you for taking your time to call me to find out more about the study. My name is Jessica; I am a Master of Social Work student at Ryerson University. If you have a few minutes to talk, I will tell you about the study and what participation would involve. If you have any questions at all or you would like me to explain something better, please feel free to ask at any time. Before I continue, may I ask if you have completed the RYC program, which means you have attended your last circle?

If no: OK thanks for sharing that with me. At this point I have to let you know that to be eligible to participate you need to complete the RYC program. Perhaps you can call me back when you have!

If yes: OK, thanks for sharing that with me, that means you are eligible to participate in the study if you choose to. The purpose of the study is to learn about how youth have been impacted by participating in the Restorative Youth Circles program. So basically, I want to learn about your feelings, thoughts, or opinions about the program and whether or not participating in it has resulted in any kinds of changes for you. Does that make sense?

If you choose to participate, I would ask that we meet for a one-on-one interview that would last up to one hour, where I will be asking you to tell me about your experience in the RYC program at Peacebuilders. The location for the interview will be in a private study room at the library of Ryerson University near Yonge and Dundas. If this location doesn't work for you, you may suggest another location as long as it is private and quiet, except for your own home (such as a meeting room in a local community centre or local library). TTC tokens will be provided to cover your transportation costs.

This study is being conducted as a requirement for me to complete the Master of Social Work program at Ryerson University, and is completely separate from and independent of Peacebuilders International.
Participation in this study is completely voluntary, which means that it is your choice and yours alone whether you would like to participate or not. Do you have any questions about this?

The study is also confidential, which means that your personal name will not be mentioned or used in this research with the goal that the experiences you share cannot be directly tied to you.

Appendix C

However, it is important that you understand that there is still a possibility of people recognizing who participants are.
For example, this could occur if someone recognizes a story or event that a participant shares because they were present at that particular time. I will try to lower this risk to the best of my ability by leaving out very specific details (such as exactly what was said and physical descriptions of those present) that could be linked to participant's identities. Do you have any questions or concerns about this?
Something else you should be aware of before you decide whether you want to participate or not, is that talking about and remembering unpleasant memories can be difficult and cause stress or discomfort. If at any time during the interview you begin to feel uncomfortable, you may discontinue participation either temporarily or permanently. You are also not expected to answer questions that make you feel uncomfortable and can request to skip a question at any time. Do you have any questions about this?

I also hope that participating in the study could be a positive experience as it might feel rewarding to share your thoughts and opinions on the program. This is a potential benefit but cannot be guaranteed. I am also offering a $30 cash gift to participants to thank them for taking their time to share their experiences with me.

Do you have any questions about the study? At this point I would like to ask you if you are interested in participating in the study and I remind you that participation is voluntary.

If no: That's perfectly fine, thank you for your taking your time to speak with me today!

If yes: I'm glad to hear you're interested in participating. When we meet in person we will go over everything I have discussed in greater detail and if you understand and still agree I will ask you to sign a consent form. If you are under 16 years old, one of your parents or guardians will need to sign the form

RYERSON UNIVERSITY

Consent Agreement

"Impacts of Restorative Justice on Youth in Conflict with the Law"

You are being asked to participate in a research study. Before you give your consent (which means to agree to participate) to be a volunteer, it is important that you read the following information and ask as many questions as needed to be sure you understand what you will be asked to do.

Investigators: This research is being conducted by Jessica Cassell, B.S.W. Jessica is a Master of Social Work Student at the School of Social Work at Ryerson University. This research is being supervised by Dr. Lisa Barnoff, who is the Director and an associate professor at the School of Social Work at Ryerson University.

Purpose of the Study: The purpose of this research is to learn about the experiences of youth who have completed the Restorative Youth Circles program, and how they have been impacted by participating in the program. These experiences can highlight the strengths and limits of the program and provide suggestions for ways it and other similar programs can improve in the future. 3-5 youth will be recruited for the study. To be eligible to participate, you must be between 13-20 years old and have completed the RYC program.

