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Empowerment Through Voice: A Case Study in the Leadership of Restorative Justice

By

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Dissertation

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## ABSTRACT

This qualitative case study identified shared leadership as a necessary component in the sustenance of restorative justice, a reform justice model used at Ada County Juvenile Court Services located in Boise, Idaho. Within each of its divisions, ACJCS utilizes this shared leadership model. At this court, leadership capacity was built through encouraging team members to take initiative and show innovation. Community capacity was built by the creation of networks with other private and county agencies, providing both leadership opportunities and community service hours for offending youth. Shared leadership sustains this reform justice model by allowing leaders to become followers and followers to become leaders. At ACJCS, restorative justice and shared leadership team to create empowerment within the members of the court, within the victim, and within the offender, creating leadership capacity.

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I also thank my children who both encouraged and challenged me to travel this long and dusty road. For it is through the eyes of Ryan, Jayme, Tyler, Jenna, and Trenton, that I have seen a great disparity in the meting out of justice; they have helped me see life through the lens of a new paradigm. It is with their encouragement that I have become renewed in and will continue seeking to further understand and love justice and mercy.

This dissertation is dedicated to my mother, Darlene Marie Luidahl-Reimer who taught her children the importance of compassion, mercy, and justice. Even though it was an injustice that ended her young life prematurely, she selflessly modeled compassion and taught us to care for our neighbor.

## TABLE OF CONTENTS

ABSTRACT .....	ii
ACKNOWLEDGMENTS .....	iii
LIST OF FIGURES .....	viii
LIST OF TABLES .....	ix
CHAPTER ONE: INTRODUCTION TO THE STUDY.....	1
Statement of the Problem .....	3
Purpose of the Study.....	7
Central Question .....	7
Definitions of Terms .....	8
Delimitations .....	9
Limitations .....	10
Significance of the Study .....	10
Chapter Summary .....	11
CHAPTER TWO: REVIEW OF THE LITERATURE.....	13
Restorative Justice .....	13
Introduction to Community Restorative Justice .....	16
Community Justice .....	18
The Case .....	19
Ada County Juvenile Court Services Processing .....	20
Victim Services .....	23
Japanese Justice.....	25
Restorative Justice Conferencing Models.....	26
Victim-Offender Conference .....	26
Reparative Boards.....	27
Family Group Conference.....	27
Circle Sentencing or Peacemaking Circles.....	28
Use of Conferencing Models.....	31
Empowerment of Victims .....	32
Characterizations of Offenders .....	33
The Healing Process .....	35
Reintegrative Shaming.....	37
Juvenile Recidivism.....	38
Community Justice Models in Oregon .....	41
Education .....	44
Zero Tolerance Policies.....	49
Youth with Disabilities .....	51
Wraparound Services.....	51

Counseling . . . . .	52
Volunteerism . . . . .	52
Volunteers . . . . .	56
Background of Volunteers . . . . .	56
Feminism, Equality, and Restorative Justice . . . . .	60
Leadership . . . . .	63
Traditional Leadership . . . . .	64
Transactional Leadership . . . . .	65
Transformational Leadership . . . . .	66
Shared Leadership . . . . .	67
Substitutes for Leadership . . . . .	69
Leadership Stages . . . . .	70
Power, Authority, and Leadership . . . . .	70
Forces of Power . . . . .	73
Leadership and Followership . . . . .	73
Empowerment . . . . .	74
Moral Dimensions of Leadership . . . . .	75
Shared Covenant . . . . .	77
Loosely-Coupled Organizations . . . . .	78
Organizational Change . . . . .	79
Community of Mind . . . . .	80
Leadership Capacity . . . . .	81
Summary . . . . .	81
Conclusion . . . . .	82
CHAPTER THREE: METHODOLOGY . . . . .	85
Introduction . . . . .	85
Research Design . . . . .	85
Data Collection . . . . .	85
Site Characteristics . . . . .	87
Ada County Juvenile Court Services . . . . .	87
Victim Services Division . . . . .	88
Education Services . . . . .	89
Clinical Division . . . . .	90
Participants . . . . .	91
Central Question . . . . .	91
Subquestions . . . . .	92
Accuracy, Trustworthiness, and Verification . . . . .	94
Role of the Researcher . . . . .	95
Data Analysis . . . . .	95
Chapter Summary . . . . .	96
CHAPTER FOUR: DATA ANALYSIS . . . . .	98
Introduction . . . . .	98

Opening Vignette . . . . .	98
Survey Data Analysis Procedure. . . . .	100
Analysis: Ada County Juvenile Court Services Demographic Questionnaire. . .	102
Participant Identification. . . . .	103
Individual Interviews . . . . .	103
Data Management. . . . .	104
Steps in the Qualitative Tradition’s Analysis Procedure . . . . .	104
Rationale for Data Analysis . . . . .	105
Analysis Procedure . . . . .	107
Reading, Memoing, Coding, and Direct Interpretation . . . . .	107
Aggregated Instances. . . . .	109
Leadership and Management. . . . .	111
Critical Stakeholders in the Process. . . . .	112
Community Partnerships . . . . .	115
Training and Education . . . . .	117
Healing and Vindication . . . . .	118
Hearing the Stories. . . . .	121
Offender Accountability . . . . .	121
Program Evaluation and Recidivism. . . . .	124
Competing Interests. . . . .	127
Naturalistic Generalizations . . . . .	128
Leadership . . . . .	132
Management and Standard Operating Procedures . . . . .	132
Creative Personnel, Commitment, Autonomy, and Teamwork . . . . .	133
Leadership and Management . . . . .	134
Shared Goals and Values . . . . .	135
Mission, Vision, and Strategic Plan . . . . .	136
Community Partnerships . . . . .	137
Community Capacity . . . . .	137
Interns and Victim Volunteers . . . . .	138
Healing and Vindication . . . . .	140
Passion, Commitment, Making a Difference (Empowerment). . . . .	140
Introduction to the Closing Vignette . . . . .	144
Closing Vignette . . . . .	145
Chapter Summary . . . . .	147

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS . . . . . 148

Introduction . . . . .	148
Sub-Questions . . . . .	149
Sub-Question One . . . . .	149
Sub-Question Two . . . . .	153
Sub-Question Three . . . . .	156
Sub-Question Four . . . . .	159

Central Question . . . . .	161
Contribution to the Field . . . . .	163
Recommendations . . . . .	166
Recommendations for Future Studies . . . . .	167
Implications for Leaders . . . . .	168
Implication for Practitioners . . . . .	170
In Conclusion . . . . .	172
Empowerment Through Voice . . . . .	174
Epilogue: The Role of the Researcher Revisited. . . . .	175
References. . . . .	176
Appendix A: Ada County Juvenile Court Services – Parent Interview . . . . .	189
Appendix B: Ada County Juvenile Court Services – Youth Interview . . . . .	190
Appendix C: Ada County Juvenile Court Services - Victim Interview . . . . .	191
Appendix D: Ada County Juvenile Court Services - Director Survey. . . . .	192
Appendix E: Director, Victim Advocate, Mediator, Restitution Specialist Survey . . .	193
Appendix F: Ada County Restorative Justice Demographic Survey. . . . .	195
Appendix G: Interview Protocol . . . . .	196
Appendix H: University of Montana Internal Review Board Court Leadership Informed Consent. . . . .	197
Appendix I: University of Montana Internal Review Board Victim Informed Consent. . . . .	200
Appendix J: University of Montana Internal Review Board Minor Assent Form . . . . .	203
Appendix K: University of Montana Internal Review Board Parent Informed Consent . . . . .	206
Appendix L: University of Montana Internal Review Board Parental Permission Form . . . . .	210



## LIST OF FIGURES

Figure 1: Police Report Procedure. . . . .	23
Figure 2: Ada County Juvenile Court Services Organizational Chart . . . . .	24
Figure 3: Critical Stakeholders in Restorative Justice . . . . .	114
Figure 4: Balanced and Restorative Justice . . . . .	117
Figure 5: Synthesis and Emergence of Themes. . . . .	143

LIST OF TABLES

Table 1: Restorative Conferencing Models . . . . . 30

Table 2: Ada County Juvenile Court Services Demographic Survey. . . . . 101

Table 3: Ten Aggregated Instances and Their Associated Tallies . . . . . 111

Table 4: Best Data–Leadership, Vindication and Healing, & Community Partnerships.129

Table 5: Naturalistic Generalizations from the “Best Data” Aggregated Instances . . . 131

## CHAPTER ONE

### Introduction to the Study

Schools have been asked to take more and more responsibility for the education of our children. They are expected to be educators, coaches, mental health counselors, surrogate parents, and prevention specialists (Bar & Parrett, 2001). Given this social mandate, educational communities must begin to “re-story” [re-think our positions and hear voices within] our practices. In order to build a sense of belonging, students’ voices (Riley & Docking, 2004; Senna, Rathus, & Siegel, 1974) and stories must be heard (Bazemore, 2007; Hutchinson, 1999). Instead of school and community disenfranchisement, a sense of survival, freedom, power, belonging, and fun must be commonplace for students in our elementary and secondary schools (Glasser, 1985, 1998).

The 2001 Title I Elementary and Secondary Education Act (ESEA) mandated schools to “leave no child behind” in efforts to provide the American society with competent, capable graduates. As a result, testing students has taken priority over other school offerings, and basic curriculum offerings have been altered to include test taking skills and “teaching to the test” (Riley & Docking, 2004). These authors continue, stating that this “testing mandate” has left little time for teachers to listen to stories and build relationships.

Riley and Docking (2004) also noted that some teachers disenfranchise students by resorting to humiliating students who present behavior difficulties, exacerbating rather than reducing problems of disrespect and disaffection. In addition, since the 1980s, many schools have gone to punitive “zero tolerance” policies where students are suspended and

expelled in an effort to create minimum and maximum sentences, using a Uniform Disciplinary Code, the equivalent of determinate sentencing codes in criminal justice (Bazemore, 2007).

Taken together, ESEA testing mandates and zero-tolerance discipline policies have created disenfranchisement within the student population (Riley & Dockering, 2004). This banishment from public schools has engineered the “school to jail pipeline” (Advancement Project and the Civil Rights Project, 2000; Stinchcomb, Bazemore, & Riestenberg, 2006). Barr and Parrett (2001) observed that low levels of literacy are powerful predictors of welfare dependency and incarceration in addition to the high costs associated with these interventions. No-tolerance policies transform schools into law enforcement models focused on punishment and the exclusion of students from the educational setting (Hamilton, 2008). Schools need alternatives to suspension and expulsion. Mobilizing the educational community to limit further disenfranchisement for our students is necessary (Barr & Parrett; Riley & Dockering, 2004).

Personal and civic identity is largely determined by the relative strength of our ties to various social institutions (Bazemore, 2007; Siegel, 2007). Communities are often overlooked as sources of help when dealing with antisocial or criminal juvenile behavior (Bazemore, 2004; Siegel, 2007). However, Freidman (1998) stated that grass roots empowered, civic minded individuals being the “eyes and ears” of communities, are a causal factor in the decline of property and violent crimes.

Mears and Travis (2004) observed that criminal behavior is most effectively addressed using problem-solving capacities and resources found within the communities from which the behavior emerges. The community must take a role in the reentry process

within both the school and community setting (Bazemore, 2007; Mears & Travis). Instead of the sanction and surveillance or treatment and service model, using professionals as sole providers of intervention, the community–focused intervention builds first on a naturally occurring process by which the informal controls exercised through social relationship are directed toward reform and desistance (Bazemore & Stinchcomb, 2003). Researchers at the Florida Atlantic University, Bazemore and Stinchcomb, also stated that offenders, active in the reconstruction of their image within the community, increase the likelihood of reacceptance and reintegration.

Some schools and communities have come to recognize the damage caused by suspension, expulsion and/or incarceration. Over the course of the past century, numerous schools and communities have begun to explore the use of restorative justice, an alternative to these punitive forms of discipline and punishment. These communities have created leadership networks of civil and community institutions, such as parks and recreation, faith-based groups, volunteers and families, mental health providers, and juvenile justice workers who work side by side with schools to form partnerships. These partnerships foster prevention and intervention services for youth at risk. The shared leadership developed through these partnerships has created a system that builds community strength, stronger schools and families, and has given the voice of democracy back to the grass roots institutions and the constituents they serve (Bazemore, 2007; McCold, 2004; Pranis, 2007; Van Ness & Strong, 2006).

#### Statement of the Problem

Confusion about legal principles impedes collaborative efforts by schools, police, and juvenile justice systems to deter youth from violence (Blechman, Hile, & Fishman,

2001). In many cases, the agencies that should be communicating in support of students are not collaborating (Dickey & McGarry, 2006). Typically, the schools conduct separate investigations from law enforcement, while mental health agencies conceal information in their case files from both law enforcement and educational institutions (Stenhjem, 2005).

A problem arises when at-risk students become disenfranchised with school due to so-called zero tolerance policies designed to force students out of school. Instead of abiding by a moral mandate to build relationships with students (Hutchinson, 1999), often school leaders resort to behavior policies with predetermined consequences as if all infractions are devoid of context. Although predetermined consequences may be necessary at times, these leaders may overreact, and by using suspension, expulsion, and/or incarceration disenfranchise students from our social institutions (Bazemore, 2007). Karp, Bazemore and Chesire (2004) stated that during the 1980s and 1990s these get tough approaches to crime resulted in a push to move juveniles into adult courts with poor results. Students, overburdened by risk factors, do not have the support and know how to recover from the suspension, expulsion, and/or incarceration, cannot afford tutoring, and too many times these students give up on themselves (Casella, 2003).

A component of these policies involves the suspension or expulsion of students. According to Casella (2003), removing students from school through suspension or expulsion causes bigger problems to ensue. Returning students, who have fulfilled their time and are now faced with an increase in homework, are faced with devaluation by their peers, missed educational opportunities, and the likelihood of becoming disenfranchised with the system (Casella). School leaders must remember that time in the

classroom working diligently on educational content is what creates academic achievement for students. When students are not in school, formal education cannot continue. Research shows that low levels of literacy are great predictors of criminal behavior (Glasser, 1985, 1998; Bar & Parrot, 2001), and Mears and Travis noted that our prisons are full of offenders with less than a high school education, which is perhaps due to these more stringent policies (2004). The use of zero tolerance policies, a form of national crime policy formulated by Congress in 1994 mandating the expulsion of students for a minimum of one year for bringing a gun to school, has had a devastating effect on educational outcomes as denoted by Casella (2003):

Zero tolerance, then supports stiff judicial discipline and the people on the receiving end are usually poorly educated, in poor health, and have had few opportunities to pull themselves out from deteriorating communities, broken-down schools, and shattered families . . . Zero tolerance policy institutionalizes criminal justice approaches to school discipline. (p. 884)

According to the Advancement Project and Civil Rights Project (2006), zero tolerance policies have become a philosophy permeating our school with a strict disciplinary model that embraces suspension and expulsion over education. This policy, which was originally legislated to deal only with firearms at school, has now been extended by some school leaders to include such things as disruptive behavior and non-compliance; it has included weapons such as peanuts, sparklers, nail clippers, along with drugs, and violence (Advancement and Civil Rights Project, 2006). The Advancement and Civil Rights Project (2006) stated that not only are children being treated like criminals in school but many are being shunted into the criminal justice system as schools have begun to rely

heavily upon law enforcement officials to punish students. In 1998, the United States spent \$1.7 to \$2.3 million in lifetime costs for each youth who became a chronic adult offender (Cohen, 1998). It is fair to assume that this cost has risen significantly since that time.

Some students who are already at risk for school failure are unable to bounce back from the punishment in a normal manner and are punished more severely than those who can bounce back from a suspension or expulsion (Casella, 2003). Casella noted that school leaders who use suspension or expulsion may adversely affect those who are already negatively affected by poverty, racism, academic failure, and other realities that are compounded by a lack of social capital. Casella reminds us that schools are often working with deeply troubled students. Young men and women, now in prison, were once students who arrived at school with problems nobody would want; they often had no support from school or from home.

Rose and Clear (1998) delineated the democratic dilemma faced by our communities today:

Parents expect police or schools to control their children; neighbors expect police to prevent late night noise from people on their street; and citizens expect the courts to revolve disputes. . . . Informal control systems may atrophy like dormant muscles, and citizens may come to see the formal system as existing to mediate all conflicts. (p. 39)

Restorative justice, a reform model seeks to provide community safety, accountability, and create a network of community institutions that support members that may be at-risk for juvenile or criminal behaviors. Without a commitment to public safety, community



building, victim healing, and offender accountability and reintegration, communities may continue to lose their sense of democratic leadership and ability to make meaningful change within society. Meanwhile youth, our greatest asset, may continue to be disenfranchised with the social institutions built to serve them (Casella, 2003; Bazemore, 2007; Freidman, 1998).

### Purpose of the Study

Restorative justice (restorative justice), a reform model, seeks to restore community connections and build relationships that create resiliency in students (Levrant, Cullen, Fulton, & Wozniak, 1999). This model, being used around the world in schools and communities, is used in Ada County, Idaho, which is near whose County Seat is the city of Boise. The purpose of this qualitative case study was to discover how restorative justice in one community defines, sustains, maintains, and builds leadership within the complex process involved in deterring anti-social behavior and juvenile crime that are at the heart of the restorative justice philosophy. The central question of this case study assisted in discovering the role that leadership plays in the underlying themes and contexts that are expressed in the restorative justice experience. At this stage in the research, leadership, as it pertains to restorative justice, was viewed through the lens of the school, the community, the justice system, and the volunteers within this site.

### Central Question

To discover how leadership is maintained and sustained within one community's restorative justice system, the central question, used to guide the study was: What role does leadership play in the themes and contexts that are expressed in the restorative justice experience? Sub-questions also helped guide this study. The central question was

supported by the following four sub questions. The first sub-question was how is leadership defined within the restorative justice experience? The second sub-question was what motivates members to participate in the restorative justice experience? The third sub-question was what guides the actions of participants in the restorative justice experience? The fourth sub-question was what is the relationship between the Ada County Juvenile Court and other community institutions?

### Definitions of Terms

For the purposes of this study, the following definitions are used:

*Collective efficacy* is a mutual trust, and willingness to intervene in the supervision of children and the maintenance of public order (Siegel, 2007).

*Community* is defined in different ways within this study. Sometimes it refers to a geographic location-the neighborhood in which the victim or offender lives. For example the location in which the crime took place - a "local community" [as used by community justice]. A second definition is nongeographic, emphasizing the presence of connectedness and relationships: a "community of care" [used by Paul McCold or Van Ness & Strong (researchers from Fuller Theological Seminary) in their restorative justice model]. Sometimes the word is used loosely in everyday conversation as a synonym for civil society as a whole (Van Ness & Strong).

*Juvenile judge* is responsible for moving the case from the juvenile court into the restorative justice process (Ada County restorative justice, 2009).

*Mediator* sets up the conference for a face-to-face encounter between the victim and the offender using direct negotiations leading to a possible reconciliation between the two parties involved (Siegel, 2007).

*Parole officers* carry out the intent of the conference agreement, ensuring public safety through the process (Ada County restorative justice, 2009).

*Recidivism* is the criminal re-offense of an offender (Bazemore, 2007)

*Restorative justice* is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior (Siegel, 2007).

*Social capital* is the set of resources that adheres in family relations and in community social organizations that are useful for the cognitive or social development of individuals (Loury, 1997).

*Victim advocate* is a person who advocates for the victim of a crime by coming to their aid during legal and social proceedings (Van Ness & Strong, 2006).

*Wraparound* is a philosophy of care that includes a definable planning process involving the child and family that results in a set of community services and natural support individualized for that child to obtain a set of positive outcomes (Roberts, 2004).

*Zero Tolerance Policies* are a form of national crime policy formulated by Congress in 1994 mandating the expulsion of students for a minimum of one year for bringing a gun to school (Casella, 2003).

### Delimitations

This qualitative case study was delimited to one community in Idaho. This restorative justice program has been in existence since 1990. This case study was bounded by time that being the fall of 2009. The case study will also be bounded by geographic place. The research for this case study was completed on site during the 2009-2010 school year. This study was also delimited to the Ada County restorative justice

leadership team that is comprised of the juvenile judge, the victim advocate, the probation officer, the conference mediators, and school principals.

#### Limitations

This qualitative case study has limitations in several areas. In this study, the findings could be subject to other interpretations. The information uncovered through the semi-structured interviews will largely be based upon the perceptions of the participant. The findings of this case study will not be generalized to other community settings although the findings may be transferable to similar leadership teams. Another limitation of this study is that the data was filtered through the eyes of the researcher.

#### Significance of the Study

This study is significant for the following eight reasons. First, there is limited research on the leadership roles and styles of leadership within restorative justice. Since the traditional justice models are not working and have limited research focusing on leadership, this study contributes significant knowledge regarding leadership within the restorative justice system. Second, Karp et al. (2004) stated that future research should, perhaps through qualitative study, closely observe and measure the knowledge and skills of the volunteers within restorative justice. Third, Pearce and Conger (2003) noted limited research, especially qualitative in nature, within the area of shared leadership. Fourth, is that this study articulated the leadership roles along with the victories and challenges faced by the Ada County Restorative Justice team. The fifth reason is that courts and professionals must play key leadership roles in partnerships with community groups to develop and sustain credible community response to youth crime (Bazemore and Umbreit (2001). Researchers at Florida Atlantic University, Bazemore and Umbreit

further noted that research is lacking in this area. The sixth area of significance is that this study provided a springboard and perhaps the impetus for others interested in developing a restorative justice site in their locale. The study may allow other communities to duplicate this process in their counties and within their social systems. The seventh reason is that this study provided insight into attitudes held by the leadership within the Ada County site that may lead to positive change within that site. The eighth reason is that supporters of zero tolerance policies stated that many forms of violence prevention are needed, with zero tolerance being just one of those (Casella, 2003).

#### Chapter Summary

In many school districts, no tolerance policies for certain student behaviors are quickly moving students away from education and into the criminal justice system. This no tolerance focus has created the "school to jail pipeline" which is costing the United States financially as well as in human capital (Bradshaw & Roseborough, 2005). Since the restorative justice model has matriculated slowly into the United States, it is necessary to bring the import of this juvenile justice reform to the forefront of both the juvenile and educational system. This model, which purposely connects and reconnects offending juveniles to school and community, is a viable form of justice (Bazemore, 2007; Bradshaw & Roseborough, 2005; Van Ness & Strong, 2006; Zehr, 2002).

Restorative justice purports retaining and strengthening juvenile connections to the institutions most capable of prevention and intervention in a student's life, those being the family, the school, and the community.

The central question of this case study assisted in discovering the role leadership plays in the themes and contexts that are expressed in the Ada County Juvenile Court.

This single case study was bound by time and place with the time being the 2009-2010 school year and the place being the Ada County restorative justice site that has been in existence since 1990. Four additional sub-questions were used to understand how these roles impact the restorative justice team in Ada County, what attitudes are held about restorative justice and how government agencies form viable partnerships to curb recidivism, address safety, and create accountability. Because restorative justice has been in practice since the 1990s, it was imperative to discover what forms and styles of leadership are at the helm of this important concept.

## CHAPTER TWO

### Review of the Literature

For the purpose of this review, the existing literature pertaining to restorative justice and leadership was examined. This review of literature contains research and information from authors who are seminal in their area of expertise. These topics will include restorative justice and a brief history of criminal justice in selected areas of the world. It contains information on adolescents and their response to community risk factors and community responses. It also contains information on volunteers, leadership theories, change, and learning organizations. Several books appropriate to the research were also included. The portion of this review pertaining to restorative justice included literature on restorative justice worldwide.

### Restorative Justice

Several holistic justice models have evolved throughout the 1970s, 1980s, and 1990s, each of which touts a redesigning of retributive justice with its primary currency of retributive punishment and zero tolerance (Bazemore, 2007). For hundreds of years, indigenous populations in New Zealand, the United States, and Canada used a tribal form of social norming with a distinct dialogue (Schubert, 2007). This dialogue took place between victim and offender with other family and tribal members present to assist and witness the repair done in mending relationships.

Beginning in the 1990s, this juvenile justice reform gained headway in North American, Australia, New Zealand, and parts of Europe. The aim of restorative justice is the involvement of community members in planning and implementation of a process designed to respond to crime, holding offenders accountable, and repairing the harm

caused to victims and their community (Bazemore & Umbreit, 2001; Schubert, 2007; Wood, 2007).

This holistic framework for criminal justice reform, with overarching approaches to informal conflict resolution and healing (Zehr, 1990) offers clear alternatives to the zero tolerance and casework probation models. This restorative justice model holds to the following three tenets: (a) repairing the harm done to victims, including offenders and communities who have been injured by antisocial behavior and crime; (b) stakeholder involvement in maximizing victim, offender, and community participation in decision-making related to the crime; (c) and the principle for transformation in community and government roles. These principles require the promotion of a government that is responsible for preserving a just order and a community that establishes a just peace (Van Ness & Strong, 2006). Facilitating community involvement, incorporating youth competence building, engaging in service learning and civic engagement are viable treatment approaches, which also empower communities and strengthen democracy (Kraft, Muck, & Bazemore, 2001).

In response to social control practices, families and schools must complement one another (Karp & Breslin, 2001). For example, families may engage in disciplinary practices that focus on the moral dimension of misbehavior, using sanctions where children are grounded, but not abandoned (Karp & Breslin). This form of restorative practice is needed in schools, and in the justice system, where the social ties of youth to conventional people and institutions are enhanced (Karp & Breslin). Bazemore (2007) emphasizes that restorative justice practices are engaged in “relational rehabilitation” (p. 251).



Civic service, unlike the punitive, sanctioned community service, embraces activities that strengthen bonds between ex-offenders and their community (Bazemore & Maloney, 1994; Maloney & Holcomb, 2001). Projects such as building homes for the low income, working in soup kitchens, or serving on committees designed to enlist new voter registrations are designed to meet community needs, build community capacity, and repair the harm caused by crime (Bazemore & Maloney, 1994; Bazemore & Stinchcomb, 2003; Maloney & Holcomb). Etzioni (1968) argues:

in the process of societal activation, not only do more people gain a share in the society, thereby reconstituting its structure, but the members themselves are also transformed . . . The social embodiment of values has an element of objectification, but it also enables each member to lift himself. (p. 15)

The outcomes of restorative justice produce civic participation and prosocial behavior by strengthening social ties and building democratic involvement (Pranis, 2007), improving community capacity to mobilize social support and control networks (Bazemore, Karp & Schiff, 2003), and changing the image [public and personal] of those under this correctional supervision (Bazemore, 2001; Braithwaite & Strang, 2000; Nissen, 2006).

One premise of restorative justice is based upon the theory of "earned redemption," giving back to the community, which allows the reintegration of an offender back into the community (Bazemore & Stinchcomb, 2003, p. 16). Construction of prosocial identities occurs while interacting with others and practicing these new roles (Bazemore & Stinchcomb). "This model [restorative justice] also embraces the potential for changing one's public image by moving from the principle of entitlement to the principle of social exchange" (Levrant, Cullen, Fulton, & Wozniak, 1999, p. 15). As the

offender tells their story, questions are asked, and compassionate witnessing and listening allows face-to-face participation. All dialogue is completed without backlashes, reprimands, or dominant voices monopolizing space, which promotes emotional healing (Rundell, 2007). This process allows reacceptance to the community by using earned redemption as a method of exchange (Bazemore & Stinchcomb, 2003).

A new self-image and prosocial identity, due to demonstrated competency and trustworthiness, lie at the heart of this reintegrative process (Bazemore & Stinchcomb, 2003). The need for the community to accept an offender back into society, by acknowledging that the offender has made appropriate amends, is crucial (Bazemore & Stinchcomb). This norm of reciprocity restores the community trust that has been violated and allows the offender to change his or her own perceptions of self (Cook, Molm, & Yamagishi, 1998).

The willingness of the offender to make amends to the community through visible, voluntary civic service can be a fundamental step in changing one's public image from a liability to an asset, and earning one's way back into the "good graces" of the community (Bazemore & Stinchcomb, 2003, p. 16). Bazemore and Stinchcomb state that "successful reintegration is not just a matter of whether the offender is prepared to return to the community; it is also a matter of whether the community is prepared to meet the returning offender" (p. 22). Restorative conferencing is just one component of this new process called restorative justice.

#### *Introduction to Community Restorative Justice*

Honorable Patricia G. Young, Senior Magistrate Judge and Roch Clapp, probation officer, attended a Department of Justice (DOJ) symposium. Because of this DOJ

symposium, Young and Roch set up four “resource site” steering committees [approximately 12 members each] for community justice in the state of Idaho. Peggy McGarry, project director of Community Justice (CJ) in Rural Communities for the DOJ, in the Idaho Law Review (2006), defined the CJ program in these terms:

Community Justice is fundamentally about rethinking how we achieve genuine public safety. It rests on the notion that most of us “obey the rules” not because we fear “the system” but because our life is basically good and we fear losing the respect and affection of those whom we respect and admire. And so we look to “producing” those same motivations for others who may lack them. Restorative justice, in theory, is justice that emphasizes repairing the harm caused or revealed by criminal behavior. (p. 307)

According to Dickey and McGarry (2006), community justice organizations work, using loosely knit leadership roles, by adding value to the communities in which they serve. These authors stated that these Community Justice organizations do so by working shoulder-to-shoulder with families, schools, and other community organizations with a goal of making safe communities for the young and the old. Dickey and McGarry note:

These passionate community members work strictly within the context of their community and its needs. They may be paid individuals or volunteers, they do however, have creative ideas and untold energy that helps unite others in a common cause. They often come from organizations that are out of step with current situations. They listen to their community even though the organizations

they may come from may be ahead or behind another and still they are able to function to bring restorative justice in diverse, geographical areas. (p. 380)

The one community site in Idaho is on the cutting edge of innovation, bringing a new system of justice to their small communities and inviting change into a strongly embedded system of criminal justice (Dickey & McGarry).

### *Community Justice*

Community justice, a reform model of the 1970s, includes a wide variety of programs organized around the principle of the local community. A neighborhood-based, more accessible and less formal justice system shifts justice intervention to the locality affected by crime. This form of justice seeks to minimize the aggregate effects of crime on the communal life of neighborhoods (McCold, 2004). According to Rose and Clear (1998), community justice is expressly concerned with improving the quality of community life and the capacity of local communities to prevent crime. The goal of community justice is to empower citizens to collaborate with the current justice system. It advocates collaboration among justice agencies and between citizen and public officials using neighborhood watches, community policing, halfway houses, police-probation partnerships, neighborhood prosecution, volunteer crime panels and parole supervision. Community justice seeks to prevent crime through community building—using government partnerships with citizen and community groups to hold offenders accountable (McCold, 2004).

Most community justice programs are oriented toward traditional criminal justice objectives of increased surveillance and detection of offenders (McCold, 2004). In the community justice setting, a panel of citizens is appointed by a judge to handle certain

less serious cases, but it need not actively involve the victim, the offender or their families and friends. According to McCold, this paradigm exacts compliance by means of regulation, sanction or coercion. Community justice seeks to create relationships with neighborhood volunteers who are complete strangers.

In stark contrast to community justice, restorative justice transfers substantial power and decision-making to victims, offenders, and their "communities of care" (McCold, 2004). McCold purports that involving communities of care has the potential to create social bonds for informal control and is based on significant personal relationship with parents, grandparents, spouses, brothers and sisters, aunts and uncles, respected friends, confidants, classmates, teachers, coaches, playmates, and workmates. The desire of these communities of care to participate in the justice process comes from their relationship to people involved not from civic duty as in the case of the community justice system (Levrant, Cullen, Fulton, & Wozniak, 1999; McCold, 2004; Braithwaite & Strang, 2000). Since the 1970s, community justice has been the dominant criminal justice reform movement in the United States (McCold). According to McCold, the number of citizens under community supervision in the United States doubled between 1980 and 1988. While McCold argues that community restorative justice does not incorporate the communities of care, the Ada County Juvenile Court Services has found a way to involve these members in their effort to curb juvenile recidivism. The location and logistics of the ACJCS case study will be discussed in an effort to support McCold's argument.

### The Case

The complexity of this case requires that the reader have a historical understanding of the development of restorative justice in Idaho. The Honorable Fourth

District Court Judge Young began this community restorative justice pilot program in 1996, through the initiative of Roch Clapp, a probation officer and community organizer, working to both support and hold youth accountable. In Boise County, after building a strong relationship with the County Commissioners and Judge Young, the pilot group received a grant for technical support from Peggy McGarity within the Department of Justice.

During this time, 38 Boise County residents were trained in mediation by a Wisconsin based team, enabling the diversion program, which diverted youth from the criminal system and back into the community by using restorative sanctions. This restorative justice pilot group had three years of technical training, which included yearly retreats, regional workshops, and a trip to Reno, Nevada to complete research at another restorative justice pilot program. Because of Judge Young's innovative restorative justice program in Boise County, from 1996-1997, she was able to reduce the juvenile probation and detention costs from \$20,000 a year to just \$5,000 per year. Judge Young ascertained that the vision devised by Probation Officer Roch Clapp permeated the group, including Judge Young and the prosecuting attorney. It was this sense of team that created the change.

#### Ada County Juvenile Court Services Processing

When a juvenile is arrested for a crime, they enter ACJCS. From the police report, a petition document (the criminal charge) is created. If the crime is violent in nature, or the juvenile may hurt themselves or others, they may be placed temporarily in the detention center. The prosecuting attorney reviews the police report and the petition, making a determination whether or not the juvenile will be prosecuted, charges will be

dropped, or the juvenile will be sent to the diversion program. Diversion is a process where the juvenile pleads guilty, is processed through a victim-offender mediation (VOM), and an assigned diversion officer ensures that all terms of the ensuing behavior contract are completed. These terms may include restitution, community service, a letter of apology, and attending classes which build life-long competencies in the juvenile. Diversion is generally used for young, first time offenders.

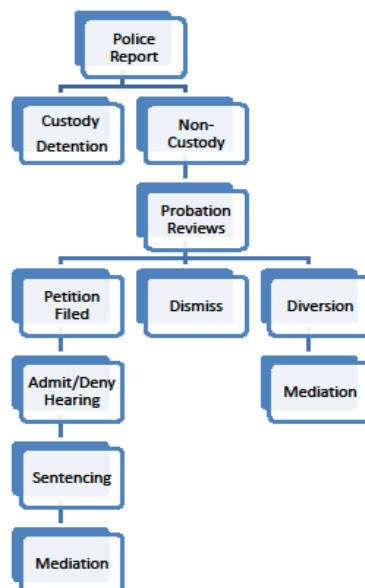
Should the case move on to court, the petition document, which explains the charges, is delivered to the judge, the offender, and his/her guardian. Prior to going to trial, the probation officer, who has been completing an investigation, gathering evidence, and designing an accountability plan for presentation, presents his findings to the judge. If the case goes to trial, there will be a pre-sentencing hearing, where the juvenile and the offender advocate (many times a parent), and the prosecuting attorney argue the case.

In June of 1985, with the passage of the Victim Right's Amendment to the State of Idaho Constitution, the Victim Services Division was added to ACJCS. A restitution specialist was hired soon thereafter. The victim is contacted as soon after the crime as possible by the Victim Services Division. The restitution specialist sends out a Victim Impact Statement, which is completed by the victim, declaring the extent of the crime and the monetary damages incurred. The victim advocate keeps in constant contact with the victim, offering counseling and information on the court process. The mediator also keeps in constant contact with the victim inviting them to participate in the victim offender mediation.

After the crime, the Victim Services Division provides the judge and the prosecuting attorney with the Victim Impact Statement. The following diagram depicts the broad expanse of choices given by ACJCS for juvenile offenders.



Figure 1: Police Report Procedure



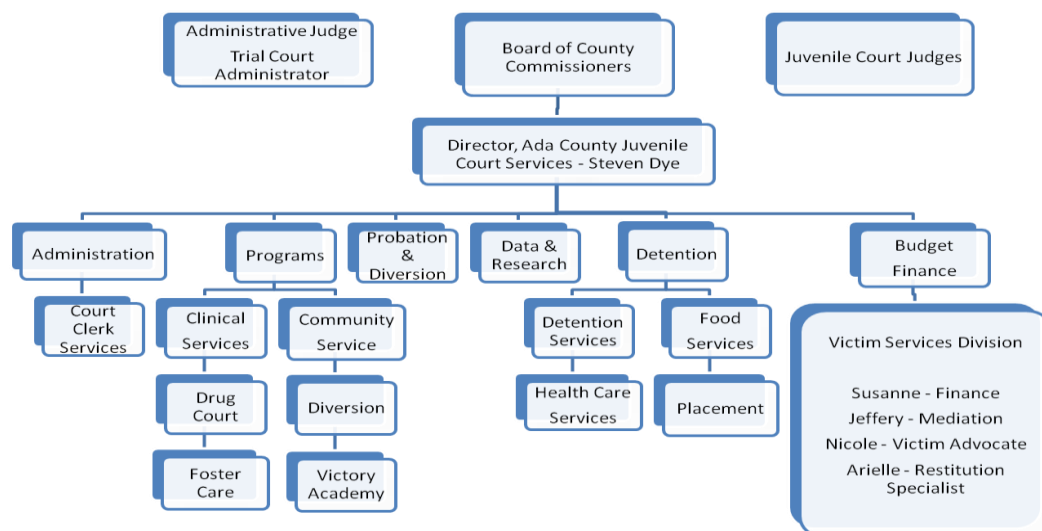
### *Victim Services Division*

Along with the restitution specialist, the victim advocate, was hired to ensure that the victim is informed about restitution and to keep the victim informed throughout the court process. Victims can attend the court hearings. Many of the victims also take part in the victim panel, a process where offenders hear about the effect of crime from a panel of victims, who are unassociated with the offenders. The restitution specialist sends a victim impact statement to the victim asking for a dollar amount in restitution. ACJCS has a goal of mediating 10% of juvenile cases; this goal had been met as of January, 2010.

The Victim Services Division of ACJCS operates under Idaho Constitutional Provision, Art.1, sec. 22 and Idaho Code Statutory Provision 19-5306. Both the Constitutional and Statutory Provision give the following rights to crime victims: (a) to be treated with fairness, respect, dignity and privacy, (b) to timely disposition of the case,

(c) to prior notification of trial court, (d) to information about the sentence, incarceration and release of the defendant, (e) to be present at all criminal justice proceedings, (f) to communicate with the prosecution, (g) to be heard at all criminal justice proceedings, (h) to restitution, (i) to refuse an interview, and (j) to read pre-sentence reports where the offense is a felony. Next, the following figure depicts the organizational structure of Ada County Juvenile Court Services. In ACJCS the police report is given to the prosecuting attorney who can chose to turn the case over to the judge or send it to mediation. In either case, the report is given to the Victim Services Division to ensure the victim has completed a crime impact statement and that the mediator can schedule a victim-offender mediation. The court administrators ensure that all other services, such as counseling, mentoring, probation, community service, and competency building classes are completed. While the Court is under the leadership of Steven Dye, the judges remain independent. However, the Court and the judges are under the auspices of the Ada County Commissioners. The following figure (Figure 2) depicts the organization of ACJCS.

Figure 2: Ada County Juvenile Court Services Organizational Chart



The State of Idaho reports that while the average cost of community probation is \$2,275 per juvenile per year, the average cost of a juvenile detention placement is \$67,525 per youth per year. Idaho also reports that the average cost of an adult prison placement is \$19,870 per year. In 1998, the State of Idaho reported that after a 12-month release, 12.1% of juveniles reoffended, receiving a prison placement. By 2005, this re-offence rate had fallen to 3.2% (<http://www.idjc.idaho.gov/>). Again, Barr and Parrett (2001) observe that low levels of literacy are powerful predictors of welfare dependency and incarceration. There is a direct relation between keeping students in community schools and the high costs associated with incarceration.

The ACJCS restorative justice program is in stark contrast to the traditional retributive model of justice used within the United States. It is also in stark contrast to justice systems around the world (Bazemore & Umbreit, 2001). Community justice has faced growing criticism as a movement for not involving “community,” thereby masquerading as a reform (McCold). Zehr (1990) invites the reader to contrast the American justice system with that of Japan, which touts astronomical conviction rates.

#### *Japanese Justice*

Conviction rates in Japan stand at about 99.5 percent! With a pattern of confession, repentance, and absolution, the Japanese system focuses on extraordinary leniency. In this system, from police interrogation through the final judicial hearing on sentencing, the vast majority of those accused of criminal offenses confess, display repentance, negotiate for their victim's pardon and submit to the mercy of the authorities (Zehr, 1990). Factors that influence these considerations are the seriousness of the offense and the nature of the offender, the willingness of the offender to acknowledge

guilt, to express remorse, and make compensation to the victim, and the victims' willingness to receive compensation and to pardon. Conviction rates are high in Japan, because the offenders are largely willing to confess and take responsibility. This response is culturally defined but due in part to the understanding that the outcomes are likely to focus on compensation and correction more than punishment. While the Western society discourages confession, the Japanese system appears to make it normative. The Japanese have institutionalized the concepts of repentance and forgiveness, while the West reflects demands for retribution and revenge (Zehr).

### *Restorative Justice Conferencing Models*

All conferencing models have beginnings in the Judeo-Christian heritage and in the indigenous' people groups philosophy of community restoration (Bazemore, 2007, Zehr, 1990). For example the verse in the Bible stating, "If your brother has anything against you, take several of your neighbors and go to him" (The Message, Mathew 5: 23-24). From this spiritual perspective, worship is not effective when one brother has a conflict with another brother. Again, in the Wagga Wagga tradition of the Maori tribe in Australia and the Navaho tribe of the Americans, the peace-keeping circle, created a venue for the reconciliation of all relationships. All conference models are focused on repairing the harm, upon the healing of relationships, and are concerned with the person as a *whole* (Bazemore & Umbreit, 2001).

### *Victim-Offender Conference*

The most established intervention of restorative justice conferencing is the Victim-Offender Mediations (VOM). There are more than 1,300 VOM programs in 18 countries (Umbreit & Greenwood, 1999). These conferences have a 20-year track record

in the United States, Canada and Europe with 320 such mediation programs in the U.S. and Canada. Bazemore and Umbreit (2001) explain the victim-offender mediation process as an opportunity for the victim and offender to dialogue in a safe, structured setting while engaged in a mediated discussion about the crime. According to Bazemore and Umbreit (2001), the critically important aspect of any victim-offender mediation program is maintaining sensitivity to the needs of the victim. Participation by both victim and offender must be voluntary and care must be taken not to harm the victim in any way.

#### *Reparative Boards*

Reparative boards have been in existence since the 1920's and have been used in response to youth crime (Bazemore & Umbreit, 2001). The state of Vermont has used this sanctioning board, most specifically with adult offenders convicted of minor or nonviolent crimes. Bazemore and Umbreit report that the boards are comprised of highly trained community members who conduct public, face-to-face meetings with offenders. During this panel process, the board develops agreements with the offenders, monitors adherence to the agreements, and submits compliance reports to the court. Bazemore & Umbreit (2001) remind us that impetus for the reparative board is active community involvement.

#### *Family Group Conference*

Family Group Conferencing has its roots in the Maori of New Zealand culture. This century old construct was adopted into national legislation in New Zealand in 1989 and is used in cities in Minnesota, Montana, Pennsylvania, and Vermont (Bazemore & Umbreit, 2001). The Wagga Wagga model contains accounts of the police department or school officials setting up and facilitating family conference meetings. Offenses resolved

in this manner include theft, arson, minor assaults, drug offenses, vandalism, and in some cases child maltreatment (Bazemore & Umbreit).

Involvement in this conference is by the community of people most affected by the crime—the victim, the offender, and the family, friends, and key supporters of both the victim and the offender (Bazemore & Umbreit, 2001). A trained facilitator brings together the group to discuss both the harm that has been done and how that harm might be repaired. Other persons invited to participate may be teachers, other relatives, peers, special adult friends, and community resource people. According to research, the offender's family is more frequently and actively involved in the justice process when the family group conference is used than when the traditional justice system is involved (Bazemore & Umbreit, 2001).

#### *Circle Sentencing or Peacemaking Circles*

Circle sentencing, a sanctioning and healing practice, evolved from the aboriginal peoples in Canada and the American Indians in the United States (Mikaelsen, 2001). Judges and community justice committees in the Yukon Territory and other Northern Canadian communities resurrected this tradition (Pranis, 1996, 2001, 2007). In 1996, this tradition was brought to the United States in a pilot project initiated in Minnesota where it has been used in cases of adult and juvenile offenders (Bazemore & Umbreit, 2001; Pranis, 2007).

This holistic and reintegrative approach is designed to address criminal and delinquent behavior while also considering the needs of victims, families, and communities (Siegel, 2007). In this “circle,” victims, offenders, family and friends of both, justice and social service personnel, and interested community residents speak from

the heart in a shared search for an understanding of the event, in such a way as to prevent future crimes and assist in the healing process (Bazemore & Umbreit, 2001; Pranis, 2007).

Bazemore and Umbreit (2001) state that the success of a circle sentencing process is a healthy partnership between the formal juvenile justice system and the community. Both groups need training and skill development in the process and in peacemaking, along with consensus building (Pranis, 1996). Circle keepers were more empowered to resolve conflict in a manner that promoted sharing of responsibility, created constructive relationships, enhanced respect and understanding and fostered enduring, innovative solutions (Pranis, 1996; Bazemore & Umbreit). The following table (Bazemore & Umbreit, 2001, p. 25) summarizes the restorative justice conferencing models (see Table 1).

Table 1: Restorative Conferencing Models (Bazemore &amp; Umbreit, 2001, p. 12)

	Victim-Offender Mediation	Reparative Boards	Family Group Conferencing	Circle Sentencing
Origin	Since mid-1970's	Since 1995, (similar Youth panels: since 1920)	New Zealand, 1989: Australia. 1991.	Since approximately 1992
Current Applications	North America and Europe.	Vermont: selected Jurisdictions and Neighborhoods in Other States. Minnesota, Pennsylvania, other states	Australia: New United States (since 1990s), in cities and Towns in Montana, and Massachusetts.	Primarily the Yukon, sporadically in other parts of Canada Minnesota Colorado,
Staffing	Mediator, Other Positions vary.	Reparative Coordinator (probation)	Community Justice coordinator.	Community Justice Coordinator.
Setting	Neutral setting library, church Victim's home	Public building community center police facility	Welfare office school, community public building	Community Center school, church
Process	Victim speaks first Mediator facilitates Not scripted Some variation	Private deliberation after questioning hearing statements decision making	Offender first then victim allows consensus consensus/decision	Keeper opens session asking for input talking piece
Managing dialogue	Mediator manages	Chairperson participants speak when asked	Coordinator manages	Keeper initiates passing talking piece
Participation	Mediator, victim Offender, parents Others	Coordinator, victim offender & supporters diversion staff	Coordinator, key players, victim support persons	Judge, prosecutor victim, offender key community
Victim Role	Expresses feelings Regarding crime and impact, major role in decision	Input into plan	Expresses feelings about crime, gives input into contract	Participant, gives input, chooses support group, participates in healing conference
Preparation	Face-to-face Preparation with Victim and offender May use phone	Preservice training provided to board members. No advanced preparation	Phone contact all parties to encourage participation and process	Extensive work with offender and victim explain process and rules of circle
Follow-up	Mediator/probation	Coordinator monitors	Coordinator Committee	Community Justice
Outcomes	Victim relay impact, Express feelings and needs, satisfy victim, increase awareness of harm, gain empathy, agreement on plan that avoid offending	Engage and involve citizens in decision making process reparative plan for offender, require victim awareness, education, activities accountability	Clarify facts denounce crime affirm and support victim, restore loss encourage offender reintegration collective resources	Increase community strength and capacity resolve disputes develop reparative and rehabilitative plan address victim needs public safety, identify



### *Use of Conferencing Models*

Bazemore and Umbreit (2001) state that all conference models should remain in some degree of flux as each model must be molded to the culture and customs of the community in which they reside. These authors continue by stating that research focusing on 400 youth under age 15, first time offenders in Marion County, Indiana was encouraging. Eighty percent of the youth referred to a conference, had attended and successfully completed the terms of the reparation agreement. Trained observers reported that conferences were being implemented according to restorative justice principles such as inclusion of affected parties, respect, problem solving, victims receiving apologies, and other mutually agreed-to actions included in agreements. Of the youth who successfully completed their diversion program [the community justice alternative to probation or incarceration], those who attended conferences were significantly less likely to be rearrested six months after the initial incident (Bazemore & Umbreit).

Within this system of restorative justice, there are new roles for professionals to play (Bazemore & Umbreit, 2001). Despite emphasis on the community roles, restorative justice should never be viewed as something independent of the formal justice system. Courts and professionals must play key leadership roles in partnerships with community groups to develop and sustain credible community response to youth crime (Bazemore & Umbreit). Current job descriptions for juvenile justice professionals usually do not include functions associated with restorative justice. Another test in the efforts to engage the community in decision making must be whether new professional roles are being developed. These roles and responsibilities may include developing and supporting

community service projects, developing restorative conferencing, coordinating services to crime victims, and performing a variety of community-building and restorative functions.

### Empowerment of Victims

According to Zehr (2002), a common reaction of victims is what psychologists have called "frozen-fear compliance" (p. 120). Zehr argues that when confronted by such a terrifying, overpowering situation, victims of violent crime frequently seem to cooperate with their oppressor. This compliance, while often misinterpreted by courts as willing collaboration, is rooted in terror (Zehr, p. 121). During the initial impact phase, most victims are overwhelmed with feelings of confusion, helplessness, terror, and vulnerability. During the ensuing week, new feelings of anger, guilt, suspicion, depression, meaninglessness, self-doubt, and regret occur (Van Ness & Strong, 2006; Zehr). A "secondary victimization" may occur brought on by the reaction of friends and acquaintances (Zehr, p. 122).

According to Zehr (2002), this secondary victimization does not allow the victim the right to grieve. The harm resulting from victimization can be extensive. There may be direct and indirect financial losses, physical injury, and psychological harms such as fear, trauma, and feelings of guilt (Van Ness & Strong, 2006). Various events continue to bring back painful memories. Crime is a violation of the self, a desecration of who we are, of what we believe, of our private space.

Crime is devastating because it upsets two fundamental assumptions on which we base our lives: our belief that the world is an orderly, meaningful place; and our belief in personal autonomy. Both of these assumptions are essential for wholeness (Zehr, 2002). According to Zehr, crime victims need to be morally vindicated. They demand the public

recognition that they have been wronged and the public acknowledgment by offenders of their responsibility (Zehr).

According to Zehr (2002), the crime victim has been deprived of a sense of personal autonomy and of power over her own life. Zehr also delineated that this loss of personal power, to be involuntarily in the control of others, is intensely degrading and dehumanizing. Crime victims generally need compensation for losses. This restitution can be financial as well as material and may include restitution on a symbolic level (Van Ness & Strong, 2006; Zehr). Zehr expresses the power of forgiveness in the following quote:

Forgiveness is letting go of the power the offense and the offender have over a person. It means no longer letting that offense and offender dominate. Without this experience of forgiveness, without this closure, the wound festers; the violation takes over our consciousness, our lives. It, and the offender, is in control. Real forgiveness, then, is an act of empowerment and healing. It allows one to move from victim to survivor. (p. 47)

#### Characterizations of Offenders

According to Zehr (2002), offenders often lack a certain moral sense, defined as a preoccupation with their own needs and ability to empathize with others. Zehr also asserts that this preoccupation with self is based in a weak self-image, perhaps even a self-hate. If this is true, Zehr argues that a precondition for healing may lie in awareness that they are loved and of value rather than further confirmation of their worthlessness. In order for healing to proceed, offenders require opportunities for confession, repentance and reconciliation. Our present legal system discourages the processes of reconciliation;

in fact it encourages offenders to deny their guilt and to focus on their own situations (Zehr). It actively seeks to keep victim and offender apart, encouraging them to be adversaries (Van Ness & Strong, 2006; Zehr).

Zehr (1990) asserts that many people living in poverty believe that what happens to them is due more to chance than anything they have done. Their success is attributed to chance rather than hard work (Clarke & Cornish, 1985; Payne, 2003; Zehr, 1990). In many ways, crime for these community members can be a way of asserting a sense of control and gaining a sense of personal worth. The criminal justice system robs these individuals of any sense of power they may have garnered (Zehr, 2002). Zehr continues by stating that many of these victims identify themselves as losers. Persons who are used to misfortune and who experience crime daily are likely to view life as being beyond their control, seeing crime as one more misfortune. This victimization simply confirms their plight, hence forming an additional cycle (Chambliss & Seidman, 1971; Van Ness & Strong, 2006; Zehr, 1990).