Description of the Study:
You are being asked to participate in one private interview that will last between 1 hour and one and a half hours, based on how much you are able or want to share
  ⚔ The interview will take place in a private study room at the Ryerson Library. The researcher is also willing to travel to a location that is more convenient for you, as long as it is quiet and private (except your own home).
  ⚔ During the interview you will be asked open-ended questions (questions that do not have "yes" or "no" answers and require more detailed explanations) about how you experienced the Restorative Youth Circles program, including your thoughts, feelings, and attitudes towards the process and how it has impacted you.

Risks or Discomforts: In this study, it is possible that you may end up sharing details about unpleasant memories or experiences, and this can be uncomfortable and even cause stress. If at any time during the interview you begin to feel uncomfortable, you may decide to stop the a time. At the end of the interview you will also be provided with a list of youth counselling and drop-in services in Toronto, in case you feel like you need to talk to somebody about any discomfort or anxiety you might be feeling.

Benefits of the Study: Talking about your experiences and sharing your thoughts and opinions can be relieving and even rewarding. It might feel nice to know that by participating in this study, you are contributing to knowledge about restorative justice and how it impacts youth like yourself. These are just possible benefit and I cannot guarantee that you will receive any benefits from participating.

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Confidentiality: This study is confidential which means that your personal name will not be mentioned or used in this research with the goal that the experiences you share cannot be directly tied to you. Efforts will be made to ensure that details you share that might easily identify you to others will also not be used in the research. Only the principle researcher will have access to notes, audio recordings, and transcriptions of interviews; these will not be shared with anyone else. Notes and audio data will be held for a maximum of one month in a secure home office and then destroyed upon being transcribed (typed into a word document) onto a password protected computer. Please note there are legal limits to confidentiality. If you suggest to the researcher that you intend on harming yourself or others, or are experiencing harm or abuse, the law requires that they report this to the appropriate authorities. Please be aware of this when deciding what to share with the researcher.

Incentives to Participate: The researcher appreciates that you are willing to give your time to share your experiences to benefit her research. You will be given a $30 honorarium for participating in the study. The honorarium will be provided at the very beginning of the interview to ensure that you do not feel forced to stay longer than you feel comfortable with in order to receive the money. You will not be punished in any way and you will not lose the $30 honorarium if you decide to leave the interview early because you are uncomfortable, or for any other reason. If you need to take transit to the interview location, two TTC tokens will be provided as well.

Costs and/or Compensation for Participation: There are no costs associated with participation in this study as transport costs are covered.

Voluntary Nature of Participation: Participation in this study is voluntary, which means it is completely up to you if you participate or not. There are no consequences for choosing not to participate. Your choice of whether or not to participate in the study will not impact your future relationship with Peacebuilders International or Ryerson University. If you decide to participate, you are free to withdraw your consent and to stop participating at any time without penalty or loss of the $30 honorarium. At any particular point in the study, you may refuse to answer any particular question or stop participation altogether.

Questions about the Study: If you have any questions about the research study now, please ask. If you have questions later about the research, you may contact: Jessica Cassell at 647-378-1385. Jessica's research supervisor, Dr. Lisa Barnoff can be reached at 416 979 5000 ext. 6243 or lbarnoff@ryerson.ca.

If you have questions regarding your rights as a human subject and participant in this study, you may contact Toni Fletcher, the Research Ethics Board Coordinator, for more information at toni.fletcher@ryerson.ca.

Agreement:

Your signature below means that you have read the information in this agreement and have had a

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chance to ask any questions you have about the study. Your signature also means that you agree to be in the study and have been told that you can change your mind and withdraw your consent to participate at any time. You have been given a copy of this agreement.

You have been told that by signing this consent agreement you are not giving up any of your legal rights.

_____
Name of Participant (please print)

_____   _____
Signature of Participant or Parent/Guardian   Date
(Parent**/Guardian signature required for participants aged 13-15**)

_____   _____
Signature of Investigator   Date

Consent to being audio-taped:

Your signature below means that you are aware that the interview will be audio-recorded and that you give consent to being audio-recorded. Only the principle investigator will have access to this audio recording and it will be destroyed once the interview is transcribed (typed up). Agreeing to be audio-recorded is a requirement of participation in this study.

_____   _____
Signature of Participant or Parent/Guardian   Date
(Parent**/Guardian signature required for participants aged 13-15**)

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