The cycle of victimization is difficult to break as the basic assumption of human freedom and of personal accountability is important. Still, much evidence suggests that offenders often do not act freely or at least do not perceive themselves as capable of free action or as in charge of their own lives (Payne, 2003; Zehr, 2002). These offenders see themselves as shaped by almost irresistible forces, social-economic or providential (Zehr, 1990). Studies show that many offenders have indeed been victimized or traumatized in significant ways (Bazemore, 2007; Van Ness & Strong; Zehr). The argument may be made that all violence is an effort to achieve justice or to undo injustice. Crime may be a response to--an effort to undo--a sense of victimization (Zehr, 2002). Trauma is a core

experience not only of victims, but also of many offenders. Violence may actually be a reenactment of trauma which was experienced earlier but was not responded to adequately (Bazemore, 2007; Ryals, 2004; Van Ness & Strong, 2006; Zehr, 2002). "Since the criminal justice system aims to treat unequals equally, existing social and political inequities are ignored and maintained. Paradoxically, justice may thus maintain inequities in the name of equity" (Zehr, 1990, p. 79). The criminal justice system administers pain, even though it may have little relevance to what the victim needs or to the problems involved in the offense. Researchers from Fuller Theological Seminary, Van Ness and Strong (2006) argue that, "We administer pain because we have been educated to believe that humiliation and suffering are what justice is about, that evil must be held in check by harshness rather than by love or understanding."

#### The Healing Process

Shenk and Zehr (2001) argue for the use of restorative justice conferencing within the counseling setting, which is used to promote healing. The following paragraph paraphrases the findings of Shenk and Zehr noting that offenses are often a response to victimization. Much of crime, at least violence, is an effort to undo injustice. Shenk and Zehr state that the offender is obliged to the victim and the victim's relatives. Messages are delivered by participants in restorative justice conferences including the subjective and unique perspective of the crime event viewed by each participant. These conference participants become coauthors of the story bringing meaning to the crime, which is understood and constructed through these different perspectives, the meaning of the crime as derived from the relationship, and the coauthors participation and interaction. Researchers at Fuller Theological Seminary, Van Ness and Strong (2006), note that it is

the duty of these parties involved in the conference [the community of care] to reach a consensus for restitution, thereby allowing transformation and empowerment of the victim, the offender, and the community. Shenk and Zehr are quick to point out that the measures of success for restorative justice must be derived from the journey of healing, the degree to which the offender, victim, and stakeholders were respected, held active roles, been empowered, and restored relationship with each other.

Citing results from their 2001 Robert Wood Johnson Foundation study of juvenile substance abuse, Kraft, Vicary, and Henry (2001) report that restorative justice promotes the healing necessary for sustained recovery for substance abusers, affords time for offenders to create families of care, meets the challenges of community reentry, aftercare, and environmental pressures that may undermine treatment program gains. These authors continue by stating that this restorative justice system creates a family empowerment model, which challenges families to look at themselves and ask questions about where their obligations lie in response to the crime, and to address obligation to their child and identify harms in the family that have influenced their child and must be put right among them.

Walgrave, and Braithwaite, (2004) purport, that having offenders tell their stories, within the restorative justice conferences supported by family and friends, creates a necessary step in the feeling of remorse. The judgments of the offender are validated against the judgment of those people they trust, a process that strengthens the important function of shaming. These authors also state that empathy is an important gateway for offenders and is a necessary emotion for victims if they are to forgive offenders, allowing reconciliation to occur.

### *Reintegrative Shaming*

Reintegrative Shaming (Braithwaite & Strang, 2000), both at the individual and community levels, calls for the denunciation of the offense, but not the offender. The theory calls for community and family norm affirmation and gives voice to the victim in sufficient terms to induce feelings of shame in the offender. This theory calls for the reintegration of both the victim and the offender using expressions of support from family and friends. Within this framework, community members set limits on behavior and provide informal social controls without exclusion. It is not the police convening the conferences who are relied on to do the reintegrative shaming; it is the family members, friends, and football coaches, selected for attendance precisely because of their special bonds of care for the offender (Makkai & Braithwaite, 1994).

Reintegrative Shaming Theory (Braithwaite, 2000), with a strong sense of remorse about the wrongdoing and care and concern from the community, builds this sense of community efficacy (Bazemore, 2001). At the community level, this condemnation of the wrongful act, coupled with support for offender and victims, is expected to increase community efficacy in the response to crime (Bazemore). Hossler, Windzio and Greve (2008) ascertain the importance of shame and guilt within the restorative justice philosophy and ensuing family conference. Reintegrative shaming addresses the behavior rather than the person.

When the community signals its readiness to accept the offenders, provided they have compensated for the damage they have caused, the shame and the guilt are replaced by acceptance. These authors note that shame and guilt are two conditions that control the reduction of deviant behavior. Situational opportunities, social perceptions, needs,

expectations and goals, locus of control and habits are other factors that also contribute to the intention of delinquent behavior. However, it is the guilt and shame that can assist the juvenile in choosing the better path (Hosser et al., 2008).

### *Juvenile Recidivism*

Citing results from their 2005 study on 11,950 juveniles, Bradshaw and Roseborough reiterate that re-offense is a national priority. Bradshaw and Roseborough state that juvenile boys with criminal offenses have great financial and social costs to the youth service systems. This antisocial behavior has significant negative, emotional, physical and financial effects on the victim, their families, and communities (Bradshaw & Roseborough).

Numerous studies, across sites, cultures, and severity of offence, reviewing two decades of research, have shown that the victim-offender mediation (VOM) model has an 80-90 percent participant satisfaction rating (Bradshaw & Roseborough, 2005; Ruddell, 1996). These authors also record that 80-90% of the reparative agreement have been completed using the VOM model. Eighty percent of participants felt that the VOM conference was fair; this statistic is compared to 37% of non-VOM participants in reference to their sentencing (Bradshaw & Roseborough).

According to Bradshaw and Roseborough (2005), the family group conference (FGC) reports similar findings, with levels of victim satisfaction at over 90 percent and victim and offender reporting that the process was fair. The research on peacemaking circles or sentencing circles is generally descriptive in nature. Out of the two known studies, reports show positive impacts of the process; however, none have examined the effect on recidivism (Bradshaw & Roseborough). Many studies argue for broader



definition in restorative justice results. These studies point to the positive effects of restorative justice in terms of meeting victims' needs, holding offenders more directly accountable for their actions and the possibility of enhanced support for both victim and offender within the community, building community capacity (Bradshaw & Roseborough).

Bradshaw and Roseborough (2005) observe that much of the research within restorative justice is limited by the lack of control groups, non-equivalent control groups, and the self-reflection bias of those who choose to participate. These authors also observe a varied theoretical definition of re-offense. The purpose of the Bradshaw and Roseborough study was to create a meta-analytic study synthesizing the results of existing studies on the effectiveness of restorative justice dialogue on juvenile recidivism. These authors also sought to determine the overall intervention effect of restorative justice comparing effects between VOM and FGC on recidivism and to examine moderating variables that might affect rates of re-offense. After conducting a literature review, 19 studies of 11,950 juveniles from 25 different service sites were identified. These research sites focus on (a) juvenile offenders, (b) examined restorative justice interventions outcomes on recidivism, and (c) utilized a comparison group.

In the Bradshaw and Roseborough study (2005), re-offense was used as the outcome measure for the meta-analysis. The definition of re-offense in the reviewed studies was based on a continuum of a guilty adjudication during a one year period after the original offense to one that defined re-offense as any other contact with the criminal justice system. The duration of follow-up ranged from nine months (M) to 48 months with the mean being 17.08 with standard deviation (D) = 9.01. Re-offense for the purpose

of the meta-analysis was defined as any other contact with the criminal justice system. Moderating variables were identified as (a) quality of research design, (b) type of comparison group, (c) type of offense, (d) definition of re-offense, (e) source of the study, (f) sample, and (g) length of follow-up. The effect size was computed, understanding that effect size reflects the distance the average restorative justice client was from the average contrast client expressed in standard deviation (SD) units where an effect size of 1.00 indicates one SD higher than the contrast group and an effect size of zero represents no advantage for either treatment. A negative effects size indicates that the restorative justice model is less effective than the contrast treatment (Bradshaw & Roseborough, 2005).

The average effect size for all studies was  $M = .26$ ,  $SD = .39$ . VOM and FGC in combination produced a 26 percent reduction in recidivism. When VOM and FGC were statistically analyzed individually for effect size, VOM showed ( $M = .34$ ,  $SD = .46$ ) while FGC showed ( $M = .11$ ,  $SD = .46$ ). After testing for effect size, the authors tested the homogeneity of effect sizes combined across the studies. The Q statistic asserts whether the effects in the meta-analysis vary due to sampling error or due to systematic differences among the studies and the sampling error. If the effects of the group are homogenous, it suggests that they are similar to the population and analysis of the group means and correlation is allowable. In this study, the statistic was 18.45,  $p > .05$  ns, reflecting homogeneity of reviewed studies. Analysis of group means was done by conducting a t-test. According to the data, there was a significant difference in effect sizes based on type of control group. According to Bradshaw and Roseborough (2005), the results of meta-analyses may be positively biased in the estimation of treatment effects because journals rarely publish papers that report on non-significant or negative

results. This fact enhances the possibility of a Type I error in finding more positive results than would be the case if all existing studies were included in the review (Bradshaw & Roseborough).

The average effects size of .26 found in the Bradshaw and Roseborough study represents an intervention effect that is double that of the previously-reported effect size of .10 found in traditional justice programs (Bradshaw & Roseborough, 2005). The use of restorative justice in reducing recidivism is empirically supported as an intervention for juvenile offenders. The significant difference in effects sizes between VOM (.34) and FGC (.11) have important implications for the future development of restorative justice practices as the FGC is considered as promising while VOM is considered best practices. The likelihood of re-offense is greater for the youth with prior history (Bradshaw & Roseborough). These authors also note the importance of the restorative justice model also being justified if it meets other needs of victims, offenders, and the community.

#### Community Justice Models in Oregon

For the people of Deschutes County, Oregon, community justice represents a social contract between people and their governments to keep the public safe (Maloney and Holcomb, 2001). These authors state that this contract produces community capacity, reduces the risk of committing or being victimized by crime, and repairs the harm done to the community. This community reparation is bestowed upon the victim, the offender and entire community. Maloney and Holcomb further state the following:

Everyone is responsible for and affected by community safety. Crime is a local problem. Citizens must participate in creating conditions that promote safety and well-being. Citizens must also be involved in response strategies when crime does

take place and the peace of the community is shaken. They must support restorative measures that promote offenders' reconnection with the community.

(p. 297)

While the criminal justice and corrections system is designed to use formal social control, the community justice system, while using formal control to some extent, relies heavily on institutional and informal social control. The primary focus of justice is to facilitate and support the community's capacity for self-regulation and to facilitate growth of social control that naturally occurs in a community (Clear & Karp, 2000, Rubin, 1994; Walker, 2002). Rose and Clear (1998) observe that the focus of community justice is to involve as many citizens as possible with the results being a strong sense of community. Knowingly, community members are far less likely to violate the trust of others due to this cohesive bond of shared community. According to Maloney and Holcomb (2001), even under the community justice system, incarceration may be necessary when repeat offenders demonstrate disdain for fulfilling contractual duties or are violent offenders.

In Deschutes County, Oregon, innovative legislation and policy resolutions created the following community justice programs: (a) community outreach that roves the county creating and supporting community building efforts for youth development; (b) community restoration that works with victims and young offenders on informal and formal accountability agreements, runs competency-building groups for offenders, and operative victim-offender mediation groups; and (c) community accountability that works with victims and offender in formal adjudicated cases (Maloney & Holcomb, 2001). Maloney and Holcomb assert that shared vision and values were a necessary piece in the design of the Deschutes restorative justice model. Focus groups, phone calls, and mail-in

surveys about hopes, fears, needs, and ideas became the building stones for participants actively engaged in the design process.

According to Maloney and Holcomb (2001), leadership came in various forms through formal and informal roles. Community leaders lobbied the state legislature to create legal methods for involving citizenry and to appropriate funding for community safety and services for children and families. Community members, business people, and elected officials lobbied for the legal foundation necessary for community justice to function. Finally county staff members initiated change in the style of leadership allowing community to take equal share and provide needed input into the restorative justice process.

Deschutes County incorporated an aggressive evaluation system whereby county staff members were assessed on their ability to keep the public informed and on their ability to ask for and receive input from the public. The evaluation considers training policies, youth and community development outcomes, and holds the program to constant improvement as a “learning organization” (Maloney & Holcomb, 2001).

In 1997, with the help of the Oregon Legislature and Governor John Kitzhaber, HB3737 was created an innovative venture removing tax revenue from state corrections and passing it through to the county for juvenile prevention programs (Maloney & Holcomb, 2001). In this community justice based program, the victim, family, and offender, along with other key program managers designed an intervention program. The district attorney makes referrals after conferring with and receiving recommendations from the youth resource team. The juvenile referee makes the final referral. This program shows the most dramatic reduction in state juvenile incarceration in the United States - a

78% reduction in the use of state juvenile beds by the county. In just two years [by 1998] the state took half a million dollars in state funds that would have been spent on incarceration and reinvested it in research-supported prevention programs. The program has realized half a million dollars in state funds that have been diverted from incarceration to research-supported prevention programs.

In conclusion, Maloney and Holcomb (2001) deduced that members residing in the community must understand the internal values, and leaders of the community must become centrally involved in crime prevention, victim healing, and offender restitution. These authors also outline the following story about the Habitat for Humanity house built in conjunction with offenders and a local retired veterinarian:

The effect of these young men's criminal behavior on their victims and the community may never be known and surely will never be erased . . . . But the hammers that had rung out loudly for months while the home was being built and the applause that broke out when that door opened would sound like responsibility, reparation, and restoration anywhere in the country. (Maloney & Holcomb, 2001, p. 313)

#### Education

Schools today are required to meet targets for pupil achievement while responding to a minority of students who are intimidating or express unreasonable and unrealistic expectations (Riley & Docking, 2004; Rudduck, Chaplain, & Wallace, 1996; Rundell, 2007). In 2001, the No Child Left Behind legislation was enacted through unilateral politics in response to the voices of our undereducated American students, our parents, and tax payers (Riley & Docking). While this legislation forced accountability on

the local educational entity, it brought its own set of complex problems to light. With more focus on testing, and less on excellence in curriculum and instruction, how do schools respond to the voice of the disaffected pupils (Riley & Docking)? The following quote explains the dilemma that most schools, families, and communities face.

If school discipline policies are going to punish all individuals caught in confrontations, then poor Latino and African American youth will be punished the most because they are more likely to be involved in confrontations than middle-class Caucasians due primarily to structural factors regarding high rates of violence in neighborhoods and families, social isolation, and lack of access to job opportunities. (Casella, 2003, p. 879)

County, state and federal agencies must partner with civic organizations, parents and schools to create a support system so these students do not continue to “act out” (Downey, 2008; Lickona, 1997; Stenhjem, 2005; Werner, 2006). According to Garcia and Cottrell (2002), students are searching for educators who understand the concepts of rigor, relevance, relationship, and respect in learning. It is imperative that these students receive the social competency and academic skills they so desperately need (Stenhjem). Riley and Docking (2004) argue that teachers who struggle with the pressures placed upon them from governmental agencies may become stressed and resort to humiliating students who present behavior difficulties that contributes to disenfranchised students. Some community organizations have partnered to provide services and supports for these struggling students.

DeVore and Gentilcore (1999) convey an insight into what restorative justice looks like in the educational and community setting through their research on education

for students at-risk. The restorative justice model presupposes accountability that is defined as the student's [offenders] willingness to take responsibility for his or her behavior, actions, and decisions. The model posits that the offender will take action to repair the harm that was done. In this model, *competency* is the capacity to do something well that others value (Werner, 2006). Restorative justice presupposes the opportunity for the offender to "belong, contribute, form close relationships, make meaningful choices, develop transferable skills, and mentor others all while avoiding harmful behavior" (Bazemore, 2007, p. 15). The concept of community safety denotes the right of citizens in any community to live in peace, relative harmony, mutual respect, and to feel empowered to prevent and control crime.

Boulton and Mirsky (2006) completed a study of Bessels Leigh School [a residential school for boys 11-16 with emotional and behavioral problems] in England. According to Boulton and Mirsky, restorative justice can bring organizational change to schools. Through the use of circle meetings, a restorative justice program called SaferSanerSchools, and in collaboration with International Institute for Restorative Practices (IIRP) located in Bethlehem, Pennsylvania, Bessels Leigh school reduced its discipline referrals from 362 [during a three week time period] to just 164 in three weeks following the staff training.

Boulton and Mirsky (2006) explain that each school day began and ended with a "circle." The circle included questions about the last 24 hours including "What has gone well?" and "What has not gone so well?" along with "What have you done to put right the harm?" The session does not end until all have had a chance to speak. With the help of the staff, "norms" were established. Boulton and Mirsky report that detentions were



replaced by catch-up sessions, and the restorative justice Garden, a formal barbeque area [which helped end a problem with ad hoc fire setting], and a go-kart track was built using community service hours. Boulton and Mirsky observe that the restorative justice process attempts to repair harm done to the community. When students, not assigned community service, were contributing in greater number than those assigned, the staff knew that they had moved from a program of restorative justice to an *ethos* of restorative justice. Teachers took control of situations, raised issues, questioned behavior, and examined their relationships with the student and each other.

Wearmouth, McKinney, and Glynn (2007) offer insights into New Zealand schools in their article on restorative justice. These authors insist that teachers must be the pivotal link between parents and community and the professional specialist support team in the restorative justice conference model. “The way schools mediate success and failure is crucial to the development of a sense of personal agency,” noted Wearmouth et al. (2007, p. 47). Using restorative justice in the school setting will assist in creating the relationships necessary for personal agency to develop. Learning occurs in a social setting and through interaction with others. “This interaction plays a critical role in shaping students’ beliefs and their sense of self efficacy, or ability, responsibility, and skill in initiating and completing actions and tasks,” stated Wearmouth et al. (2007, p. 47).

Drawing upon community values and inviting individuals to join the process, creates a form of social control, which becomes an alternative means of preventing, managing and controlling behavior (Coetzee, 2005; Herrnstein & Wilson, 1985; Hirschi, 1969; Hirschi, & Gottfredson, 2000). “This alternative means is in stark contrast to recent

approaches advocating ‘zero tolerance’ in schools,” assert Wearmouth et al., 2007, p. 39. Restorative justice is designed to focus on traditional community values in order to harness the necessary resources to address the problems that have resulted in unacceptable, unsociable behaviors (Schweigert, 1999).

This process of restorative justice has been introduced into a number of schools world-wide where it can be seen as a set of important skills including mediation and facilitation, underpinned by an ethos or philosophy that encompasses the values of respect, openness, empowerment, inclusion, tolerance, integrity and congruence and a philosophy which gives central importance to building, maintaining and when necessary, repairing relationships and community. (Wearmouth et al., 2007, p. 39)

In the restorative justice format, social disintegration may be addressed, allowing the community to respond. Individual freedom and equal participation are combined with a communitarian preference for defining moral expectations and reparation at the level of the local community (Wearmouth et al., 2007). Braithwaite (2000) argues that many responses to young people with problems fail because responses treat young people as isolated individuals and do not operate in the context of the community, a community of people who know and care about a person. An extremely important precursor to a conference is the identification of the community of care around the young person. There is a philosophical difference between the restorative justice conference and the zero-tolerance policies that many schools have adopted.

### *Zero Tolerance Policies*

Casella (2003), in his interviews with prison inmates in a study on violence prevention, state that zero tolerance policies in schools can facilitate the failure of troubled youth who are inched out of school through suspension and expulsion. In 1994, Congress formulated a national crime policy using “get-tough” policies developed and hailed as a significant factor accounting for reduced rates of crime and violence in the 1990s. Supporters of zero tolerance policies stated that many forms of violence prevention are needed, with zero tolerance being just one of those (Casella, 2003). In fact, the national initiative hails three categories: (a) the development of violence prevention and conflict resolution programs in schools, (b) attempts at gun control laws, and (c) the implementation of punitive and judicial forms of discipline. The Safe Schools Act of 1994 (PL 103-227) and the Safe and Drug-Free Schools and Communities Act of 1994 (PL 103-382) provide funding for peer mediation, conflict resolution, and other violence prevention programs. The Gun-Free School Zones Act of 1990 (PL 101-647) prohibit firearms within 1000 feet of school property.

Casella (2003) reminds us that schools are often working with students who are deeply troubled. First by providing well staffed, supported and respected mentoring, advisement and tutoring programs is the first step to violence reduction. These alternatives to suspension should include community service and repairing the harm, and holding students accountable for their actions. Finally, the point should be to keep students involved in school, in close contact with positive and caring adults, to hold students accountable and to provide safety in school, but also to provide the greatest help to those with the greatest difficulties (Casella).

Chmelynski (2005) states that restorative justice practices in the school setting are an alternative method of discipline with promising results. The practice of restorative justice by using peer mediation and classroom circles, along with family group conferencing, has the potential to heal the wounds of victims, offenders, and communities (Hamilton, 2008; McGlynn, 2006; Norris, 2008; Solinas, 2007). The PEASE Academy, a Minnesota school for chemical addiction adopted restorative justice in 2002 and found that after intensive three-day training, the number of disciplinary interventions dropped and students reported feeling more connected to the community and each other. Waukesha, another Minnesota school of 13,000 students reported just 28 expulsions after using restorative justice. Ted Wachtel, president of International Institute for Restorative Practices (IIRP), blames disciplinary problems, truancy, dropout, violence, and even mass murder on a loss of connection to community (Chmelynski, 2005). Wachtel states the following:

Schools have become larger, more impersonal institutions, and educators feel less connected to the families of children they teach. Restorative practices involve changing relationships by engaging people; doing things with them, rather than to them or for them—providing both high control and high support at the same time.

(p. 19)

Principal Ed Baumgartner, who began SAFERSANERSCHOOLS based on restorative practices, asserts that students get along in the restorative justice environment and are respected. He reports a significant increase in students reporting other students for behavior problems, students self-reporting, and parents reporting their children (Chmelynski, 2005).

### *Youth with Disabilities*

According to Stenhjem (2005), of National Center on Secondary Education and Transition, “increased attention is needed on the growing number of youth with disabilities involved in the juvenile and adult correctional systems (p. 1).” Stenhjem observed in 2005 that while 9% of schoolchildren in the public have disabilities, there is an overwhelming number (32%) in the juvenile justice system. When agencies commit to collaboration and the objectives focus on the protective factors [elements that insulate children from delinquency], the result is a positive outcome (Jordahl, 2006; Leone, Quinn, & Osher, 2002; NWREL, 2001; Rutter, 1987; Search Institute, 2006; Sharkey, You, & Schnoebelen, 2008; Smith & Faris, 2002; Soler, 1992; Starkman, Scales, & Roberts, 2006; 2002).

### *Wraparound Services*

The term wraparound is defined as a philosophy of care that includes a definable planning process involving the child and family that results in a set of community services and natural support individualized for that child to obtain a set of positive outcomes (Roberts, 2004). For example, Milwaukee Wraparound uses a caseload of approximately eight families per facilitator, who work with students and their families up to their 18th birthday. Roberts states that these students have been placed on probation and have serious emotional, behavioral, or mental health disturbances. Prior to enrollment, each child had an average of two offenses per year that decreased to an average of 1.1 offenses during the same enrollment period and an average of .77 offenses in the one year following completion of wrap-around services (Roberts, 2004).

Counseling is one aspect of the restorative justice wrap-around service (Ryals, 2004) and will be discussed in the next section.

### Counseling

Ryals (2004) argues for the use of restorative justice and a restoration of balance in the lives of the victim, the offender, and the community. The philosophy behind the restorative justice model and that of the counseling ethos are parallel (Ryals). Both disciplines are based on holism, competency development, and multicultural appropriateness (Kraft et al., 2001; Ryals, 2004).

By incorporating one of the restorative justice conferencing models, the involvement of the victim, offender, family, community, social service and juvenile justice agencies increases the resources available and incorporates all affected systems into the development of a solution (Kraft et al., 2001; Shenk & Zehr, 2001). Ryals encourages counselors to educate themselves in restorative justice, educate the juvenile justice system and community groups, and to begin using the conferencing models within their practice. By providing acceptance to the offender, giving voice to the victim and community, and providing opportunities for reparations, the counselors can use restorative justice to conceptualize delinquent behaviors and simultaneously develop the maturational growth of the offender, the victim, and the community (Kraft et al., 2001; Ryals, 2004)

### Volunteerism

Community restorative justice relies heavily on community volunteerism for a successful program. These volunteers bring the voice of the community into the justice system. In small rural communities, these volunteers generally know the offender and the

victim and are able to bring about reintegrative shaming, injury reparation, and community efficacy (Young, 2006). These volunteers play numerous roles throughout this restorative process. They can be members of the original steering committee, the family restorative board, they can mentor, provide opportunities for education or skill development, and they can provide job and service opportunities (Young, 2006). Community volunteers do so because of the personal rewards they receive. These rewards are both internally and externally motivating and derive from making a difference in the life of a young person.

The following statement is made by a volunteer member of the Vermont Reparative Board (Karp et al., 2004):

It is a rewarding feeling to be an active participant in the Reparative Program. I hope to help some of the troubled young people get their lives back on a productive track. I want to help build a strong, supportive community for my sons to grow up in. I want to impress on my sons that it is important to “give back” to the community. . . . To be successful, we cannot isolate ourselves from what is going on around us—because a community is more than just a place to live, it is a lifestyle. (p. 287)

If the community justice system is truly to function and thrive, it is citizen participation that will render the impetus to maintain the necessary vision and momentum (Friedman, 2001). Friedman states that correction volunteerism began in 1841 when the court placed offenders under the control of unpaid citizen volunteers.

Inadequate parental supervision, parental rejections, and parental uninvolved involvement are the strongest predictors of antisocial behavior and delinquency (Loeber and

Stouthamer-Loeber, 1999). Loeber and Stouthamer-Loeber note that by using civic and charitable organizations, where juveniles work side by side with neighbors, completing housing restoration, community cleanup, voter registration, working with handicapped children, helping serve in soup kitchens, or completing odd jobs for the elderly, social relationships are strengthened (Blechman et al., 2001). When people take responsibility for behavior in the neighborhood, collective efficacy, an informal mechanism by which residents themselves achieve public order is created (Friedman, 2001). Friedman stated that increases in collective efficacy are likely to achieve reduction in poor, high crime communities. Friedman continues by stating that reductions in violence appear to be more directly attributable to informal social control and cohesion among residents.

Community service, not as a punitive sanction, but as competency building is positively related to employment, family formation, and other indicators of stability along with good work habits, cooperation with co-workers, following instructions, accepting constructive criticism, finishing tasks, and vocational training (Bazemore & Stinchcomb, 2003; Maloney, 2007). A case study by Romig (as cited in Maloney), who reviewed over 12 major studies on juvenile probation involving 3000 youth, found conclusive results negating the effectiveness of casework probation. Rather than traditional casework probation, based on a list of do's and don'ts, Maloney suggests worthwhile work using youth as resources, teaching transferable competencies with a sense of accomplishment, closure, and community recognition. Jerry Dulhum, a longtime community service team leader in Deschutes County, Oregon, who has successfully supervised nearly 1000 youth, offered a straightforward approach to his work with youth in the restorative justice program:



Most of these young folks don't need someone getting into their heads to find out about their bed-wetting habits as kids. They need somebody who has high expectations of their capabilities and pushes them to make a contribution. I've never understood why we spend so much time probing about what they can't do.

When I'm in work detail, I try to bring out their strengths. (p. 5)

Research studies on volunteerism within restorative justice show that volunteer programs are highly satisfying and effect positive change in offenders (Karp et al., 2004). McGarry and Dickey (2006) argues that weak management of volunteer programs, tension between professional staff and volunteers, and poor training may undermine the effectiveness of the criminal justice volunteer program. When volunteers are given menial or least rewarding work, the justice system fails to reap their full potential (Karp et al., 2004). Volunteers that are deeply embedded in the community, knowing both the victim and offender, are able to use their ability to enact informal social control and provide social support (Karp et al.). Recently America has seen the voice of community empowerment through community policing efforts and a renewed optimism for citizen participation in community life and problem solving initiatives (Karp et al., 2004; Maloney, 2007; McCold & Wachtel, 1998). The phrase "it takes a village" has become common language to explain grassroots participation in a community.

Social science research includes a plethora of information on community efficacy and the part community factors play in crime reduction and recidivism. Community interventions play a significant role in the preventing and the intervention in criminal behavior (Elliot, 1994; Maloney, 2007; Putnam, 2000; Siegel, 2007). Included in the

community factor is the ever-growing population of volunteers. The volunteer sector has significant impact on curbing criminal behavior (Freidman, 1998).

### *Volunteers*

In their research of 1500 volunteers working with at-risk students in the city of Jerusalem, Haski-Leventhal and Bargal, (2008), found that volunteers move through distinct phases and transitions as a part of the socialization and individuation process. Although there is limited transferability in this research, we may learn from it when used as a framework for other volunteer settings. These authors note that volunteering is an emotional and value-based activity and that people volunteer to express their values, and learn new values in the process. The volunteer organization is also values based and the emotional identification of volunteers with these values and goals is crucial to the life of the non-profit entity (Haski-Leventhal and Bargal).

### *Background of Volunteers*

Most of the reparative board members in the Karp et al. study had some contact with the victim (62%) and with the offender (75%) outside of the informal board hearing. Sometimes board members volunteered after being either at a board meeting as a victim or as an offender. These members conclude, “Being on a board has increased my sense of purpose as a person (Karp et al., 2004, p. 496).” The vast majority of board members were positively affected by their volunteer work, their sense of community involvement, and their commitment to community restorative justice. One board member records “some sadness, frustration, but a sense of generativity” (Karp et al., p. 496).

In an “Americans' Changing Lives” longitudinal study of 3,617 senior volunteers, interviewed in 1986, 1989, and 1994, researchers found that the socioeconomic status

(SES) factor played a significant part in the life of the senior citizen volunteer (Tang, 2007). Even though this research is dated [1994], the trend in these waves of research shows relevance to today. This research indicates that more highly educated, older adults are more likely than their less-educated counterparts to volunteer in all five types of organizations (i.e., religious, educational, political, senior citizen, and others); volunteer in a wider range of organizations; and devote more hours. According to Tang, the findings indicate that social class has an effect on those who volunteer. Seniors with higher education and income have more social resources, extensive social networks, belong to multiple social organizations, and thus have easier access to structured volunteer roles. Also noted is that higher education may be associated with more free time, less financial responsibility, and less care giving commitment, thereby affording these seniors more time to volunteer. This study pointed out that seniors who volunteer later in life find a need for generativity [finding a sense of purpose and contributing for the benefit of others] (Tang).

The volunteers of the Reparative Board of Vermont are generally representative of the community in terms of race and sex. There is great diversity in income level, religiosity, and political orientation. However, Karp et al. (2004) ascertains alarming demographic differences between the Vermont Board Members and offenders who are disproportionately poorly educated, younger, and men. There has been a movement to expand and mobilize a more inclusive group of volunteers [welfare mothers, unemployed, young people, and ex-offenders]. However, the reverse argument is that board members take on the role of community model or community elder sharing their

wisdom (Karp et al.). According to Pranis (1996), the demographic distance creates a social separation and creates communication and cultural gaps.

According to a study by Braithwaite & Strang (2000), the volunteer, the victim, and the offender are highly satisfied with participation in restorative practices. Karp et al. (2004) state that one measure of a successful volunteer program in restorative justice is measured by the length of time a volunteer stays with the program. In the Vermont study, some volunteer board members complained of burnout while others imply that the board gets stale. Board members serving for over a year clearly translates into knowledge and experience along with satisfaction with the project. Ninety-two percent of the participants in the Vermont study believed their work was educative and reintegrative (Karp et al). These board members felt they were contributing to the healing of the community.

Volunteers raised concerns in the Vermont study. The first was the importance of the state sharing power and refraining from territorial practice. The second concern addressed the deviation of volunteers from the restorative philosophy to the punitive and treatment-oriented structure of the old juvenile justice system. Karp et al. (2004) state that future research should, perhaps through qualitative study, closely observe and measure the knowledge and skills of these volunteers. Other suggestions for further research are the dynamic between volunteer and victims or offenders and between volunteer and correctional staff (Karp et al.).

In conclusion, Karp et al. (2004) conclude that volunteers are viewed as effective because they are less likely than professionals to have competing interests. Whereas probation or parole officers must balance social support with enforcement and control, the volunteer is rarely given the opportunity to change conditions of the sentence so are

less likely to be seen as a threat. First, volunteers have greater authority being perceived as the moral voice of the community (Bazemore, 2007) rather than instruments of the justice system charged with repressing the problem populations (Bazemore et al., 2003). Further, although some professionals have the skill and willingness to form positive relationships with victims, offenders, and families, their influence is diminished by their *paid* status. Finally, young people make distinctions between those who work with or spend time with them because they want to or because they are paid to (Bazemore, 2007).

If the only adults who intervene in the lives of young people, besides family, are those who are paid—police, teachers, youth workers, probation officers—then young people may interpret this to mean that others do not care about them and that they do not belong to the community and that they are unimportant to the community (Bazemore, 2007, Pranis, 2001). The implicit message to youth today is an extremely corrosive one; this is a world that does not encourage empathy or a sense of common good larger than the individual interest (Pranis, 2001). Bazemore (2007) observe the following:

Volunteers, because of their non-paid status may send the message that they have a sense of concern and care. Their sense of authority is more likened to familial social control—“we can exercise the authority that parents have lost.” (p. 606)

Finally, volunteers provide a democratic approach to the criminal justice problem (Bazemore, 2007). The criminal and juvenile justice system has “stolen” the community’s authority to resolve crime problems from community members, especially victims and offenders. Crime is seen as an offense against the state rather than against the individual. Rather than harm against a victim, crime is an offense against some abstract criminal code. Citizen participation refocuses the justice “lens” on what some regard as

the key stakeholders in the justice process, the victim, the offender, and the community (Zehr, 2002, p. 32). Zehr concludes that authority is generally associated with leadership; it will take key community leaders and a strong vision to revitalize this citizen participation and change the lens of justice.

### Feminism, Equality, and Restorative Justice

Cook (2006) argues that all people “do gender” as a mechanism for self-actualization. These mechanisms are accomplished in culturally specific situations where boys and men “do” masculine and girls and women “do” feminine. These “gender projects” are modes by which individuals relate to the world and express themselves in it. While restorative justice proposes empowerment and the breaking of barriers, the process of questioning someone’s behavior and the power to command creates a power differential (Cook, p. 108). According to Messerschmidt (2000), crime is one method of achieving gender projects. Crime is a heavily male gendered phenomenon (Messerschmidt). Cook states that women also face gender scrutiny within the social service industry in terms of their fitness to be mothers and in their eligibility for social support. Even motherhood, through reproduction, completes a gender project.

Cook (2006) observes that participants of restorative justice conferences come from different genders, including the working class and the professional class. These conference members may be people of color, each with its own social hierarchies. Cook (2006) engaged feminist theory in her case study on restorative justice conferences in Australia and outlined possible threats to the restorative philosophy. Cook observed conferences where dialogue, based on social injustice and discriminatory gender projects was allowed. In these conferences dialogue such as “protecting girls,” “proving

masculinity,” and where a “female was 'protected' from having to confirm slapping a male” was noted. Cook also confirms that “offender’s mothers” were expected to be responsible and were seen as “vulnerable” (p. 109). Cook speaks of conferences in which mothers are requested to serve as “correctional officers at home” or where the following dialogue takes place between a male neighbor and the mother of a victim when he makes the following gendered statement: “I know how she [the mother] feels as a single mother raising three daughters on her own,” and “four women in the same house experiencing this; she [the mother] must have felt pretty defenseless.” This dialogue makes it very clear to all present, that women need protection and the male conference participant’s intent was to protect them. This dynamic maintains the conventional dualistic notion of male power/female vulnerability and the social hierarchies built around it” (2006, p. 117).

During the conferences that Cook (2006) viewed, very few fathers were present and when they were, for the most part they remained silent. During the process, Cook (2006) did not witness a father express anxiety or be labeled as “a bad parent.” In fact, she concludes that fathers agreed, “Boys just tend to do this sort of thing.” Cook noted a very low attendance for fathers and the fact that they were neither complimented nor challenged about their parenting skills.

Cook (2006) also delineates inequalities in gender, class, and race, with a focus on “white privilege” and a mention of “follow the rules” in reference to white, middle class norms. She notes a power differential when a white-male mediator required an aboriginal-male to break cultural protocol by making eye contact, a social misnomer in the boy’s culture (Cook, p. 120). Cook reminds us that for the restorative justice conferences to function within the confines of restoration and community, categorical

differences cannot be used as devices of domination. Restorative justice conferences must not set up smokescreens where the “invisible privileges” around gender, race, and class are reproduced and embraced (Cook). Although this research project was undertaken in Australia, the diversity of the culture allows generalizability with valuable clues and lessons to glean from this eye-opening study.

Alder (2000) argues that girls are more eloquent and able to express their feelings in conferences than boys are; however, girls were also more likely to argue about the outcome. Alder continues by stating that young women who have committed a criminal offense find themselves particularly stigmatized in a culture in which being "bad" is inconsistent with expectations of femininity (Alder, p. 107). However, this is not inconsistent with understanding of masculinity for young male offenders. Young women in the juvenile justice system are concerned that they be treated with respect and dignity. These young women feel that offending challenges their status and value as a "woman," and thereby has significant negative implications for their sense of identity and self worth (Alder, p. 108). For many of these girls in the justice system, managing their own life history, their "story," is self-protection and about establishing their independence and self-sufficiency (Alder, p. 100). These girls generally find it difficult to trust a person.

Alder stated that we must challenge understandings of femininity and what it is to be a young woman [we have tended to understand girlhood in terms of pathology and protection]. Adler continues stating that we have worked from a paradigm founded in understandings of girl-as-victim, girl-as-dependent/passive, constraining and controlling girl's efforts at independence. Instead, we must work for empowerment and enablement. Young women in the juvenile justice system may very well be "in your face" young



women, feisty, and "difficult" (Alder, p. 102). Some may have had to develop these characteristics in order to survive. Many are no longer living at home, a single young woman forced to live on the margins. Perhaps their community of care is their "street" community (Alder).

Adler (2002) argues that it very well may be this "attitude," unacceptable for girls, who caused them to be labeled "trouble" from a very early age by their family, schools, and neighbors. Perhaps this attitude, this uncooperative, attitude is lacking the required subservience or contrition (Alder, p. 111). Many young women have been and may be in a situation where they continue to be physically and sexually abused (Rodriquez, 2007). Of great concern, if this knowledge has not been revealed, is that her experience as a victim is then powerfully denied by the perpetrator's participation in a restorative justice conference (Alder, p. 112). Knowledge of conference participation from victim, offender, and mediator will come from those in leadership. The importance of strong, knowledgeable leaders will be very necessary to the restorative justice program.

### Leadership

Leadership principles are of significant importance to the survival of restorative justice. It will take a strong transformational and shared style of leadership to break the territorial practices and dislodge the power struggles that are spoken of in the Karp et al. study (2004). It will also take a shared leadership style to keep the values and goals of the restorative justice organization in the forefront of everyday action. By building leadership capacity, challenging organizational leaders to become leaders of leaders, social and intellectual capital will be leveraged, and it will optimize the investments made by community members (Sergivonni, 2001). When those in leadership create purpose and

shared values along with collegiality, this normative power will internally motivate the followers and leaders to become self-managing (Sergivonni).

According to Posner (2008), the development of leadership is fundamentally the development of the inner self. Leadership is driven more by internal forces than by external forces (Posner). Posner noted that leadership is about doing the things that go beyond a job description, like caring, like making personal sacrifices. “[Leaders] must learn that they’ll have to give up something--whether it be a meal, a night of sleep, or even possibly their last breath--if they want to make a difference” (Posner, 2008, p. 2). What causes humans to make this personal sacrifice? How is the motivation to serve others developed within self?

### *Traditional Leadership*

The industrial revolution set the early stages for scientific management based on bureaucracy-a hierarchical form of organizational structure (Sergivonni, 2003, Pearce & Conger, 2003, Burns, 1978). Max Weber’s bureaucratic design saw a distinction between the leader, whose authority was top-down and based on command and control, and the follower whose job it was to obey without question the commands handed down. Management spent considerable time elaborating on methods to prevent followers from shirking their responsibilities.

The first signs of change from this hierarchical form of management began with the *law of the situation* model. Introduced by Mark Parker Follett, a management consultant in 1924, this model suggested a transfer of management, according to the situation, from the formal leader to the person with the most knowledge. The Bowers and Seashore study (1966) documents this same style of mutual leadership that contains

precepts of today's Shared Leadership Theory. According to Rost (1993), the core values of management for the post industrial age, those of shared leadership, must be quite different from and even opposed to the core values of the industrial age with its hierarchal tenets. Rost notes the importance of collaboration, common good, diversity, civic virtues, critical dialogue, justice, consensus, and freedom of expression within the leadership realm. Leadership began a transition from hierarchal to transactional with the dawn of the post industrial age.

### *Transactional Leadership*

According to James McGregor Burns (1978), transactional leadership uses rewards to motivate workers. Within the transactional model, what gets rewarded gets done (Sergivonni, 2003). However, this motivational system creates a "tit for a tat" or an extrinsic reward system (Sergivonni). Transactional leadership includes leadership behaviors which use coercive power in an effort to force compliance (Burns). This coercive power is similar to the zero tolerance policies found in some school settings. Pearce and Conger (2003) define transactional leadership as influencing followers by strategically supplying reinforcement—praise, material rewards, or other valued outcomes—contingent on follower performance. Transactional leadership focuses on basic and largely extrinsic motives and needs (Burns). Sergivonni states that this system discourages people from becoming self-managed and self-motivated. According to Sergivonni, people are willing to make a significant investment of time, talent, and energy in exchange for enhancement and fulfillment in the following three areas: (a) find their work and personal lives meaningful, purposeful, sensible, and significant; (b) have some reasonable control over their work activities and affairs and to exert reasonable

influence over work events and circumstances; and (c) to experience success, to think of themselves as winners, and to receive recognition for their success. To elicit these types of personal investments, workers need to see a transformation in the workplace.

### *Transformational Leadership*

According to Rost (1991), leadership is about transformation, where active people, engaging in influence relationships based on persuasion, intending real changes to happen, insist that those changes reflect their mutual purposes. Transformation happens in groups, organizations, and societies when people develop common purposes. In leadership, mutual purpose helps people work for the common good and helps people build community (Rost). According to Burns (1978) a leader shapes, alters, and elevates the motives, values, and goals of followers through the vital teaching role of the leader, this transformational leadership is concerned with end-values such as liberty, justice, and equality.

Pearce and Conger (2003) define transformational leadership as adopting a “symbolic emphasis on commitment, emotional engagement, or fulfillment of higher-order needs such as meaningful professional impact or desires to engage in breakthrough achievement” (p. 56). Burns (1978) notes that within transformational leadership leaders and followers raise one another to higher levels of motivation and morality. According to Rost, good leadership—that which will, according to moral standards, generate people, groups, organizations, and societies that exude a high moral purpose—is also ethical leadership. Ethical leadership is completed through meeting higher-order psychological needs for esteem, autonomy, and self-actualization and through dealing with moral

question of goodness, righteousness, duty, and obligation (Wallace & Trinkka, 2009). Charismatic leadership also activates these high-order psychological needs.

### *Shared Leadership*

According to Pearce and Conger (2003), traditional leadership research focuses on individual leaders and on vertical approaches to organizing work tasks. In the traditional leadership paradigm, the work of the leader is to make strategic decisions and then to influence and align the rest of the organization to implement these plans (Pearce and Conger). Pearce and Conger note that shared approaches to leadership question the relevance and integrity of this individual leader approach, arguing that it focuses excessively at the top and says little about the informal leadership or larger situational forces involved. Restorative justice can only be effective through a team approach based on the shared leadership model (Bazemore, 2007; Van Ness & Strong, 2006).

Pearce and Conger also states that shared leadership functions within three tenets. The first tenet states that shared leadership is enacted by people at all levels rather than shared leadership being a set of personal characteristics and attributes located in people at the top. The second tenet states that shared leadership is steeped in relational aspects in the social process. This dynamic, multidirectional, collective activity is embedded in the relational context in which it occurs and therefore within the ensuing networks of influence. Within the construct of shared leadership, the followers are understood as playing a role in influencing and creating leadership (Pearce and Conger). The third tenet states that shared leadership focuses on specific relational interactions that lead to learning for the individual as well as the organization (Pearce and Conger). Pearce and

Conger note that the kinds of social interaction with outcomes of mutual learning, greater shared understanding, and eventually, positive action, follow from shared leadership.

Pearce and Conger (2003) observe that a new feminist's model of human development. Stone Center Relational Theory argues that growth, rather than occurring primarily through process of separation, occurs primarily through the process of connection. "The hallmark of growth, they suggest, is not an increased ability to separate oneself from others but an increased ability to connect oneself to others in ways that foster mutual development and learning" (Pearce & Conger, p. 27).

Burns (1984) extends his original thinking on individual transformational leadership to include a focus on collective or shared leadership. Within this context, transformational leadership is shared among the team members (Burns). Pearce and Conger (2003) note that this act of sharing leadership may create substitutes for leadership due to the team's higher levels of achievement. The concept of shared leadership evolved over time beginning with mutual leadership and has since evolved into shared leadership.

Pearce and colleagues (2003) refine the theory of shared leadership in terms of sales teams, nonprofit organizations, and entrepreneurial top management teams. Pearce and Conger define shared leadership in the following terms: shared leadership reenvision the who and where of leadership by focusing on the need to distribute the tasks and responsibilities of leadership up, down, and across the hierarchy. Additionally Pearce and Conger reenvision the what of leadership by articulating leadership as a social process that occurs in and through social interactions. Finally, these authors articulate the how of leadership by focusing on the skills and ability required to create conditions in

which collective learning can occur. Shared leadership requires leaders to possess the following traits: empathy, community, vulnerability, skills of inquiry, and collaboration (Pearce and Conger). Pearce and Conger note the need for further research based on shared leadership both from a qualitative and quantitative perspective. Those in shared leadership positions must understand when to acquiesce to another. This symbolic form of submission is close to that of servant leadership proposed by Robert Greenleaf.

#### Substitutes for Leadership

Sergiovanni (2003) notes four substitutes for leadership that can allow workers to have their needs met as they engage in the work of the organization. These substitutes are (a) responsiveness to the norms of the organization as a learning community, (b) commitment to the professional ideal, (c) responsiveness to the work itself, and (d) collegiality [understood as professional virtue]. According to Sergiovanni, communities are defined by their center—repositories of values, sentiments, and beliefs—that provide the needed cement for bonding people together in a common cause. These norms become compass settings or a map that guides the journey through community life (Sergiovanni).

According to Sergiovanni (2001), the commitment to exemplary practice means taking responsibility for your own professional development. It means adopting a care ethic, doing everything possible to serve the learning, developmental, and social needs of others (Sergiovanni). Commitment to exemplary practice requires a linkage between one's practice and the professional's quest for a sense of goodness, making values of honesty, fairness, reflection, and integrity important (Sergiovanni). Sergiovanni asserts that when substitutes for leadership are present, there is less need for leadership from outside;

instead workers are moved to action by inter forces, the motivational power of emotion and social bond.

### Leadership Stages

Sergiovanni (2001) states that leadership has four developmental stages. The first stage is bartering where the leaders and led strike a bargain, giving those led something they want in exchange for what the leader wants. Bartering is very similar to the transactional leadership theory. The second stage is leadership by building, or providing the climate and interpersonal support that enhances worker opportunities for fulfillment of individual needs of achievement, responsibility, competence, and esteem. The third stage is that of bonding. Sergiovanni (2001) notes that leadership by bonding and binding work due to the leaders' alignment with realistic views of how organizations work. This leadership form is based on human rationality enhancing both individual and organizational intelligence and performance; it responds to higher-order psychological and spiritual needs leading to extraordinary commitment, performance, and satisfaction, allowing the use of moral authority as a basis of leadership, using shared values and commitments through a common cause. Finally, there is leadership by binding, or developing the shared values of a learning community and institutionalizing improvement gains in the everyday life of the organization. Leadership by binding is similar to moral leadership and the moral authority created by use of shared covenant.

### Power, Authority, and Leadership

According to Rost (1993), power is the capacity to deprive another of needed satisfaction or benefits. Rost also noted that coercion is antithetical to influence relationships. French and Raven (1959) also describe five sources of power using the



following constructs. According to Rost, reward power is defined as the ability to reward another where the strength of the power increases with the magnitude of the rewards offered. According to French and Raven, authority is uni-directional, power is bi-directional, and influence is multi-directional. Coercive power comes from the expectation of punishment for non-compliance. The power from internalized values, codes, or standards, giving legitimacy of authority, is called legitimate power. This power may be derived from the right to hold an office or position. Referent power refers to an identification of one person to another or the feeling of membership in a group. Finally, expert power refers to the extent of knowledge that one attributes to another (French & Raven). Nahavandi (2003, p. 97) states that power is the ability of one person to influence another. Etzioni (1961) noted that reward, coercive, and legitimate power are all sources of positional power while expert and referent power are personal sources of power.

Burns (1978) deduces that we all have power to act, however we may or may not have the motive or the resources to do so. According to Burns, power is a relationship that involves intention or purpose of both the holder and power recipient. Burns argues that power wielders do so for varying purposes including the following: (a) inspiration, (b) status, (c) recognition, (d) achievement, (e) attainment, (f) novelty or excitement, (g) children striving for autonomy, (h) to demonstrate skill and knowledge, (i) deprivations of control, and finally (j) to exploit for personal gain. Burns offers the following quote defining power:

power is a relationship in which two or more persons tap motivational bases in one another and bring varying resources to bear in the process is to perceive power as drawing a vast range of human behavior into its orbit. (p. 15)

Burns delineates a continuum of the power to influence beginning with exploitation [absolute power] on one end and the extreme being leadership so sensitive to the motives of potential followers that the roles of leaders and follower become virtually interdependent.

According to Burns (1978), leadership must be seen within a framework of conflict and power. Burns sees leadership as linked to collective purpose and by actual social change measured by the intent and the satisfaction of human needs and expectations. Burns notes that leadership recognizes and exploits the existing needs of a potential follower by seeking to satisfy those higher needs and engaging the full person of the follower. This resulting relationship of mutual stimulation and elevation converts the followers into leaders and may convert leaders into moral agents.

Sergiovanni (2001) lists the following six sources of authority for leadership (a) bureaucratic authority that exists in the form of mandates, job descriptions, regulations, and management protocols relying on bureaucratic linkages to connect people and work by forcing them to respond as subordinates; (b) human resource authority which emphasizes supportive climates and interpersonal skills relying on psychological linkages to motivate people to work by getting them to respond ultimately as self-actualizers; (c) bonding leadership which emphasizes ideas, values, and beliefs relying on moral linkages to compel people to work by getting them to respond as followers; (d) technical-rational authority which is based on evidence, scientific research, and logic; (e) professional authority with seasoned craft knowledge where followers respond to common socialization, accepted tenets of practice, and internalized expertise; and (f) moral

authority, where obligations and duties come from widely shared values, ideas, and ideals where followers respond to shared commitments and felt interdependence.

### Forces of Power

Sergiovanni (2001) purports five forces of power available to leaders. The first is the technical force that can be thought of as assuming the role as "management engineers," emphasizing such concepts as planning and time management, contingency leadership theories, and organizational structures (p. 101). The second is the human force, which emphasizes human relations, interpersonal competence, and instrumental motivational techniques done by providing support, encouragement, and growth opportunities for workers. The third force is the force of expert and professional knowledge about learning organizations. The fourth force is symbolic, enabling the leader to model important goals and behaviors, signaling to others what is important and valuable in the organization by managing sentiments, expectations, commitments, and faith itself. The fifth force is cultural, enabling a purpose and mission, socializing new members, telling stories and maintaining or reinforcing myths, traditions, and beliefs. Sergiovanni describes culture as the collective programming of the mind that distinguishes the members of one organization from another. Kraft et al. (2001) note the power struggles between volunteers and criminal justice professionals within restorative justice and the need for reconciliation and change in leadership styles. Knowledge of these sources of power is a necessary component.

### Leadership and Followership

Sergiovanni (2001) noted that subordinates do what they are required to do, but do little else; they require monitoring. Leadership relying on psychological authority

requires rewards in an effort to motivate (Sergivonni). According to Sergivonni, if sustained and committed performance is required, one that helps workers transcend subordination, then it is necessary to cultivate followership. Sergivonni stresses the importance of building followership where workers respond to ideas, ideals, values, and purpose and as a result, the job is done well. The concept of followership is commitment to a cause and the practices of self-management, the hallmark of both good leadership and followership (De Pree, 1997; Sergivonni). According to Sergivonni, successful leaders build up the leadership of others, enabling them to strive to become a leader of leaders. Followers are people committed to a purpose, a cause, a vision of what the organization is and can become, to beliefs about teaching and learning, to values and standards to which they adhere, and to convictions (Sergivonni). Effective following is essentially leadership (Kelly, 1988; Sergivonni).

Rost (1991) states the following about followers: (a) only people active in leadership are followers; (b) active people can fall anywhere on a continuum of activity; (c) followers can become leaders and leaders can become followers in any one leadership relationship; (d) in one group people can be leaders while in another they can be followers; and (e) followers do not do followership, they do leadership. The transition from followership to leadership occurs through empowerment.

#### Empowerment

Empowerment is the natural complement to accountability (Sergivonni, 2001). Empowerment has an obligation and duty, with the freedom involved, to make sensible decisions in light of shared values (Covey, 2004; Sergivonni; Wallace & Trinko, 2009). According to Sergivonni, there is a difference between the power *over* and the power *to*.

Power-over emphasizes controlling what people do, when they do it, and how they do it. Power-to views power as a source of energy for achieving shared goals and purposes.

De Pree (1997) ascertains that leaders and followers in non-profits are dependent on shared values and commitment, on understood vision expressed in workable mission statements, and on moral purpose. De Pree states that it is the leadership's responsibility to explain and elucidate the vision. Because volunteers move towards purpose, potential and service, are set on achieving their full potential, reaching new challenges, and seeking personal growth, goals must be measured and accountability pursued. "To measure performance is to gauge a group's sense of urgency" (De Pree, p. 59). However, De Pree warns about leadership seeing willingness as competence – a dangerous mistake.

De Pree (1997) speaks of justice, noting that justice for the non-profit volunteer comes in the form of an opportunity to make a meaningful contribution. De Pree also notes that leaders communicate in many forms including body language, intuition, presence, accessibility, and behavior. According to De Pree, an organization can improve only by taking risks. Membership in a nonprofit affords workers the opportunity to own ideas, process, and community

#### Moral Dimensions of Leadership

Sergiovanni (2001) delineates that moral leadership engages leaders and followers by using the view they hold of themselves, of their work, and of the purposes that guide their work. Covey (2004) describes moral authority as the gaining of influences through following the principles of moral development in an organization. Sergiovanni states that humans are driven by what we believe is right and good, by how we feel about things, and by the norms that emerge from our connections with other people. This normative

power is a potent and efficient means of cultivating moral involvement for workers and followers. Moral dominion is achieved through servanthood, service, and contribution (Covey). According to De Pree (1997), moral principles are based on justice, or the equal treatment of and respect for the integrity of the individual. De Pree offers an additional principle for moral communities--that being equal access by all its members.

Moral agents, according to Burns (1978) have a leader-led relationship built on power, mutual needs, aspirations, and values. These followers have adequate knowledge of alternate leaders and programs, with the capacity to choose between those alternatives. Leaders within the framework of moral agents take responsibility for their commitments and in bringing about change. Moral leadership is not viewed from the lens or perspective of the leader, but upon the fundamental wants needs, aspirations, and values of the led. Using a more sophisticated definition of power, Burns notes that this consequential exercise of mutual persuasion, exchange, elevation, and transformation—is in fact, leadership. This transformational relationship ultimately becomes moral, raising the level of human conduct and ethical aspiration of both leader and led. As an example, Burns cites the actions of Alexander II of Russia, the Great Liberator, and the Czar of Freedom, whose use of reform leadership was meant to preserve his nation. According to Burns, power and leadership must be measured by the degree of production of intended effects.

“Without moral purpose, competence has no measure and trust no goal,” argues De Pree in 1999 (p. 179). Organizations with a clear, moral purpose work to allow followers and leaders the right to belong, the right to ownership, the right to opportunity, the right to covenantal relationship, and the right to inclusive organizations. Leaders in

groups with clear moral purposes make themselves vulnerable to their followers and allow for equitable distributions of their successes or results (De Pree).

Rost (1993) notes that leaders and followers have the responsibility and the duty to make ethical judgments concerning the changes they intend for organization and societies. Once these judgments are made, the leader has a duty to follow through, possibly using leadership by outrage (Sergiovoni, 2003). Leadership by outrage is a symbolic act that communicates importance and meaning that touches people by using an organizations' shared covenant. These leaders are outraged when they see organizational values ignored or violated as these leaders expect workers to embody the values of the organization. According to Sergiovoni (2001), when collegiality is in place and the leader models leadership by outrage, then expressing outrage becomes an obligation of every person connected to the organization. When persons focus their ideas with collegiality, a type of community is formed.

#### Shared Covenant

According to Sergiovoni (1992) when purpose, social contract, and organizational autonomy becomes the basis for operations, the organization is transformed into a covenantal community and the basis of authority changes from bureaucratic to moral authority. Covenant is defined as the added dimension of values and moral authority to make purposing count (De Pree, 1997; Sergiovoni). Covenant is a binding and solemn agreement that represents a value system for living together which forms the basis for decisions and actions.

With covenant and purpose in place, leaders and followers respond with increased motivation and commitment and their performance is well beyond the ordinary

(Sergivonni). According to De Pree (1989), “a covenantal relationship rests on a shared commitment to ideas, to issues, to values, to goals . . . . Covenantal relationships reflect unity, grace and poise. They are expressions of the sacred nature of the relationships” (pp. 73-74). Sergivonni extends the following steps to leadership through purposing: (a) say it, (b) model it, (c) organize for it, (d) support it, (e) enforce it and commend practices that exemplify core values, and (f) express outrage when practices violate the core values. By keeping success stories out in the public light, organizations reinforce the values held in covenant. These stories must express the range of values, beliefs, and assumptions expressed by the values undergirding the emerging culture (De Pree; Sergivonni). Especially important to restorative justice is the shared covenant as this justice paradigm has been described as loosely coupled (Young, 2006).

#### Loosely-Coupled Organizations

By definition, loosely coupled organizations, are organizations where decisions, actions, and programs are related, but only in a loosely knit fashion (Sergivonni, 2001). In loosely coupled organizations, such as community and restorative justice, these connections are rarely characterized by strong and direct influence (Dickey & McGarry, 2006). Loosely structured organizations do not achieve goals as much as they respond to certain values and tend to certain imperatives that ensure their survival over time. It is within these organizations that Sergivonni notes that clarity, control and consensus are important to effective management; they are achieved by planning strategically. This strategic planning allows an organization to be clear about basic directions, set the tone and charter the mission, and provide purpose and build a shared covenant [shared goals, values and operating principles]. According to Sergivonni, this planning allows the



practice of tight and loose management [holds people accountable to shared values but provides them with empowerment]. This planning also enables them to decide what to do and when and how to evaluate processes and outcomes (Sergivonni).

Connecting people to norms motivates them to do the right thing and become self-managing (Sergivonni, 2001). Collegiality refers to the extent that common work values are shared and people work together to help each other because of these values in order for each person to be successful. Professional socialization; purposing and shared values; and collegiality and natural interdependence are unique in that they are able to solve the coordination paradox even under loosely structured conditions, by providing a normative power needed to get people to meet their commitments (Sergivonni). Organizational change can be forced by outside influences.

### Organizational Change

Organizational change is the process of altering the behavior, structure, procedures, purposes, or output of some unit within an organization (Hanson, 2003). Hanson articulates three energizing forces in the external environment that can bring about organizational change: (a) environmental shifts – when a modified expectation or requirement is forced on an organization, (b) environmental regression – when the activities of an organization are so far behind the accepted norms that its legitimacy is questioned, and (c) environmental shocks – when the system's external environment are seriously ahead of any incremental adoptions the organization can make.

According to Hanson (2003), planned change is a conscious and deliberate attempt to manage events so outcomes are directed by design and to some determined end. Spontaneous change is an alteration that emerges in a short time because of natural

circumstance and random occurrences after a turbulent event. Evolutionary change refers to long-range cumulative consequences of major and minor alteration in the organization, both planned and spontaneous. Leaders manage these changes in various dimensions. Managers who feel psychologically secure in their world of work and believe they have mastered their job will be much more willing to promote change because it represents an attractive challenge as well as something new to learn (Barth, 1990). Barth notes that organizational change can create learning organizations, or communities of shared ideology.

### Community of Mind

Sergiovanni defines a community of mind as an organization bound together in special ways that bind them to a shared ideology. According to Sergiovanni (2001), a community of mind can be achieved by developing social capital for all stakeholders in an organization. Social capital consists of norms, obligations, and trust generated by relationships among people in a community (Covey, 2004). As social capital grows, so does human capital [created by changes in persons that bring about skills and capabilities that make them able to act in new ways] (Sergiovanni). Covey states that intellectual and social capital is key to leveraging and optimizing all other investments. Academic capital is linked to an organization's increased capacity to develop a deep culture of teaching and learning, while intellectual capital refers to the ability of an organization to learn, relearn, inquire, and grow in its ability to identify and problem solve. The ability of an organization to problem solve is value added, creating leadership capacity.

## Leadership Capacity

According to Lambert (2003), every worker has the right, responsibility, and capability to be a leader. Lambert observes that leaders in learning communities create an environment that is vibrant, unified, and built around shared purpose. High leadership capacity organizations realize (a) shared vision, (b) use inquiry to confront issues, (c) are reflective in practice, (d) have skillful communication, (e) use evidence to improve practice, (f) use collaborative planning, and (g) exhibit collective responsibility (Lambert). Workers in these learning communities become fully alive due to skillful participation, stimulation in daily dilemmas, intrigued by the challenge of improving, and participate in moving dialogue.

Lambert (2003) delineates four perspectives from which leaders may draw their worldview. The directive leader engages in command-and-control behavior. According to Lambert, the Laissez-faire leader makes decisions behind the scenes without involving others. The collaborative leader encourages open participation but does not involve those who do not choose to be involved and may unwittingly prolong dependence on the leader. Finally, the capacity-building leader creates meaning and shared knowledge through broad-based, skillful participation (Lambert). Lambert also concludes that there are many leadership styles; however leadership for the 21<sup>st</sup> century requires building leadership capacity and democratic governance of those involved in the decision making process.

## Summary

The review of the literature points to the need for strong leadership within the restorative justice system. The fact that this justice reform model is a loosely-coupled

organization calls for shared leadership as the model (Maloney & Holcomb, 2001). Within shared leadership, community capacity is built through the construction of learning communities (Lambert, 2003). Pearce and Conger delineate three tenets of shared leadership: (1) enacted by people at all levels; (2) steeped in relational aspects in the social process; and (3) a multidirectional, collective activity embedded in the relational context in which it occurs and therefore within the ensuing networks of influence. Pearce and Conger concluded that the kinds of social interaction with outcomes of mutual learning, greater shared understanding, and eventually, positive action, follow from shared leadership.

### Conclusion

The 1899 Illinois Legislative Assembly of the United States charged the first juvenile court to dispose of court cases “in the best interest of the child” (Maloney, 2007, p. 1). Does this best interest include protection of citizenry, helping juvenile offenders become competent law-abiding individuals, or correcting the social ills that play a substantial role in producing conditions ripe for youth crime and antisocial behavior (Young, 2006)?

For youth with disabilities involved with the correctional system . . . . the use of restorative justice and wrap-around service models, in addition to or as part of the transition planning process, is a positive proactive alternative to suspension, expulsion and incarceration. (Stenhjem, 2005, p. 4)

According to numerous authors, restorative justice builds relationships with teachers, mentors, and with community workers, and it must be the justice replacement model

(Barr & Parrett, 2007; Bazemore & Stinchcomb, 2003; Bazemore & Maloney, 1994; Maloney, 2007).

Research on restorative justice conferencing has isolated empathy and remorse as key variables in the prediction of re-offending (Bazemore & Stinchcomb, 2003). The ability of the conference to enhance empathy is an important piece in the creation of a new identity for offenders in a school or community setting (Bazemore & Stinchcomb). This active accountability and positive self identify formation can be completed through restorative community service, strengthening the bond between youthful offenders and the community (Maloney, 2007).

Restorative justice places a higher value on direct involvement by all parties involved. For the victims who have experienced powerlessness, this is an opportunity to restore an element of control (Bazemore 2007; Van Ness & Strong, 2006; Zehr 2002). For an offender who has harmed another, the sense of repairing the harm caused by crime is building a prosocial value system. The community also benefits by assisting in repairing the injuries to victims and offenders while strengthening the community and through reinforcing the community values of respect and compassion for others (Van Ness & Strong, 2006). The restorative justice process requires a responsibility for addressing the underlying social, economic, and moral factors that contribute to conflict within the community. This process establishes and enforces external limits on individual behavior minimizing overt conflict and controlling the resolution of conflict. Vindication comes with acknowledgement of the victim's harms and needs, commingled with an active effort to encourage offenders to take responsibility to make right the wrong. This

process of vindication has the potential to affirm both the victim and offender and to help them 'transform their lives' (Van Ness and Strong, p. 52).

Restorative justice is different from contemporary criminal justice practice. It views criminal acts more comprehensively, not measuring how much punishment has been inflicted, but instead measuring how much harm has been repaired or prevented. During this process each party becomes accountable to the others to explain their positions because decisions are made on the basis of consensus and participants must explain their point of view to persuade others. Making amends requires the following four elements: (a) apology, (b) changed behavior, (c) restitution, and (d) generosity. Generosity means going beyond the demands of justice and equity. It is this generosity that allows the transformation of both the victim and the offender (Van Ness & Strong, 2006). During this process, repeat criminal behavior is less than what would normally be expected, offenders develop empathy for their victims, families of offenders report that their child's behavior has changed, support networks are strengthened, and the relationships between parents and police officers improve. With these values in mind, the next step of this proposal will be to establish and discuss the method for completing this case study.

## CHAPTER THREE

### Methodology

#### *Introduction*

This chapter describes the qualitative methods and procedures used in this study. Research design and methods, site selection, participants, data collection procedures and instruments are also described in this chapter. In addition, the proposed data analysis procedures are discussed.

#### Research Design

This study used primarily qualitative research methods together with the limited use of a quantitative survey to capture specific demographic information. Qualitative data was collected using semi-structured interviews, which were tape recorded, and the collection of pertinent on-site documents. A brief demographic survey was also administered seeking information on age, gender, educational background, religiosity, financial standing, and political orientation. This case study was bound by place and time, with the place identified as the Ada County restorative justice team near located in Boise, Idaho and the time being the 2009-2010 school year.

#### Data Collection

The purpose of this qualitative case study was to discover how restorative justice in Ada County, Idaho defines, sustains, maintains, and builds leadership within the complex process involved in deterring anti-social behavior and juvenile crime that are at the heart of the restorative justice philosophy. This purpose argues for an information rich or purposive sampling methodology where participants are selected intentionally and purposefully based on their expected contribution to the breadth and depth of the overall

data (Miles & Huberman, as cited in Creswell, 1998). In this process, participants were deliberately and purposefully selected according to the needs of the study rather than being dictated by external criteria such as random selection (Creswell). Participants were selected because they share common experiences or knowledge about the restorative justice process within Ada County.

Participants for this study were selected from among the leadership team participants within the victim advocate group, the conferencing participants, the juvenile probation and judge participants, and school personnel familiar with the Ada County restorative justice project. These participants were selected based on their ability to add rich, thick description to the leadership portion of the restorative justice project. Participants who have been with the project at least one year and belong to the aforementioned groups met the criteria selection. Simple demographic information from the participants, a survey was collected just prior to the interview. It was necessary to access this data as Karp et al. (2004), Alder (2000), and Cook (2001) note a discrepancy in class, religiosity, gender, and social values between the offender and the conference members. These authors voiced a deep concern for inequity and inequality due to this glaring disparity. This disparity becomes a leadership issue regarding the selection of participants in restorative justice conferences. Participants were asked to sign the consent to participate form. This consent form and ensuing discussion delineated the fact that there can be no expectation of confidentiality. Because of the small sample size of, say the number of parole officers involved in the case study, it was impossible to maintain anonymity. The interviews were conducted in the conference room at the Ada County



restorative justice site and using an interview protocol as delineated by Creswell (1998). This protocol is located in Appendix C.

### Site Characteristics

The Ada County restorative justice site was chosen due to its long-standing ability to network the police, justice system, schools, community institutions, and social service agencies to form wrap-around services for troubled youth. Since 1990, this unique site has been instrumental in using the restorative justice philosophy to bring the offender, victim, and community together to repair relationships and build community efficacy. Through the work of the victim advocacy branch of this restorative justice site, victims are given an opportunity for vindication and healing, along with assistance in filing paperwork and accessing counseling services. Note that historical, process, demographic, and juvenile recidivism data was also collected in order to give a detailed description of this site.

### *Ada County Juvenile Court Services*

ACJCS is a juvenile restorative justice site that has provided victim-offender mediation since 1990. This unique site has shown success in dealing with both the victim and offender. This site has successfully involved the victim, in a volunteer capacity, to attend juvenile mediations, both to hold the juvenile accountable and to affect reintegration of the juvenile into society. Sharing their fears and concerns about crime, these victims have participated on the victim panel, when the juvenile has committed a victimless crime. The rate of juvenile recidivism at this local is below that of the state average.

ACJCS also heralds a mental health clinical division to assist juveniles with counseling, drug, and alcohol related issues. Along with victim accountability, and mental health support, this court also provides a network of community partnerships that allow juveniles to participate in community service or as participants in skill building venues, further strengthening their ability to move into adulthood. What follows will be a brief discussion of several services offered by the court.

#### *Victim Services Division*

The Victim Services Division offers three services. The first is that of restitution. A victim impact statement is sent to the victim after a crime has occurred. The victim is able to record the dollar amount of the restitution that will cover their losses. The restitution specialist sends the document to the judge for consideration in the ensuing court and mediation process. The second service is victim advocacy. The victim advocate keeps the victim updated on all court hearings and on the mediation process. The third service is that of Victim Offender Mediation (VOM), where the mediator asks the victim to participate in the mediation with the offender. It is the job of the mediator to encourage the victim to participate, letting them know that they will be able to confront, in a firm but neutral way, their offender and ask for restitution. When there is a victimless crime, the offender is required to attend a victim panel. In this panel, the victims of other crimes are able to tell their story in a way that allows the offender to build empathy with crime victims and understand the true scope of how crime affects our society.

During the Evidentiary Hearing, the juvenile may plead guilty or ask for a plea bargain. Should either of these be the case, or the juvenile is very young or a first offender, the juvenile may be offered the diversion program. Should the juvenile chose

the diversion program; they are assigned a diversion officer, who schedules a mediation with Jeffery, the court mediator. During this mediation, with the victim, offender, offender advocate, and the diversion officer in attendance, a diversion contract is constructed with input from all stakeholders at the table. During this mediation, Jeffery works to obtain vindication and healing for the victim, along with healing and accountability for the offender. The diversion officer will ensure that accountability and community safety is secured. If the juvenile completes the diversion contract, the offense will be expunged from his/her record.

After the admit/deny hearing, comes the sentencing hearing, should the case go to trial. It is during this hearing that the judge may order an offender to complete either VOM or the victim may chose to participate in the victim panel, if there is a victimless crime, such as in the case of graffiti at the city park. The objective of the VOM is to ensure that all parties intend, in good faith, to work towards an understanding and, if needed, an agreement about restitution and the criminal activity. In the case of the victim panel, victims from unrelated crimes come together to tell their story to the offenders, in detail, in an effort to build empathy and compassion in the offenders listening to these accounts of victimization.

#### *Education Services*

ACJCS provides each school district with its own probation officer who works hand-in-hand with the school principals to ensure safety and accountability within the school system as a partnership with juvenile justice. Another aspect of ACJCS is the alcohol, tobacco, and traffic court run by the Honorable Judge Breecz, where a jury of their own peers judge the juvenile offender. These high school jury members volunteer as

a part of their civic duty. The attendance court, currently serving K-8 elementary students, is also a restorative practice, mediated process. When a school student breeches the school attendance policy, the principal gives their name to the attendance court clerk, who sets in motion law enforcement, who serves a subpoena to the parent, ordering them to attend attendance court. During the ensuing discussion at the hearing, the following problems might be discussed: setting an alarm, no available breakfast, no available transportation, parents working, sickness, and students skipping out on class. At this judge-mediated court hearing, the parent, parent and child advocate, child, judge, and school official agree to a behavior plan that enables the student to be successful at school.

#### *Clinical Division*

The ACJCS offers a unique Clinical Division that touts six licensed mental health therapists. When the population of the 76-bed detention facility was lowered to an average population of 35, these extra beds became available for a clinical program used for chronic juvenile drug abusers. This program is located in the court facilities. This Monday-Friday program, for eight juveniles, encompasses the mental health staff therapists, drug and alcohol counselors, a certified school teacher, probation officers, and detention staff. The program offers individual and group counseling sessions, cognitive and behavioral exercises, psychoactive drug education, intensive family group processes, and school. The residential program is followed up by a four-week post-residence case management component. ACJCS offers many support programs to juveniles, their parents, and the victims of crime. Now that we have discussed the Victim Services, detention, education, and the clinical division of the court, we will move on to the procedure used for data analysis.

## Participants

Participants for this study were selected from among the various leadership positions existing within Ada County Juvenile Justice Services. There were nine Ada County Juvenile Court employees and volunteers along with a former mediation specialist and the Honorable Fourth District Court Judge Young that were interviewed. The employees of the court included Steven Dye, the director, Nicole, the victim advocate and Arielle, the restitution specialist. Also mediator, Jeffrey Cowman and his team leader Susanne, the court financial manager, were interviewed. Deborah, the technology specialists and research analyst was interviewed. Finally, Chad a volunteer intern and the Honorable Judge Breeze, a court juvenile judge was interviewed. Many other persons in the court including the marshals, the intake specialists, the security officers, the court teacher, and many probation officers and administrative personal were interviewed. In addition, three offenders, their parent/guardians and five crime victims were interviewed. The parole officers carry out the intent of the conference agreement, ensuring public safety throughout the process. The mediator sets up and mediates the conference, completing all necessary paperwork. The court teacher acts as both an advocate and an accountability coach while the victim advocate and restitution specialists invited the victim to participate and ensured that their voice is heard throughout the process.

## Central Question

To discover how leadership is defined, maintained, and sustained within Ada County Juvenile Court, the central question, used to guide the study was: what role does leadership play in the themes and contexts that are expressed in the restorative justice

experience? The central question was derived from the review of the literature, particularly the research noting a lack of studies with a focus on leadership. The subquestions further refined this central question.

### *Subquestions*

This study uncovered further information about the leadership style used at the Ada County restorative justice site, along with its team structures. The central question was supported by the following four sub questions. The first sub-question was: how is leadership defined within the restorative justice experience? The second sub-question was: what motivates the members to participate in the restorative justice experience? The third sub-question was: what guides the actions of participants in the restorative justice experience? The fourth sub-question was: what is the relationship between the Ada County Juvenile Court and other community institutions?

The first sub-question further defined these leadership structures with a focus on consensus building, power, and leadership roles. It is hoped that the leadership stories told, added further information to the site characteristics. The Bazemore and Umbreit study (2001) noted the need for further study on leadership roles conducive to community participation and the need for flux within the conferencing models in relation to community culture. The research from Karp et al. (2004) in particular noted territorialism on the part of the state with power struggles noted within the restorative justice setting.

The second sub-question sought an understanding about the internal and external motivations of the restorative justice leadership team. These questions added insights to the reasons for volunteering, further define job descriptions, and describe current team

competence. The third-subquestion further defined the vision, mission, values, and objectives along with the teamwork expressed within Ada County restorative justice. These two subquestions helped define how leadership capacity is defined and strengthened.

The fourth sub-question further defined the ability of ACJCS to expand its leadership influence and authority into the community; it defined the ability to create a network of collaborating organizations. It further delineated how the team evaluates its successes in terms of juvenile recidivism, victim advocacy, and community safety. These subquestions delineated the participants own perceptions and attitudes about restorative justice, enabling the researcher to fully understand the leadership components of the following: shared values, motivation of leaders and followers, passion and risk, focus on key stakeholders, shared covenant, collegiality, influence, inspiration alignment of vision and actions, reasonable control over work activities, organizational change, innovation, successes, and learning organizations. The interview questions are located in Appendices A-E.

Just prior to the interview, the Ada County Juvenile Court Services Demographic Survey was given to the participants. It is important to obtain information on the background of volunteers and other team members to ascertain whether there is diversity within the ACJCS. Karp et al. (2001) noted a disparity between age, gender, class, religiosity, and ethnicity between the restorative justice team members and the offenders. This lack of diversity may adversely affect the rights of an offender. Questions were asked of the participants in regards to their age, gender, ethnicity, education, religiosity,

income, work status, and political viewpoint. These participants were also asked about the importance of their faith. This survey is located in Appendix F.

#### Accuracy, Trustworthiness, and Verification

Creswell (1998) purports the following five standards to ensure that accuracy is applied to qualitative research: (a) the research questions drive the study rather than the reverse, (b) the data collection and analysis are applied in a technical sense, (c) the researcher assumptions are made explicit, (d) the overall warrant of the study itself, and (e) the value of the study of informing and improving practice.

Verification is a process used throughout the research, analysis, and subsequent writing of qualitative research; it is composed of standards as criteria imposed by the researcher and others after a study is completed (Creswell. 1998). According to Creswell, verification of a study comes with at least 2-3 of the following: prolonged engagement and persistent observation in the field, triangulation of data, peer review or debriefing, negative case analysis, clarifying researcher bias from the onset of the study, member checks, rich, thick description, and external audits. To enhance the accuracy, trustworthiness, and verification of data, this case study used persistent observation, triangulation of data, clarifying researcher bias, member checks, and rich thick descriptions.

All surveys and interviews guided this study towards accuracy and verification of information using responses from key site members. Detailed descriptions were obtained to assist in the transferability of the findings as suggested by Creswell (1998). By using the participants' own descriptions, the researcher gleaned understanding through the participants' eyes that lead to the accuracy and verification of the data (Creswell). As a



procedure for member checking, the researcher rephrased the participant's response, seeking clarity. The researcher did member checking following any complex response. A "one shot" interview was the natural course of investigation on the part of the researcher (Creswell). The researcher engaged in triangulation by using the survey, the interview, and onsite documents to ensure triangulation of data. By using these methods, convergence of information and accuracy was ensured, and trustworthiness developed.

#### Role of the Researcher

According to Creswell (1998), when a researcher delineates her biases before any interview or survey, peers reviewers can assist in correcting the narrative for possible bias. In this case, the researcher is biased negatively towards volunteer organizations where leaders may be assigned by default, based on availability of time, rather than on their leadership ability. Additionally, this researcher has concerns that those in public office, the juvenile judge, probation officer, and law enforcement may not understand the complexity of leadership with its power and influence relationships. The researcher is also biased--concerned that religiosity is a structure necessary for all households and restorative justice sites no matter their makeup. The researcher has a bias towards Ada County restorative justice assuming that it works on the precept of Community Justice, a subset of Restorative Justice. The researcher feels that since Community Justice uses community (at large) mentors instead of "communities of care," its process cannot be as influential and helpful to the offender.

#### Data Analysis

The data collection was extensive and drawn from multiple sources of information. These multiple sources of information included observations, taped

interviews, surveys, and documents related to the leadership roles of participants at this site. The majority of data for this case study was conducted through semi-structured interviews. A holistic analysis was completed after the site observations and taped interviews were conducted following Creswell's suggestion (1998). The interviews were transcribed by the researcher. The researcher also conducted the quantitative analysis from the survey data. Through the collected data, a detailed description of the case was written and an analysis of the emerging themes were described through a narrative format using interpretation or assertions by the researcher (Stake, 1997). Gathering demographic data facilitated group comparisons. The final analysis produced a narrative, which was written through a postmodern lens. Postmodern writers realize that written narrative contains the author's point of view and the situated context of life experiences. Surveys and interview responses from participants also contain this same "situatedness" (Creswell). As Creswell prescribes, the researcher made assertions based on a detailed description of the case and its emergence of holistic themes.

### Chapter Summary

This case study was situated within the Ada County Juvenile Justice Court Services site in Boise, Idaho and was conducted during the 2009-2010 school year. Semi-structured interviews were used along with a simple demographic survey to obtain the purposefully selected participants' perspective, perceptions, and roles of participation in the ACJCS. The researcher, using key-players, as informants, conducted these semi-structured interviews. The court director, finance director, judges, probation officers, mediators, victim advocates, community volunteers, victims, and offenders and their advocates, along with a schoolteacher were interviewed. Participants were chosen for the

purpose of obtaining an information-rich description concerning leaderships within Ada County restorative justice. The central question, discovering the role that leadership plays in restorative justice, was specified, while the four sub-questions were delineated and discussed. To ensure accuracy, trustworthiness, and verification, the researcher used persistent observation, triangulation of data, clarified research bias, used member checks, and rich thick descriptions.

## CHAPTER FOUR

### Data Analysis

#### *Introduction*

Chapter Four begins with an opening vignette, which allows a vicarious exposure to the case. As noted by Stake (1995), “To develop vicarious experience for the reader, to give them a sense of ‘being there,’ the physical situation should be well described” (p. 9). The opening vignette is a general description of the management of the court and its overall magnitude, allowing the reader a better understanding of both leadership and management of the court. After the vignette, the following information will be discussed: ACJCS police processing, the petition process, Victim Services Division, ACJCS organizational chart, the qualitative analysis procedures, participant identification, individual interviews, data management, rationale for data analysis, direct interpretation, aggregated instances, and naturalistic generalizations. The analysis process provides an understanding of Ada County Juvenile Court Services with its underlying theme of restorative justice. The data analysis entailed a cycle of three instances. Each step in the cycle will be explained: direct interpretation, aggregated instances, and natural generalizations.

#### Opening Vignette

When the researcher entered the lobby of the Ada County Juvenile Court Services building, she sensed she was in a different era, a different time. Just to her right were both a metal detector and a digital TV with camera, reading images hidden in briefcases and in other carry-ins. The four Marshals neither smiled nor frowned as they meticulously completed their task of keeping the staff within the court safe. Almost instantly, a young

man met the researcher, shaking her hand vigorously, “Welcome, so glad you could be here,” Jeffery Cowman, the court mediator, stated.

He quickly introduced the researcher to the women behind a glass enclosure introducing them as the court administrators. After receiving her security pass, the researcher followed Jeffery through a security controlled door, entering the office space for the probation officers, the Victim Services Division, the court director, the research analyst, the business manager, and the Mental Health Clinical Division. To the right of security were three juvenile court rooms and three judge’s chambers. After buzzing through a second door, they were within the confines of the juvenile detention center, which also housed the residential drug treatment program, complete with a school, cafeteria, gym, library, and holding cells. The expanse of the ACJCS was already quite evident.

Three juvenile sentencing cases were later observed, with field notes being taken at each. These three cases were tried in juvenile court. In one petty theft case, the offender had retained a private lawyer. In the other two cases, one with both drug paraphernalia and resisting arrest, the parents escorted and represented the juveniles.

During the course of this study, three victim-offender mediations (VOM) were observed; these mediations lasted from one and one-half to two hours. At ACJCS, a VOM is scheduled within 30 days of a plea bargain or a sentencing whenever the victim is willing to participate. In one mediation, the father supported a 17-year old male charged with malicious injury to property, a felony. The victim, the homeowner, was present. In another case, a 17-year old juvenile was charged with 15 counts of felony burglary and three of his victims were present. In still another, a 17-year old girl was

charged with check forgery, a felony. She was supported by a male family friend since both her parents were in prison. Her two victims were present.

In addition to the court cases and mediations, this study produced 22 hours of interviews which were tape-recorded and transcribed by the researcher. Many of the interviewees were members of the Ada County Juvenile Court, or had previously worked within this system. One prior court mediator now teaches mediation at Boise State University (BSU). One interview was conducted with the Honorable Judge Young from Fourth District Court, who worked with the Honorable Janet Reno, the United States Supreme Court Judge, who was instrumental in bringing community restorative justice to Boise, Ada, and Canyon Counties in Idaho.

#### Survey Data Analysis Procedure

This section discusses the quantitative data analysis process. The following table depicts demographic profiles of the 14 individuals who participated in the mediation process and were subsequently interviewed. These 14 quantitative surveys help inform the qualitative information gleaned from the 14 interviews. The data from the demographic surveys were tallied. The surveys were then kept in an individual file away from the transcribed interviews and the participant's permission forms.

Table 2: Ada County Juvenile Court Services Demographic Survey

Capacity	Age	Gender	Ethnicity	Length at current Address	Education	Work	Income	Religion	Spirituality	Political View
Offender	17	F	Hispanic	1	Some High School	Student	<20,000	none	Not Important	Not Sure
Offender	17	M	White	17	Some High School	Student	<20,000	N/A	Not Important	Not Sure
Offender	17	M	White	17	Some High School	Student	<20,000	N/A	Not Important	Not Sure
Parent/Guardian	35	M	Hispanic	2	High School	Driver	<20,000	none	Not Important	Not Sure
Parent/Guardian	55	M	White	22	Professional	Retired	>80,000	Baptist	Somewhat Important	Liberal
Parent/Guardian	50	M	White	25	Some College	Driver	<60,000-80,000	N/A	Somewhat Important	Not Sure
Victim	38	F	White	30	Some College	Retirement Specialist	60,000-80,000	Nazarene	Somewhat Important	Liberal
Victim	37	M	White	30	High School	Driver	60,000-80,000	Christian	Somewhat Important	Liberal
Victim	36	F	White	8	Some College	Health Care	20,000-40,000	LDS	Very Important	Moderate
Victim	44	M	White	8	Some College	Sales	40,000-60,000	LDS	Very Important	Conservative
Victim	39	F	White	4	Some College	Homemaker	20,000-40,000	None	Somewhat Important	Moderate
Victim Services	24	F	White	13	College	ACJCS	20,000-40,000	N/A	Not Important	Not Sure
Victim Services	28	F	White	2	College	ACJCS	20,000-40,000	N/A	I Don't Know	Moderate
Victim Services	29	M	White	5	College	ACJCS	20,000-40,000	Catholic	Very Important	Moderate

### Analysis of the Data from the ACJCS Demographic Questionnaire

The review of the literature, specifically Kraft et al. (2001) and Cook (2006) exposed a possible disparity in conference settings due to gender, class, race, and ethnicity. According to Cook (2006), these disparities may happen between VOM leadership, the victim, the offender, and the support advocates. Even though 22 interviews were conducted, only 14 of those interviewed were surveyed. This was due solely to their participation in the VOM process. The representative sample is small, n=14, however many of the disparities articulated by Cook were noted. In the ACJCS demographic survey, the mean age of a VOM conference participant was 33 years of age, while the mean offender was 17 years old. These offenders were still in high school, while the majority of the other participants had some college, or college degrees and were generally making \$20,000 – \$80,000 per year. These disparities between education and class are glaring. These statistics show that social economic status should be carefully monitored in the mediation setting to ensure that class norms from one group are not imposed on another. For example, an affluent victim should not impose college entrance on a middle class student who may choose the military. In contrast, the political and religious makeup of the 14 participants was greatly diversified, leading to what may be considered a safe and multicultural conference experience. While the mode in spirituality was somewhat important, the mode for religion was N/A, and the mode of political persuasion was ‘not sure.’ Data from the demographic survey revealed that the mean time of a participant’s length of time at their current address was 12 years. According to the literature review, this population seems relatively stable. Implications from this survey



will be discussed in further detail in Chapter Five. A description of the 22 interviews will be presented.

### Participant Identification

Those interviewed at Ada County Juvenile Court Services (ACJCS) were a unique mixture of leaders, victims, offenders, parents or support persons, judges, probation officers, and mediators. Although there are numerous individuals working at ACJCS, only those that shared a deep interest in the Victim-Offender Mediation (VOM) process were interviewed. These included the director, mediator, research analyst, restitution specialist, victim advocate, a probation/diversion officer, an ACJCS judge, Fourth District Court Judge, victims, offenders and their support teams, and an intern working in the mediation program. It was invariable that during one interview, another person would be mentioned as a source of added information, someone that would add rich discussion and knowledge to the restorative justice theme. Jeffrey, the mediator, was also able to set up three victim-offender mediations. Interviews with the victim, the offender, and their guardian/parent followed these interviews. An interview was also set up with Judge Young, the Fourth District Court Judge and with Jennifer Poole, the first ACJCS mediator.

### Individual Interviews

A statement from The University of Montana's Institutional Review Board protocol requirements preempted each interview. Each interviewee was told that they had valuable information to share about restorative justice and that the researcher was here to learn from them, the experts. Offenders and their support person were interviewed together to create a sense of security. Each interview was tape-recorded using a digital

recording device. Interviews with the ACJCS team members took place in their respective offices. Interviews with judges, took place in their respective chambers. The interview with Jennifer, the first court mediator, took place at the Ada County Court House conference room. All interviews and mediations took place in the conference room of two different ACJCS buildings. The interviews with the offender and their support person took place while Jeffrey was finishing the post-conference with the victims.

#### Data Management

Once all the individual interviews were completed, the researcher completed the transcriptions. The individual participant data was kept in 22 hardcopy files. The field notes were kept in a separate file, but within the same filing system. Finally, the court documents, webpage artifacts, court brochures, demographic questionnaires, and permission forms were kept in a separate file as per The University of Montana Institutional Review Board protocol.

#### *Steps in the Qualitative Tradition's Analysis Procedure*

Verification is a process used throughout the research, analysis, and subsequent writing of qualitative research; it is composed of standards such as criteria imposed by the researcher and others after a study is completed (Creswell, 1998). As verification procedures, this case study used a persistent three-day observation, triangulation of data, clarified researcher bias, and completed member checks. Descriptions from interviews and court documents were obtained. The data consisted of deeply personal accounts of personal stories and deeply felt raw emotions, which melded with the voice of each participant. After each interview, the data was diligently approached with the fundamental intent to make sense of the participant's experience. According to Stake

(1995), when researchers encounter strange phenomena, they have certain protocols that help them draw systematically from previous knowledge and cut down on misperception. This intuitive processing and searching for meaning is the beginning of analysis and interpretation.

A “one shot” three-day site visit was the natural course of investigation. This time was spent side-by-side with people who could best provide a natural insight into the court. Interview and survey information from the key site members guided this study towards accuracy and verification. Detailed thick descriptions were obtained to assist in the transferability of the findings as suggested by Creswell (1998). By using the participant’s own descriptions, the researcher gleaned understanding through the participants’ eyes that lead to accuracy and verification of the data (Creswell). As a procedure for member checking, the researcher rephrased the participant’s response, seeking clarity during the interview. This member checking followed any complex response. Triangulation of survey, via questionnaire, interview, and onsite documents was completed, combing the data for the emergence of themes. By using these methods, convergence of information and accuracy was ensured in the final written narrative.

#### Rationale for Data Analysis

According to Stake (1995), there are two strategic ways that researchers arrive at new meanings about cases, first, through direct interpretation of the individual instance and second, through aggregation of instances until something can be said about them as a class. In order to explain the recommended analysis procedure, the qualitative researcher concentrates on the instance, trying to pull it apart and put it back together again in a more meaningful way--analysis and synthesis in direct interpretation. Stake warns that

in the case study, the task of teasing out relationships, probing issues, and aggregating categorical data is subordinate to understanding the case as a whole, which requires direct interpretation. Aggregation of instances was used in this study by reading and rereading interviews, reading field notes, and searching site and court documents seeking the triangulation of data wherever possible. Also used were member checks, both on and off site, along with direct interpretation in a concerted effort to realize the full scope of this case study.

As Creswell (1988) recommended, the analysis consisted of a reading of all the individual interview transcriptions in their entirety, in order to get an overall feel for the case. Three main sources of data were analyzed: (a) interviews, (b) field notes, and (c) site documents, first looking at the data within the natural setting and then through decontextualizing the data as recommended by both Creswell and Stake. Stake noted that it is important to spend the best analytic time on the best data. Stake (1995) noted “coverage is impossible . . . equal attention to all data is not a civil right . . . but the key issues need to be kept in focus, with the analysis, roaming out and returning to those foci over and over” (pp. 85-86).

In striving to understand the multifaceted philosophy of leadership within restorative justice, the complexity of examining ideas associated with leadership was recognized from the beginning. The process of seeking to understand required an attitude of wonder and intrigue. According to Stake,

In my analysis, I do not seek to describe the world or even to describe fully the case. I seek to make sense of certain observations of the case by watching as closely as I can and by thinking about it as deeply as I can. It is greatly subjective.

I defend it because I know no better way to make sense of the complexities of my case. (1995, pp. 76-77)

Trying to describe victim and offender healing, accountability, and vulnerability within merging relationships, is necessary for scholastic expansion. It was within these interviews that the leadership and passion for restorative justice became evident.

#### *Analysis Procedure*

The data analysis process followed the recommendations of both Creswell (1998) and Stake (1995). Twenty-two interviews were transcribed by the researcher. After the transcription process, the researcher began a process of coding the transcribed interviews for emerging categories. Next, the marked text was entered into a computerized text file specific to that emerging category. As outlined by Stake (1995), a synthesis of the analysis was examined for researcher bias and final confirmation, using a triangulation of the interviews, field notes, and court documents. Again, as suggested by Stake, in order to identify strong patterns, a synthesis of these emerging themes were categorized into key topics called naturalistic generalizations. Finally, these generalizations were added to the written narrative.

#### *Reading, Memoing, Coding, and Direct Interpretation*

The interviews were the first documents to be analyzed. During the first step, the initial reading of the 22 interviews, the researcher completed deep, critical thinking about, and direct interpretation of, one-time instances. During this reading, categories of data, or “strong patterns” began to emerge around leaders, restorative justice, and partnerships. These generalizations emerged as a matter of course, since the central

question and sub-questions drove these initial themes. Stake (1995) noted that qualitative research looked for the emergence of meaning in the single instance.

According to Stake (1995, p. 78), “search for meaning often is a search for patterns, for consistency, for consistency within certain conditions, which we call strong patterns.” Using direct interpretation, the first instance of a strong pattern that emerged was that of leaders. Within this framework of leaders, employees of the court noted that in weekly team meetings, they set goals and evaluated their ability to reach these goals. These same team members discussed the mission statement of their department and delineated plans to align daily work with this mission. Other team members noted that they had autonomy to complete work within the structure of their department handbook. Still other employees talked about the need to have new plans or ideas approved by Steven, the court director.

Again, using direct interpretation, strong patterns also emerged around the concept of restorative justice. Victims spoke of the importance of meeting the offender face-to-face. Offenders spoke of the importance of telling their side of the crime story. Members of the Victim Services Division spoke of the accountability seen within the victim-offender mediation process.

The third emerging pattern is that of partnerships. Court employees were creating community coalitions to provide transportation, through Valley Regional Transit, to the Ada County Social Services building and the new alternative school. These community members wanted to make a difference for students and other community members. Offenders and their parents noted Boise Parks and Recreation and The Boys and Girls Club as places to complete community service and “give back to the community.” Other

times the local church or a neighborhood coalition was noted. Other responses were driven by an underlying passion seen by the court employee to complete meaningful work. Finally, responses appear to be driven by a heartfelt need to make a difference in the local community. With the first step of data analysis completed, the next section describes the subsequent analysis procedure which is identifying aggregated instances.

### Aggregated Instances

The second step in the data analysis procedure used aggregated instances. After the initial reading of the data, the transcribed interviews were re-read using deep thinking as proposed by Stake (1997) who stated, “I look for corroborating incidents and disconfirming ones as well . . . in an effort to understand these people” (p. 76). During a second reading of the transcribed interviews, and in an effort to fully understand the complexity of the case, the data were analyzed for aggregated instances. Memoing in the margins of the transcripts was used to assist in the identification of the aggregated instances.

The aggregated instances were not considered for aggregation unless they appeared at least twice in the dialog, court documents, or field notes. During a re-read of the interviews and court documents, a tally system was created so each emerging instance could be tallied. A data sheet was created, adding a new instance after seeing it appear at least twice in the data. After completing the process of deep thinking about the interviewees’ responses, tally marks were made in the margin next to a corresponding category when the topic surfaced. Each tally added to the categorical aggregations in an effort to note the number of emerging instances.

Stake (1997) noted that “important episodes or passages of text, take more time, looking them over again and again, reflecting, triangulating, being skeptical about first impressions and simple meanings . . . challenging ourselves regarding the adequacy of these data for assertion” (p. 87). The following is a list of the 10 aggregated instances that emerged as the triangulation of data ensued: (a) leadership and management, (b) critical stakeholders, (c) community partnerships, (d) training and education, (e) healing and vindication, (f) hearing the stories, (g) offender accountability, (h) evaluation, (i) recidivism, and (j) competing issues. These results are shown in Table 3. According to Stake, the narrative should provide enough raw data to allow the reader to make alternate interpretations as to the emerging themes.

The top three themes were (a) leadership and management with 133 tally marks, (b) healing and vindication with 81 tallies, and (c) community partnerships with 53 tally marks. While some aggregated instances claimed a significant number of tallies, rich leadership themes began to emerge from the three direct interpretations noted above. It appeared that the “best data” as noted by Stake (1995) was that of leadership and management, community partnerships, and healing and vindication.



Table 3: Ten Aggregated Instances and Their Associated Tallies

Aggregated Instances	Reference Tally
<b>Leadership and Management</b>	<b>133</b>
Critical Stakeholders	24
<b>Community Partnerships</b>	<b>53</b>
Training and Education	15
<b>Healing and Vindication</b>	<b>81</b>
Hearing the Stories	37
Offender Accountability	29
Program Evaluation	10
Recidivism	7
Competing Issues	12

A discussion of each aggregated instances will occur, as seen through the lens of leadership.

#### *Leadership and Management*

According to Rost (1991), while leadership involves mutual purposing, management involves a power relationship. He continued, noting that the reason for leadership action involves an influence relationship and the reason for management action involves coordinated activities. The interview with Director Steven Dye was analyzed using both the leadership and management lens. Steven has been at ACJCS for two years. He stated that if he is going to make a difference, it is going to be at the county level, because it is here that the biggest difference can be made. In deciding which job to

take, he chose Ada County due to the challenge it presented. ACJCS offered a mental health clinical division and had many tools at its disposal. When he arrived on site, the court had a 28% turnover rate of employees. In March of 2009 that rate was in single digits. The 76-bed juvenile detention facility was full to capacity, with a waiting list. In March of 2009 the juvenile detention facility housed an average of 35 local juveniles, with beds made available to other jurisdictions.

In the recorded interviews, each victim, offender, and support person noted the excellent leadership and management skill that Jeffrey, the mediator, possessed. They noted, “He is a skillful mediator” and “We received numerous phone calls and letters” or “He kept us informed throughout the entire process.” Offenders mentioned the influence that Jeffrey had when inviting them to participate in the mediation process. Rost (1991) noted that leadership is about transformation, where active people engage in influence relationships based on persuasion. These leaders intend real changes to happen and insist that those changes reflect their mutual purpose.

#### *Critical Stakeholders in the Process*

Steven, along with several managers spoke of the strategic plan that is a viable source of guidance to ACJCS. In this plan, critical stakeholders are identified. Steven commented:

Education is a critical stakeholder because we know that a kid that is successful in school is either not going to enter the juvenile justice system, or will not penetrate it very far. Even kids from dysfunctional families, if they can succeed in school, the family will not have a negative impact [on them].

The court employs a teacher, who holds a master's degree. This teacher works at Frank Church, the Boise School District Alternative School. The school district is reimbursed by the court for the space used to educate students, who have been suspended or expelled. According to Steven, continuation of the educational process is necessary for the juvenile offender to ensure competency and necessary skill. The court detention center also hires two teachers and three teacher's aids to run the detention facility educational program, complete with two classrooms, a library, a cafeteria, and a gym. This detention center school touts weekly book clubs, bass fishing tournaments (put on by a celebrity fisherman providing free fishing poles to all involved), state of the art health services, and a four star meal service facility. One teacher has taught at the detention center school for 27 years with no thoughts of going anywhere else, but heart-bent on making a difference in the lives of kids.

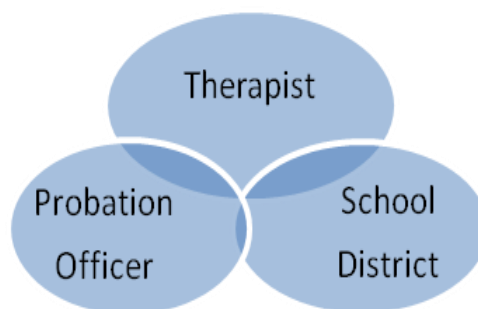
Another critical stakeholder used by the court, is that of a school liaison, the probation officer, who is cross-trained in mental health counseling and in probation. Steven assigns a cross-trained probation officer to each school. These trained experts assist the school with law-related and behavioral issues. Steven noted that the presence of the probation officer provides an added layer of accountability for students.

Steven feels that, "another critical stakeholder is the mental health therapist." With the mental health clinical division located at the court, the therapists are able to train other court employees in prevention and intervention methods. The court, with the expertise of these mental health therapists, runs a drug and alcohol program. This program includes residential treatment, providing youth with a Monday-Friday meal and lodging venue with individual, group, and family counseling in behavior modification.

The following diagram (Figure 3) shows the three critical partners as denoted by Steven Dye, ACJCS Director. Again, Steven noted that, these three partners are education, mental health therapists, and the cross-trained probation officers.

Figure 3

Critical Stakeholders in Restorative Justice



Steven talked about the Community Multi-Disciplinary Team (CMDT). This wrap-a-round service included the school, health and welfare, mental health therapists, and probation. Three of these CMDT members are the critical stakeholders mentioned by Steven and are seen in the diagram above. After completing a risk assessment on any juvenile that presents a special risk, the CMDT team members staff the case. The juvenile and his parent sign a release of information so the team can complete an individualized intervention plan. Steven spoke of a network of agencies that share information to allow this type of intervention. These agencies form partnerships that include law enforcement, judges, prosecuting attorneys, courts, schools, and health and welfare.

### *Community Partnerships*

Steven noted that small communities can easily form partnerships that intervene for juveniles because small communities “talk.” The neighborhood, schools, youth organizations, and other concerned citizens interact with law enforcement to provide formal and informal social control, which hold juveniles accountable to the community.

According to Steven, when partnerships are formed, school principals become active participants in the restorative justice process, contacting the parole officer, law enforcement, or the football coaches to intervene in the life of juveniles. Although Steven feels that restorative justice should also be housed in the school setting, he believes that there should be a partnership with other community or county agencies. He feels that, as a safeguard, a risk-assessment should be completed on each student exhibiting anti-social behavior. He noted that it is necessary to use this assessment for evaluating low, medium, and high-risk juveniles.

Steven used the Balanced and Restorative Justice model, with balance between restoration, community protection, accountability, and competency development as its precepts. Steven noted that each juvenile needs an individual educational plan (IEP) which creates a road map stating where the juvenile is going and how he is going to get there. Steven added that approximately 8% of juveniles commit 22% of the crime as a national statistic. This leaves crime eligible 10-17 year olds committing more than their share, which becomes a quality of life issue for communities. Steven added that, “If juveniles are going to be successful, it is directly tied to their success in schools.”

The ACJCS diversion program [ACJCS alternative to probation and detention] utilizes community service components through which juveniles complete restitution,

paying back the community for harm caused by their criminal activity. Juvenile offenders, go through the mediation process with the victim, their advocate, and the diversion officer (a trained probation officer). The offender, for placement in the diversion process, pays a fee of \$100. A \$30 monthly fee is also charged for probation services and a \$.60 fee per hour for community service is charged. The probation charge is to off-set the added expense and for accountability for the juvenile. The \$.60 community service fee pays for the State of Idaho workman's compensation charge.

Community service is seen as an opportunity for the juvenile to build life-long competency skills. During this time, they are paying back the community for the harm they have caused. The juveniles may work for Parks and Recreation, a local daycare provider, the Idaho Food Bank, or their local church, just to name a few.

During mediation, the victim, offender, parent, and diversion officer have input into the terms of the behavior contract. These terms may include drug testing for juveniles who have shown problems in this area. Youth are required to admit their guilt prior to being placed in the diversion program. Youth, who do not complete the terms of their agreement, will have their police report and criminal file sent back to the prosecuting attorney. It should be noted that Boise State University interns were responsible for and managed 313 of these diversion cases during 2009.

ACJCS also provides prevention and law classes to the students in the county school districts. Interns from Boise State University run these programs with the assistance of Nancy Duncanson, the law class teacher. The school counselors select middle school students in need of this service. In 2009, the court provided law related

education and anger management classes to 1,365 Boise School District students through 69 presentations.

According to Bazemore and Umbreit (2003) as well as researchers from Florida Atlantic University and the University of Minnesota School of Social Work, balanced and restorative justice (BARJ) holds to three tenets. These three tenets are (a) juvenile accountability, (b) public safety, and (c) competency building. The following diagram (figure 4) depicts the cycle of movement contained in the BARJ model. Steven articulated that these tenets are imbedded in every aspect of the Ada County Juvenile Court.

Figure 4

Balanced and Restorative Justice (Bazemore & Umbreit, 2003)



#### *Training and Education*

Amanda, a diversion officer, noted that the State of Idaho requires all employees working within the court to have bachelor's degrees. Most of the employees working within the Victim Service's Division have degrees in criminology, social sciences, or psychology. The budget and finance administrator, who has a degree in social services,

also has a master's degree in business administration. Steven, court director, has a bachelor's degree and 30 years of experience in juvenile justice, where he began as a probation officer.

During the course of the interviews, it became apparent, that before the current director's arrival, the employees had been thrown into a job they had not been trained for. These interviewees stated that it would have been better to create the procedures and processes before they were asked to perform their job duties. Capacity-building leaders create meaning and shared knowledge through broad-based, skillful participation (Lambert, 2003). Capacity-building leaders, using influence relationships, assist their leadership team in planning strategically and setting goals and values for organizational foundations. These leaders invite others to participate in a type of leadership that passes freely from person to person, allowing broad-based participation and generating shared knowledge (Lambert, 2003; Sergiovanni, 2001). The employees of the Victim Services Division recommended that new programs begin with the construction of standard operating procedures' and data collection devices before beginning new job assignments.

### *Healing and Vindication*

Prior to the start of several mediations, the juveniles assumed that the crime victim would be angry and yell at them. Due to the pre-mediation meeting with Jeffrey [the court mediator] and the victim, this failed to happen. According to Jeffrey, it is his job to ensure that civility prevails at the mediation; he prepares his victims and offenders well in advance for this face-to-face meeting. There were times, if he sensed that either the crime victim or the offenders were not willing to participate in the mediation, that Jeffrey stopped the mediation process. As Jeffrey stated at the onset of the mediation,



“All parties, intend in good faith, to work towards an understanding, and if needed, an agreement.” In fact, his modus operandi is to create an environment where the victim and offender come together in consensus, and if necessary, create the agreement.

In the observed mediations, the crime victims felt no different about the crime itself, either before or after the mediation. These victims stated that, “The crime was ridiculous” and “I was embarrassed, it shook me on several levels,” “I suffered an intangible loss,” “My privacy was invaded,” and they “still felt the same way about the crime.” The mediator met with the victims one-half hour before the mediation to reinforce the empowerment process. During this time, the victims kept stating that they just wanted to know “Why?” or “Where were the parents?” or “How could this kid have done such a terrible thing?” They also stated, “The kid was looking for drug money.”

After the mediation, the victims were able to separate the victim from the crime and were able to make comments like “Wow, he is just a normal kid that got caught up in peer pressure,” or “That kid is a great kid,” and “He sure has great parents.” One victim, a mother of younger children, had been particularly hard on the burglary offender before the mediation. After mediation, she thought the judge was too hard on the juvenile and the sentencing of 15 counts of felony burglary would impede his ability to get into the military or the police force. After the fact, she stated, “[The offender] was made an example of,” while prior to the mediation she made the following comments, “He broke into my car, now my girls and I are scared.” Another victim, a father, stated, “He hoped his kid wouldn’t do something similar.” He became concerned about his own parenting and realized how hard it was to be a parent.

The voice of the victim and offender could also be heard within the mediation process. Jeffery, the mediator, allowed ample time for the victim and offender to be heard; he encouraged them to tell their story using “deliberate detail.” In a malicious injury to property mediation, the voice of the victim and then the offender were evident as they worked through the healing and vindication process. Jeffrey asked the victim, “Did I represent you well? Do you have anything else that you want to add? There are things beside the [burglary and damaged] door that you still have to deal with. Can you give your wife’s perspective? It sounds like noises still bother her,” or “you had just returned from putting your dog down?” As Jeffrey encouraged the victim and offender to speak, each did, rephrasing and adding more detail. Jeffrey asked the victim to tell their story with emotion, leaving out no detail. To the offender, Jeffrey said, “Come over here and tell your side of the story...It seems like you have gained insight into the crime . . . Your desire is to apologize...People kept egging you on... you were equally scared and your adrenalin was going” and “you tried to apologize, but the law said no.” When Jeffrey retold, or recapped the story, he reaffirmed the voice of the victim and offender by asking “if he caught all the details.” According to Jeffery, “this process allowed the victim to feel vindicated and the offender, for perhaps the first time, to tell his/her side of the story.” Offenders and their support persons also stated how important the victim-offender mediation was as a part of the healing and accountability process. They stated that Jeffrey had used great skill in asking them to participate; they noted the empowering nature of the mediation process.

### *Hearing the Stories*

Within the first few minutes of the interviews, the sense that restorative justice permeated the entire court was also evident. It was evident that those interviewed and working with ACJCS held a passion and were motivated by the tenets of restorative justice. Those interviewed spoke often of “repairing the harm” of the crime, “repaying the victim for what was lost,” “supporting both the victim and offender,” and “offender accountability.”

One could see a father supporting his daughter at the sentencing hearing when she told her side of the story. The judge asked the father to speak about how his daughter’s drug addiction had impacted the family. During these interviews, “healing” for both the victim and the offender was often mentioned.

### *Offender Accountability*

According to the Restitution Specialist Nicole, “once mediation is completed, and the judge signs the behavior document, it becomes a binding agreement.” She also noted that, “the victim [now] has a face and [the crime] is not just random, so instead of paying for the tire they slashed, they come to the victim’s house over the weekend and trim hedges.” Nicole stated the following, “This [accountability] cuts down on the financial services system trying to collect restitution.” She also stated, “There is a lower re-offense after mediation due to the name-face encounter.” She reiterated that, “[VOM] is as effective, if not more [so] than the sentencing process.” The judge talked about accountability to an offender, letting her know the impact of her crime on the community. The tenets of restorative justice were also evident when the judge ordered an offender to complete VOM as an accountability structure within the sentencing process.

Jennifer Poole, the BSU Professor, stated, “The first goal of [mediation] was simply that the juvenile admitted to the crime. Judge Young stated, “in the diversion program [victim-offender mediation], [the juveniles] are held accountable.” She further stated, “but we are such a punishment oriented society.” Administrative intern Clay noted the following:

restorative justice is mainly about restoring the relationship . . . trying to encourage the victim and the offender to come together, come to peace, discuss what was harmed, and take action to solve it . . . restorative justice [gives] a better understanding of what [the juvenile] did and [opportunity] to learn from it.

Deborah, the probation officer turned research analyst affirmed, “The SRO (school resource officer) is there to help; he is there to hold [the juvenile] accountable.”

Amanda, the diversion officer, commented that before a juvenile can begin the program, “they have to be willing to admit to the behavior in the [police] report.” She affirmed that the sanctions depend on the age of the kids, the law violation, and what consequences they have already had. Amanda stated that the diversion program follows a sentencing grid approved by the county commissioners. According to Amanda, there is a zero tolerance policy towards drug and alcohol use, “if [the juvenile] refuse[s] to be drug tested, they cannot be in the diversion program.”

In interviews with the victims, there were also references to accountability. When one victim of check forgery was asked what the offender learned, her response was “accountability, I think she will play it over and over in her mind before she considers doing something like this again.” This victim also stated, “she had to [take time out her day to complete her court assignments].” The guardian of the offender offered, “I think

it's a good program. It makes them have to deal with the consequences . . . it was a moral bell ringer . . . it's about respect." The offender in this same VOM articulated that, "it's a pain." Another victim who had her car burglarized stated:

I think it [VOM] gives him [the offender] positive feedback . . . I think he sees that even though he did something wrong to someone, they are looking for the best for him . . . He won't fall into the issues of being a follower anymore. I think he will stand up. I think just the consequences he had from the court will sometimes wake people up . . . . This is a really good way to fix the early and young offender.

The father of one offender noted the following, "I think as far as the judicial process, this was the most important that [my son] got to face the victims to see how it affected them on a personal level . . . I can't even imagine having a system without [victim-offender mediation]."

Another victim stated, "kids don't think about the consequences of their actions . . . going through the process like this helps them think about their actions before they just act."

And still another victim responded,

this will affect him the rest of his life . . . I can see that [the offender] is here because he wants to be . . . [the offender] had to sit across the table from me, that made him own it . . . this is a lot to ask of a juvenile system that is very overburdened, but this process is key. I feel reassured. Everybody won.

Even the offender offered, "I put a face on the victim . . . I think kids aren't going to want to do [this VOM], but when they do it, then it's worth it. It's kind of weird you know, but I think it is worth it." This offender also affirmed:

It was good to see the side of what [the victim] felt and what happened to him, putting perspective on it . . . for the [behavior contract], I think it is good that I can give my ideas, but ultimately it is [the victim's] decision. Keep doing [victim-offender mediation]. It works.

This same offender also talked about sending out 30 job applications, in the hopes of getting a job to pay the victim back for the damage to the door. Jeffrey, the mediator, asked the offender, "How have you been held accountable at home," and again, "How have you been held accountable by the court?" The offender was then able to talk about accountability in both places.

#### *Program Evaluation and Recidivism*

Bazemore (2001) noted that the evaluation of a juvenile site should be completed by looking at recidivism rates and victim-offender satisfaction. In this analysis, evaluation and recidivism themes have been combined in an effort to reflect this joint evaluation process, as suggested by Bazemore. According to the State of Idaho, recidivism is identified as juveniles on probation, who have been "adjudicated" of a new misdemeanor and or felony within 24 months of being placed under supervision within the county by the court. The cohort (group) includes all juveniles placed on probation or informal supervision in the two years prior to the reporting period. (For example, . . . "all juveniles placed on probation from October 1, 2005 through September 30, 2006 will be the cohort for the reporting period from October 1, 2007 through September 30, 2008). Not included in the cohort is courtesy supervision, interstate compact, or juveniles placed on probation for alcohol and tobacco offenses" (<http://www.adaweb.net/JuvenileCourt.aspx>). During Jennifer Poole's time at ACJCS,

where she conducted approximately 2,000 mediations, the recidivism rate was approximately 20%. According to Poole, who was pleased with these statistics, the juveniles who did recidivate committed a lesser crime.

The recidivism rates for ACJCS for fiscal year 2008 were, 77.7% of juveniles who were adjudicated in fiscal year 2006 (839 juveniles out of 1,080) did not recidivate within 24 months of their adjudication date. For fiscal year 2009, 71.3% of juveniles who were adjudicated in fiscal year 1007 (800 out of 1,122) did not recidivate within 24 months of their adjudication date. Recidivism rates are also important when viewed from an ACJCS report, that in 1999, \$156,216 worth of community service was completed by youth providing 22,640 hours of service. Out of 1,147 juveniles referred for community service, 937 juveniles completed their hours. Steven, the ACJCS, is very pleased with these recidivism rates (D. Fulkerson, personal communication, April 8, 2010).

According to Bradshaw and Roseborough (2005), the use of restorative justice in reducing recidivism is empirically supported as an intervention for juvenile offenders; VOM is considered best practices. These authors also noted that the restorative justice model is also justified if it meets other offender, victim, and community needs.

Steven Dye noted that Ada County has some very assertive prosecutors and some very good public defenders, a good balance. He noted that it is hard to prove that restorative justice works through recidivism rates alone. Steven commented that recidivism is defined in many different ways nationally. Most states define it as 12 months after the juvenile has been charged. ACJCS defines it as re-offending after 24 months of adjudication. Steven noted that the reason ACJCS uses the 24-month period is

in an effort to maintain the integrity of the data as once a juvenile turns 18, their data is expunged, resulting in a skewing of the data with less than 24 months of history.

Jeffery Cowman, the mediator, stated that one measure of evaluation for restorative justice should be the growth in its program. According to the Victim Services team leader, Susanne, “holding juveniles accountable is not the same as punishing them.” Nicole, the victim advocate, reiterated that mediation is “face to face accountability.” She also stated that, “in putting a ‘face’ to the victim, they feel more remorse for the crime.”

Another great evaluation tool, according to the review of the literature, is the anecdotal stories told by those in attendance at the mediation (Bazemore & Stinchcomb, 2003). The interviewees told many great stories proving and validating the use of restorative justice. During one mediation, the victim’s father began crying stating that, “his older son had just gone through a similar situation.” Now both fathers were able to work through parenting issues.

In victim-offender mediation, a priest was trying to build a connection with a young man, who had vandalized a church. When the priest began to speak about the distress that the offender had caused his own mother, the son began to weep, saying that he now understood what he had put his own family through. In another mediation, a young man had blown up a mail box and sent shrapnel flying at an elderly woman. The offender broke into tears when he saw the victim and realized that she was of similar age to his grandmother.

In still another mediation, the offender offered his apology to three victims saying, “I’m sorry for targeting you guys, this is something I have to live with.” The young mother of two spoke to an offender stating, “We are not your enemies . . . we want



you to grow up to be a good man, like your dad, lead a good life, learn this lesson now, you are in control, empowered.” The third victims, a couple with three small children, stated, “You hurt your relationship with your Dad; he is here to support you.” Through tears, the father of this offender stated, “I wanted my [son] to be vulnerable, to see how this impacted you.” The silence in the room was deafening as tears rolled down the cheeks of all those at the mediation.

### *Competing Interests*

Honorable Judge Breecz stated that he is in favor of the VOM process. However, in his opinion, the mediation must happen after sentencing. According to Judge Breecz, holding mediation after sentencing ensured consistency in sentencing and accountability ensures that the juvenile did not incriminate himself and stays within the confines of Idaho Code. It is noted in the review of the literature, that competing interests within the legal system will need to be addressed (Karp et al., 2004). Karp et al. also argue that it will take a strong transformational and shared style of leadership to break the territorial practices and dislodge the power struggles.

“If the judge ordered restitution, juvenile cases were included in the mediation process,” stated Jeffery Cowman. The only exception to this was felony cases with dangerous offenders. However, at ACJCS, the judges felt that the juvenile had to admit to the crime or be pre-sentenced before going to mediation. Mediator Jennifer Poole stated that she felt that the power of the victim was usurped when the judge completed the majority of the sentencing, leaving only restitution to be decided during the mediation process. She noted a case where several juveniles damaged a Fish and Game aquarium. In this mediation setting, Fish and Game came to the court asking for mediation and

bringing a behavior plan and ideas for community service with them. Jennifer felt that the juveniles learned a great deal more from the restitution, community service, and the requirements of the behavior plan when they were agreed upon in open mediation.

The process of selecting the aggregated instances has now been completed. The themes have been justified using the data. Next the data analysis process of naturalistic generalizations will be explained.

### Naturalistic Generalizations

The third step of analysis becomes one of discerning naturalistic generalizations (Stake, 1995) or themes (Creswell, 1998) which emerge from the data. Stake noted, “People learn by receiving generalizations, explicated generalizations, from others . . . . People also form generalizations from life’s experience, these naturalistic generalizations are conclusions arrived through personal engagement in life’s affairs or by vicarious experience” (p. 83). In fully understanding the complexity of this case study, data from the interview, court documents, field notes, and website documents were re-read many times. During this system of analysis, the data was seen through the lens of the interview questions themselves. For the purpose of this third step in the analysis process, selected interview questions were organized into three groups, that of (a) leadership and management, (b) healing and vindication, and (c) community partnerships. These three groupings were drawn from what Stake (1995) noted as “best data.” These “best data” aggregated instances, were noted from the second cycle of data analysis (see Table 2: Ten Aggregated Instances and Their Associated Titles). There were four dissimilar interviews conducted at the ACJCS site. Interviews were arranged for (a) the offender, (b) the guardian of the offender, (c) the victim, and (d) the court leadership. On

the offender and parent/guardian interview, questions 9 and 10 were grouped under the aggregated instance of leadership and management; questions 2, 3, 5, and 11 were grouped under the aggregated instance of vindication and healing, while question 4 was grouped under the aggregated instance of community partnerships. For the victim interview, questions 6, 7, 8, 11, and 12 were grouped under the aggregated instance of leadership and management, 2, 3, 4, 5, and 10 were grouped under the aggregated instance of vindication and healing, and question 8 was grouped under the aggregated instance of community partnerships. The director and Victim Advocate Division surveys were grouped in the following manner: questions 2, 3, 4, 5, and 6 under the aggregated instance of leadership and management, questions, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 under the aggregated instance of vindication and healing, and 4, 5, and 6 were grouped under the aggregated instance of community partnerships. The following table (Table 4) depicts the relationship between the interview question and the best data. During this stage of analysis, the interviews, court documents, field notes, and webpage documents were re-read, again using “deep thinking.”

Table 4: Best Data - Leadership and Management, Vindication and Healing, and Community Partnerships

Interview Format	Leadership and Management Question #'s	Vindication and Healing Question #'s	Community Partnerships Question #'s
Offender/Parent	9, 10	2, 3, 5, 11	4
Victim	6, 7, 8, 11, 12	2, 3, 4, 5, 10	8
Director/ Victim Advocate	2, 3, 4, 5, 6	7, 8, 9, 10, 11, 12, 13, 14, 15, 16	4, 5, 6

As per Stake (1995), these naturalistic generalizations emerged, being pulled from the interviews by a concerted effort that created further understanding of the case. Stake noted that by making a slightly new group from which to generalize, a new opportunity to modify old generalizations is afforded (p. 85). Teasing and pulling the data even further by decontextualizing and contextualizing the interviews, court documents, field notes, and webpage documents, allowed other themes to emerge. Several themes emerged from the questions when grouped across the interviews using the leadership lens as a filter. The eight naturalistic generalizations evolved from the top three “best data” aggregated instances, bolded in the Figure 5 which are: (a) leadership and management, (b) community partnerships, and (c) healing and vindication. The eight newly evolved themes are (a) management and standard operating procedures; (b) creative personnel, commitment, autonomy and team; (c) leadership and management; (d) shared values and goals; (e) mission, vision, and strategic plan; (f) community capacity; (g) interns and victim volunteers; (h) passion, commitment, and making a difference. Table 5 depicts the Naturalistic Generalizations, which evolved from the “best data” of the Aggregated Instances.

Table 5: Naturalistic Generalizations from the “Best Data” Aggregated Instances

AGGREGATED INSTANCES “BEST DATA”	NATURALISTIC GENERALIZATIONS
Leadership and Management	Management and standard operating procedures
	Creative personnel, commitment, autonomy, and teamwork
	Leadership and Management
	Shared values and goals
	Mission, vision, and strategic plan
Community Partnerships	Community capacity
	Interns and victim volunteers
Healing and Vindication	Passion, commitment, and making a difference (empowerment)

These naturalistic generalizations emerged from data teased out of responses in the selected interview questions based on the “best data” of the Aggregated Instances. It can be noted that the Naturalistic Generalizations under the leadership and management heading, synthesize into that of shared leadership. The themes under healing and vindication synthesize into empowerment. Finally, the themes under the heading community partnerships synthesize into community capacity.

The fourth and final step in the analysis process used rich thick descriptions from the interviews and court documents to support the three final themes. With this final analysis using the “best data,” the prior eight themes have been synthesized into three final themes of (a) Leadership, (b) Empowerment, and (c) Community Capacity. This final synthesis brings us back full circle to a relationship between the original three

themes of leaders, restorative justice, and partnerships. The first synthesized theme to be articulated is Leadership.

### Leadership

In this next step of data analysis, the theme of leadership and management was disseminated into the naturalistic generalizations, or minor themes of: (a) management and standard operating procedures, (b) creative personnel, commitment, autonomy, and teamwork, (c) leadership and management, (d) shared values and goals, and (e) finally mission, vision, and strategic plan (see Table 5). Again, these themes were combed from the ‘best data’ of the interviews themselves. The next step will be to support these themes with rich thick descriptions in order to present a description of the case study.

#### *Management and Standard Operating Procedures*

Jeffery noted that the Victim Services Division Handbook (containing standard operating procedures) guides him in his job. He has a directive that requires him to hold a VOM within 30 days of a guilty or admit hearing. He feels that in order for his program to succeed, it needs the top-down buy-in from the judge to the county commissioners to provide organizational integrity.

Due to the high turnover on the job, Susanne, the Victim Services Division team leader, quickly became the finance director. Susanne, the second member of the team, also noted that the policy and procedure manual assists her in completing assignments. She meets weekly with the victim advocate team to discuss difficult cases. The mediator reports the number of cases and his schedule on a weekly basis. According to Susanne, Jeffery has built a strong mediation program. This Victim Services team also meets once

a month for unit meetings where they discuss the flow of paperwork and all areas of concern to the unit. Susanne shares challenges at weekly leadership meetings.

A current challenge for the Victim Services team is having Jeffery out of the office and the rest of the team not being able to complete work in his absence. Mediations cannot be scheduled without Jeffery in the office. Another of Jeffrey's goals is to find one BSU or volunteer intern to assist the mediator, one for the victim advocate, and one for the restitution specialist.

In each victim-offender mediation, the victim, the offender, and the support advocates all stated they were contacted by the Victim Services team; they noted the amount of information they received, and the number of phone calls, letters, and meetings which actually lead up to the mediation.

#### *Creative Personnel, Commitment, Autonomy and Teamwork*

Ada County Juvenile Court Services, with an annual operating budget of 2.6 million dollars, has been able to divert a significant portion of what was spent on detention, and move it into prevention and intervention programming.

All employees within the court system talked with great enthusiasm about the various teams set up to improve and enhance work systems within the court. These employees discussed the data and technology team; this team meets once a month to improve and take initiative on various technology issues. Court system employees also talked about training they were receiving in technology and restorative justice. Employees could sign up for classes that were offered several times during the year. They stated that they learned restorative justice principles from working at the site or reading

books that were made available at the ACJCS site. Court system employees felt confident with their knowledge of restorative justice.

The leadership style used by Steven, builds leadership capacity. According to Lambert (2003), a capacity-building leader creates meaning and shared knowledge by using principles based on broad-based, skillful participation. Nicole noted, “We worked as a team in sharing resources and information.” Jeffery felt that he had a lot of “autonomy in his work and the ability to grow his area within the court; it will just take more paperwork and more patience.” He felt that he has great ideas that he shares with his team leader, Susanne, who either approves them or takes them to the director of the court. Nicole, the third member of the team, felt that she was very independent, that her supervisor felt she did her job well, and trusted her judgment. Nicole noted that unless there is a policy change, the team decides on processes using the guidelines already in place. Nicole was confident with and proud of the Victim Services team. The fourth player in the victim advocate department team, Arielle, the restitution specialist, stated, “Although she could work alone, she chose to work as a team.”

#### *Leadership and Management*

Although there is evidence that Steven works through the traditional leadership model by insisting that he make the final decisions, the majority of the data revealed behaviors associated with the shared leadership model. The shared leadership model allows leadership to pass freely among those involved in an organization, transferring to persons as their area of expertise is required. This was evident when the judges actively chose to use restorative justice, even though they are independent of Steven’s authority or



when Ada County Schools collaborate with the court even though they are also individual entities.

According to Susanne, “Because she is the head of a department, she is on the leadership team.” Susanne commented that Steven has arranged for leadership committees and the data collection committee meets and brings ideas to the leadership team. Susanne noted that she brings items of concern and interest to the team. These behaviors could be seen from the perspective of shared leadership as these teams are allowed the autonomy to collaborate, to create a learning community; and this action by Steven builds leadership capacity. Steven, the court director, commented that although this type of improvement takes strong leadership, these significant changes are due in fact to his ability to recruit and train managers. Steven noted that these managers, “have changed the culture, [to] where employees feel valued for what they do.”

Amanda, the diversion officer, stated that her frustration is trying to follow a sentencing grid specific to the diversion program. The sentencing grid is a policy that the team has created that cannot be implemented until the county commissioners approve it. Amanda feels that getting this approval “takes forever.” Again, this is evidence of the traditional leadership style, requiring approval before any action, perhaps due to a lack of interagency communication.

#### *Shared Goals and Values*

Jeffery Cowman, the current mediation coordinator, shared his vision and passion when he spoke of grandiose goals of how mediation will change the world. According to Jeffrey, everyone at the court shares his goals, recognizes that they are good, and wants to help him achieve a very successful victim-offender mediation program. However, Jeffrey wished the prosecutor and probation officer could find ways to help him achieve his goals

in spite of budgetary restrictions. Deborah, the research analyst, noted that goals and values drove the community members to create the bus route specifically for the alternative school.

### *Mission, Vision, and Strategic Plan*

When looking through the webpage of ACJCS, the strategic plan includes the vision, mission, and values of the organization. According to Steven, it is this strategic plan that guides the actions of ACJCS. The vision of the ACJCS is to:

Be a community leader collaborating with partners to develop innovative, effective, and efficient processes that: provide juveniles with accountability and opportunity to develop skills needed to become contributing members of society and provide the community with protections and educational opportunity for restoration. (<http://www.adaweb.net/JuvenileCourt.aspx>)

The mission statement of the court is, “Earning public trust through positive changes in our youth.” The agency values include “commitment, diversity, fairness, integrity, and trust” (<http://www.adaweb.net/JuvenileCourt/ClientPrograms.aspx>).

One of the divisions within the court, Victim Services, felt confident with their ability to problem solve and create their own vision, mission, and goals reflecting the scope of their work. The Victim Services team members noted that their departmental mission statement was printed on each individual pass, allowing them security entrance to and within the court. They stated the fact that their goals were required to fit within the larger framework of the strategic plan, set into place by the leadership team and approved by the Court Director Steven Dye. Again, this is a specific instance where the action of the Director, Steven, fits a more traditional hierarchical leadership format. In this case

Steven was requiring coordination of activities with the strategic plan and seemed to use his authority rather than rely on influence relationships.

Victim Services also has its own mission statement, “Proactively responding to victims of juvenile crime in a manner that is restorative and meaningful” (<http://www.adaweb.net/JuvenileCourt.aspx>). When visiting with the personnel in Victim Services, each one could recite the mission statement and the goals. These employees reported talking about the goals at each monthly meeting and about how they were working to meet these goals.

### Community Partnerships

Finally, in this fourth step of data analysis, the theme of community partnerships was disseminated into the naturalistic generalizations, or minor themes of interns and victim and community capacity. Again, these themes were combed from the ‘best data’ of the interviews themselves. These themes are articulated and supported with rich thick descriptions in the following section: Community Capacity.

### *Community Capacity*

The existing literature pertaining to community capacity clearly shows that restorative justice builds community capacity and the ability of the community to solve disputes (Bazemore & Maloney, 1994; Bazemore & Stinchcomb, 2003; Maloney & Holcomb, 2001). Deborah, an ex-probation officer turned research analyst for the court, stated her passion for building community capacity in these terms,

I think it is important to have people working in the system who are passionate about what they do . . . because kids know when you are faking it no matter what job you are doing. . . As a result, we got together as a team to get Valley Regional

Transit on board along with the Boise City Council to set up mass transit to our new alternative school. In fact, we are meeting today, a group of passionate people who want to help as many kids as possible.

Deborah spoke of a court system in Arizona that reallocated their resources to cross-train clinicians to be probation officers. According to Deborah, wrap-around services for youth at risk should include the school staff, concerned neighbors, probation-diversion officers or school resource officers, clinical therapists, academic counselor, spiritual leaders influential to the family, other influential adults, and a person who understands and can assist the youth in developing their “strengths.”

In leadership, a mutual purpose helps people work for the common good and helps people build community (Rost, 1991). These mutual purposes are evident at ACJCS; mutual purposes have helped build community capacity in Ada County. According to Burns (1978) a leader shapes, alters, and elevates the motives, values, and goals of followers through the vital teaching role of the leader. This form of transformational leadership is concerned with end-values such as liberty, justice, and equality and addresses the moral piece of Burn’s concept of transformational leadership. These leaders and follower raise each other to higher levels of motivation and morality.

#### *Interns and Victim Volunteers*

Research studies on volunteerism within restorative justice show that volunteer programs are highly satisfying for the volunteer and effect positive change in offenders (Karp et al., 2004). Within ACJCS, the victim can volunteer in several ways. They can be a participant in the victim panel, designed to allow offenders to hear the voice and pain of

the victim even when the crime is victimless. These victims can also chose to take part in the VOM process.

The Victim Services team felt that a lack of personnel created a challenge in completing the work of the team. This team has been working strategically to place more interns within the division. Jeffrey, the mediator, felt that he needed an administrative intern to keep up with the paperwork and the scheduling of mediations. Both the victim advocate and the restitution specialist felt that adding interns for each of them would improve the division and create better public awareness about the program.

One intern volunteer at ACJCS commented, “I volunteered to be in the mediation department because of my good personal skills, but I am disappointed that I am doing administrative work.” Haski-Leventhal and Bargal (2008) noted that volunteering is an emotional and value-based activity and that people volunteer to express their values and learn new values in the process. The volunteer organization is also values based and the emotional identification of volunteers with these values and goals is crucial to the life of the non-profit entity.

Further data analysis (as recorded in Table 5) revealed that five of the eight naturalistic generalizations were in part sub-sections of the three broader themes. First, it was noted that training and education, along with program evaluation, and recidivism were indeed related to and were behaviors exhibited by those in leadership. Training and Education, within the ACJCS were a function of management in that they planned for and funded the training. Restorative justice programs successes are currently measured by the percentage of juveniles who recidivate; program evaluation is a management function. Next, this analysis also revealed that hearing the stories, offender

accountability, and competing issues were sub-sets of the broader theme of healing and vindication.

### Healing and Vindication

During this stage in the data analysis, the theme of healing and vindication was disseminated into the naturalistic generalizations, or minor themes of: (a) passion, commitment, and making a difference and (b) community capacity. While community capacity is defined in the definition section of the case study, the combined themes of passion, commitment, and making a difference meld into a common core that will eventually be defined as empowerment. Passion, commitment, and making a difference all encompass the human action of empowerment.

#### *Passion, Commitment, and Making a Difference (Empowerment)*

Leadership principles are of significant importance to the survival of restorative justice (Karp et al., 2004). By building leadership capacity, challenging organizational leaders to become leaders of leaders, purposing and shared values along with collegiality, a normative power will internally motivate the followers and leaders to become self-managing (Sergiovanni, 2001).

Jennifer Poole, the first mediator at ACJCS, in Ada County, worked for six years as a restitution specialist, gathering information from the victims. After hearing about the victim-offender mediation program, she researched, implemented, and ran the first mediation at the court. She met with the judges in the court stating, "I'm not trying to take away your power," with the defending attorney asserting, "I'm not trying to throw your defendant to the wolves," and with the prosecuting attorney ascertaining, "I'm not trying to re-victimize the victim."

According to Jennifer, she had to beg, borrow, and steal her first mediations. She then continued to bring success stories to the judge's meetings, letting them see the creative diversion agreements she had written. Jennifer built her program by showing the merits of restorative justice and the VOM program to the judges and prosecuting attorneys through anecdotal stories. Jennifer stated that she often shared stories of the successes, both from the offender and from the victim's standpoint. She told the judges about the victim, who when awarded monetary restitution through the VOM process, chose to subtract from that amount \$20 for every "B" and \$30 for every "A" that the offending juvenile received for the ensuing school year.

Jennifer stated that she struggled to get the victims to participate. She often used the following dialog with them, "You may not have power over the sentencing the judge hands down, but you do have power over how the [offender] is going to pay you back." "The successes built passion," stated Jennifer, "and passion helped me learn techniques to sell the process," Jennifer was very proud of the low recidivism (20%) rate the offenders achieved after going through her VOM program. According to Poole,

I now teach mediation and conflict resolution at Boise State University; I have worked to get the schools on board with a mediation program. I have taken juveniles who had over 100 hours of community service hours, trained them in mediation, worked with the schools to have these trained mediators then complete conflict mediations within the school setting.

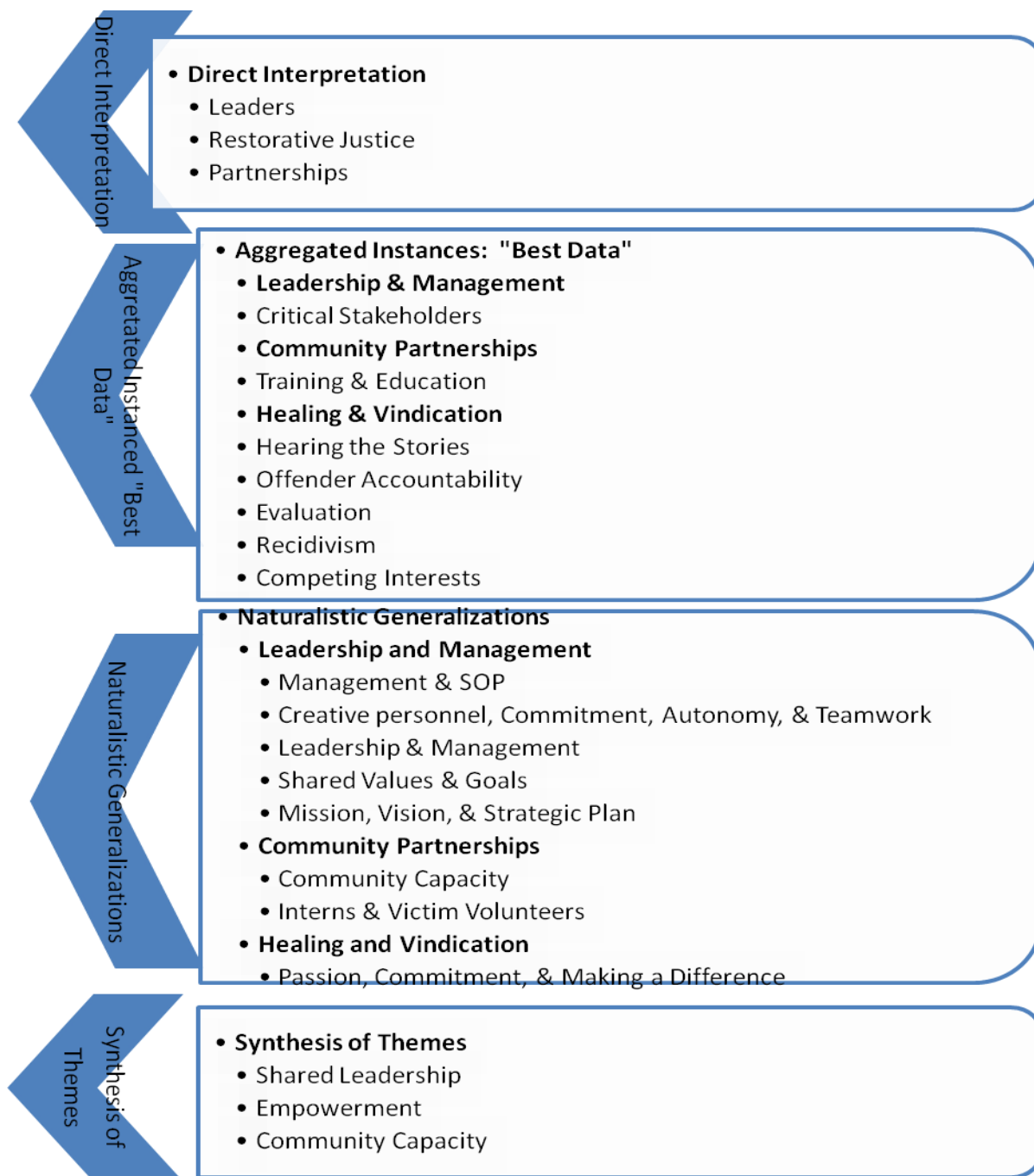
According to Jennifer, this school conflict mediation and resolution program had amazing results. Jennifer stated, "It is amazing to see the pride and increase in levels of confidence

within these students. They were also able to create more impact with their peers than I was ever able to extract.”

Jennifer is now a member of the Victim Services State Board of Idaho where she disperses money to victims on a much larger scale, even including restitution for pain and suffering. The money from this fund is raised through court fines from offenders. She also continues to teach at Boise State University. It was evident throughout Jennifer’s interview that shared values and goals enabled her to be a self-managing employee of the court. Sergiovanni (2003, pp.43-56) noted four substitutes for leadership that can allow workers to have their needs met as they engage in the work of the organization. These substitutes are (a) responsiveness to the norms of the organization as a learning community, (b) commitment to the professional ideal, (c) responsiveness to the work itself, and (d) collegiality [understood as professional virtue]. These substitutes for leadership, the responsiveness to the norms of the organization as a learning community and a commitment to the professional ideal which enabled Jennifer to be self-motivated and committed to the cause of restorative justice. One victim told how Jeffrey sought him out to participate, noting that the amount of communication that took place made him feel empowered.



Figure 5: Synthesis and Emergence of Themes



It is interesting to note that in the first data analysis, the original themes were leaders, partnerships, and restorative justice. After coming full circle, through the analysis processes of Direct Interpretation, Aggregated Instances, and Naturalistic Generalizations, the data pointed back to the synthesis of themes using decontextualization and the re-contextualization of the “very best” data. These re-contextualized themes are shared leadership, empowerment, and community capacity.

#### Introduction to the Closing Vignette

Having completed step one of the data analysis, direct interpretation, step two, aggregated instances, and step three, naturalistic generalizations, the closing vignette of the case study will allow a final look into the shared leadership found within the court. Data analysis for this section was combed and gleaned from the previous sections of direct interpretation, aggregated instances, and naturalistic generalizations. The vignette will be supported by rich descriptions from both the restorative justice and the leadership discussion. As in any organization, a leader must balance two distinct operations. The first consideration is that of leadership, while the second is that of management (Sergiovanni, 2003). Within ACJCS, Steven, the court director used management skills to ensure the logistics of many separate, yet integrated operations. Steven was responsible for three courtrooms and judges, a detention facility, and the probation, mediation, victim services, and clinical divisions. The court director also worked in close association with both the prosecuting and defending attorneys. While the opening vignette discussed the behaviors of management, with its authority relationship and the logistics of the court, the closing vignette discusses the behaviors of shared leadership, with its influence

relationships. The vignette also discusses community capacity, passion, commitment, and making a difference as summed up by the term “empowerment.”

#### Closing Vignette

Jeffrey, the mediator, was at work, skillfully empowering the victim and offender by giving voice to their story. His passion and commitment to the restorative justice values embedded in ACJCS were evident. He worked diligently as a team member within the Victim Services Team and yet was creative and innovative, using his autonomy to design his own mediation program. He trained the Boise State University interns as an administrative assistant and in mediation. His influence to lead was evident as seen by his ability to create partnerships with outside agencies for community service hours at such places as the Idaho Food Bank or the local childcare agency. These partnerships were two-way networks. The members of the community organization would donate time to mentor court adjudicated juveniles, assisting in strengthening juvenile accountability and skill development. Alternately, ACJCS assigned juveniles to community service, providing these organizations many hours of volunteer time. This process built community capacity by helping juveniles become viable citizens, assisting in the democratic process, and allowing these organizations to grow their capacity to develop a stronger community outreach, and thus sustain a greater influence in the community.

Deborah, the passionate ex-probation officer, now research analyst, was on the phone, using her influence to bind homeowners in the neighborhood into a cohesive group, set on providing opportunities for kids to develop empathy and leadership skills by their involvement in designing a park for community children. Her invitation to the

next-door neighbor included the request to be involved in the lives of neighborhood juveniles.

Susanne, the Victim Service's Team Leader was in the middle of a team meeting; it was difficult to discern who was in charge. Leadership flowed between the leadership team members, according to expertise. During this leadership meeting, Steven, the court director created a new technology team and gave them permission to pursue their proposal. Steven discussed educational opportunities that would be available next month in restorative justice and in shared leadership. He also asked volunteers to form a committee that would develop a partnership with a newly created community non-profit. The goals of this non-profit ranch were to create summer camp opportunities for kids-at-risk. Finally, Susanne asked for a discussion of any concerns or challenges. In closing, Steven reminded the team leaders that educating the public on restorative justice and the mediation process was a shared goal of the court; it fit within the strategic plan. Susanne encouraged the team leaders by telling a story of a successful mediation. She reiterated the words of an offender's father who spoke of the importance of the mediation process:

[My son] knew that the cops were going to come, he knew that he was going to be arrested, he knew he was going to court, he knew he was going to be placed on probation and given community service, but he did not know what was going to happen in this room tonight. . . he saw that these people genuinely cared about him and he did not [even] know them and [yet] he victimized them . . . this [process] was beneficial for him. I think this [victim-offender mediation] is the most important part of the whole judicial system.

What has evolved from this last stage of the data analysis makes apparent that within the constructs of both management and leadership, restorative justice flourishes!

### Chapter Summary

What has been denoted in Chapter Four is a three-fold data analysis. First, interviews were transcribed by the researcher and read using “deep thinking” in order to divulge direct interpretation of the data. Next, the interviews were re-read searching for categorical aggregations, an emergence of categories. Finally, the interviews, court documents, and webpage listings were read and re-read, using the lens of leadership. The interview questions and responses that provided the “best data” were selected for a final analysis. Final themes of shared leadership, empowerment, and community capacity were combed and teased out using a decontextualizing and re-contextualizing strategy. During this process, direct interpretation, aggregated instances, and naturalistic generalizations were analyzed and discussed using the review of the literature as a basis for understanding the phenomenon. While an opening vignette, discussing the leader’s management behaviors was incorporated, the closing vignette, a detailed description of the case, was presented as viewed through the lens of shared leadership.

## CHAPTER FIVE:

### Conclusions and Recommendations

#### *Introduction*

In Chapter Five, conclusions from the data analysis described in Chapter Four will be articulated. By witnessing the struggle of victims, offenders, and court leaders, an understanding of management and leadership emerged. By hearing the voices of the victim struggling for vindication, healing, and finally empowerment, a realization of the restorative justice themes were noted. By listening to the voices of the offender, to hear stories of poor choices, of the need to be forgiven or at least invited back into society, the voice of one empowered to make changes within their “circle of influence” was heard. Insight into the court was gained by hearing employees, passionate about making a difference, passionate about empowering others to find their voice, passionate about creating and re-creating an organization that moves in unison to the beat of the new drum.

Within this chapter, a connection will be made to the Review of Literature in Chapter Two, linking important works to the findings of this study. This linkage will be followed by a summary of how the study answers the sub-questions and subsequently the central question. This section will also address recommendations and finally concludes with implications for further study.

According to Stake, “A case study is expected to catch the complexity of a single case” (1995, p. Xi). This study has captured that complexity, which is heard in the emotion and passion of those found within the boundaries of this case study. Designed within this case study, was the desire to discover how leadership is defined, sustained, maintained, and built within ACJCS. The central question used to guide the study was:

What role does leadership play in the themes and contexts that are expressed in the restorative justice experience? Sub-questions also helped guide this study. The central question was supported by the following four sub questions. The first sub-question was; How is leadership defined within the restorative justice experience? The second sub-question was: What motivates members to participate in the restorative justice experience? The third sub-question was: What guides the actions of participants in the restorative justice experience? The fourth sub-question was: What is the relationship between the Ada County Juvenile Court and other community institutions?

#### Sub-Questions

The data realized from the design of the interview questions revealed a rich tapestry of leadership themes. Although, during the three dissimilar spiraling analysis processes, many themes were teased and combed from the data, the syntheses of these themes revealed three final themes. This analysis procedure reduced the vast amount of data into an inter-related whole consisting of the syntheses of themes into the final themes of (a) shared leadership, (b) empowerment, (c) and community capacity. These themes provided the basis to answer each sub-question.

#### *Sub-Question One*

The first sub-question was, “How is leadership defined within the restorative justice experience?” Within ACJCS, leadership is defined through shared leadership, empowerment, and community capacity. There was evidence within the Victim Services Division that even though these members had autonomy to act independently; they chose to work as a team. Leadership passed between these individuals based on who had the expertise needed to complete a task. Deborah, the research analyst, spoke of teams,

working on initiatives designed by individuals. The existing literature on leadership refers to the necessity of strong leadership within the loosely-coupled (Sergiovni, 2001) restorative justice process (Kraft et al., 2001; Young, 2006.). Rost (1991) stated the following about followers: (a) only people active in leadership are followers; (b) active people can fall anywhere on a continuum of activity; (c) followers can become leaders and leaders can become followers in any one leadership relationship; (d) in one group people can be leaders while in another they can be followers; and (e) followers do not do followership, they do leadership. Steven Dye specifically talked of leadership teams and of leadership passing between various “experts” in the court, all the while maintaining the theme of restoration to victim and offender.

According to Burns (1978), leadership must be seen within a framework of conflict and power. Burns sees leadership as linked to collective purpose and by actual social change measured by the intent and the satisfaction of human needs and expectations. Burns noted that leadership recognizes and exploits the existing needs of a potential follower by seeking to satisfy those higher needs and engaging the full person of the follower. This resulting relationship of mutual stimulation and elevation converts the followers into leaders and may convert leaders into moral agents. Pearce and Conger (2003) defined shared leadership when they wrote: “shared leadership reenvision the who and where of leadership by focusing on the need to distribute the tasks and responsibilities of leadership up, down, and across the hierarchy” (p. 34). Additionally, Pearce and Conger re-envisioned the what of leadership by articulating leadership as a social process that occurs in and through social interactions. Finally, these authors articulated the how of leadership by focusing on the skills and ability required to create



conditions in which collective learning can occur. Within ACJCS, shared leadership is seen within the Victim Services team when the members attend conferences together or read and discuss articles pertinent to restorative justice. Shared leadership is seen when members from other divisions collaborate and take the initiatives necessary to create and maintain a learning organization.

According to the data analysis, ACJCS employees feel empowered to be leaders in their own right. For these employees, leadership was defined through empowerment. These employees noted that they had the autonomy to create teams, follow through on initiatives, and that within the organization they were empowered to initiate and carry out the work of their organization. Several employees within the Victim Services department talked specifically of the autonomy to complete work and to take the initiative to begin projects they felt were within the scope of their work.

Susanne, the Victim Services Division leader noted the need to take new initiatives or ones that require budget approval to the director for approval. Still other employees noted, "Usually we come together as a leadership team and bring those [types] of issues to the table, they are discussed, and the final decision would be the director's." Although Susanne's statement about the final decision being that of the directors displays behavior in the traditional hierarchical system of leadership, the vast majority of interview responses clearly depict the shared model of leadership.

Court employees noted weekly team meetings, where they set goals and evaluated their ability to reach these goals. Other members also stated their desire to work daily as a team. Other team members noted that they had autonomy to complete work within the structure of their department handbook and their standard operating procedures. Arielle,

restitution specialist, noted that the team was required to build his or her own policy and procedures manual. From this manual, she could self-manage her job. Sergivonni, (2001), noted that connecting people to norms motivates them to do the right thing and become self-managing. Within ACJCS, the organizational values and goals became norms, norms used as motivational tools, allowing employees to become self-managing.

The members of ACJCS also defined leadership through their ability to create and build community capacity. Team members talked about the importance of influence as a key to completing the moral purpose through mentoring youth of the court and getting others involved in community. Collegiality refers to the extent that common work values are shared and people work together, helping each person to be successful. Normative power, which enables people to meet their commitments, is completed through professional socialization; purposing and shared values; and collegiality and natural interdependence. This normative power enables loosely structured organizations the ability to solve the coordination paradox (Sergivonni, 2001).

Within ACJCS, it was evident that norms and collegiality were institutionalized in the workday and workplace. The Victim Services Division used the concept of collegiality to form and work in teams rather than as individuals-to create partnerships with community service organizations. The employees of ACJCS stated that the shared goals were the norms that kept them focused and passionate about restorative justice and mediation. This form of collegiality empowers the members of the ACJCS, enabling them to meet their commitments and helped them in creating community networks and building community capacity. While leadership at ACJCS is defined through shared leadership, the motivation of these members is important to understand.

*Sub-Question Two*

The second sub-question was: What motivates members to participate in the restorative justice experience? Empowerment enabled members of the court to meet their obligations and assisted in their ability to create community capacity through the restorative justice process. Maloney and Holcomb (2001) noted that members residing in the community must understand the internal values of restorative justice, and leaders of the community must become centrally involved in crime prevention, victim healing, and offender restitution. Evidence of these internal values were seen in the themes that emerged from the interviews, from the court documents, and field notes gleaned from the experience. During interviews, Jeffery Cowman, the mediator stressed the empowerment he felt in his leadership role of, “building a program of mediation . . . that he had grandiose goals of how [victim-offender mediation] will change the world.” He noted that, “his passion was for young people and youth,” and that “he became very passionate in mediation.” Further empowered, he finished by stating, “Everyone here believes in restorative justice.”

Also empowered, Deborah, the research analyst, stated, “I think it is important to have people working in the system who are passionate about what they do. It’s so important that we reach the kids as early as possible and let them know that there is a support network outside their home.” Deborah and Jeffrey often spoke of making a difference in the lives of victims and offenders. “[Leaders] must learn that they’ll have to give up something--whether it be a meal, a night of sleep, or even possibly their last breath--if they want to make a difference” (Posner, 2008, p. 2). It was evident that these leaders were empowered to make a difference, through the precepts of restorative justice,

in their workplace and community. Again, the ACJCS employees exhibited empowerment through their actions and display of teamwork. The victims and offenders were also afforded this same empowerment through involvement in the VOM process.

The members of the ACJCS noted that they were motivated to participate in restorative justice, driven by the ability to create community capacity. Deborah argued that community members must be involved in the leadership of building community capacity, supporting youth through community service, neighborhood associations, and the County Multi-Disciplinary Team juvenile wrap-around services. According to Van Ness and Strong (2006), the restorative justice process requires a responsibility for addressing the underlying social, economic, and moral factors that contribute to conflict within the community. These authors noted that during this process, repeat criminal behavior is less than what would normally be expected, offenders develop empathy for their victims, families of offenders report that their child's behavior has changed, support networks are strengthened, and the relationships between parents and police officers improve.

ACJCS employees were motivated to build community capacity. The outcomes of restorative justice produced civic participation and prosocial behavior by strengthening social ties and building democratic involvement (Pranis, 2007), improving community capacity to mobilize social support and control networks (Bazemore, Karp & Schiff, 2003), and changing the image [public and personal] of those under this correctional supervision (Bazemore, 2001; Braithwaite & Strang, 2000; Nissen, 2006). The Victim Services Division Director Steven Dye, and Judge Breech all noted that restorative justice

was valuable for both holding the offender accountable and for the healing and vindication of the victim.

Within ACJCS, the employees worked to bring in victim volunteers to help hold offenders accountable and assist in creating community partnerships. As a part of the mediation agreement, victims asked that an offender complete community service, or be active in a scouting program. Numerous volunteer hours strengthened the ability of non-profit organizations to grow and create a broader field of influence. Court employees created partnerships with the Boise County School District through the Frank Church Alternative School. The probation officers became liaisons between the court, the family, and the school. Other court employees conducted skill-building classes in the K-12 school setting. The court also conducted Youth Peer Court and K-8 Attendance Court, both which created and strengthened partnerships between the school district and the court.

Within each of these partnerships, active people used their leadership influence to insist that change was implemented. Rost (1993, p. 123) noted that leadership is about transformation, where active people, engaging in influence relationships based on persuasion. These leaders intend real changes to happen and insist that those changes reflect their mutual purposes. This transformation happens in groups, organizations, and societies when people develop common purposes. In leadership, mutual purpose helps people work for the common good and enables people to build community. While motivation at ACJCS is defined through empowerment, the actions of these participants are significant.

*Sub-Question Three*

The third sub-question was: What guides the actions of participants in the restorative justice experience? The mission, vision, and the strategic plan of the court drove the members to participate. During the interviews, court personnel talked often of restorative justice goals upheld by the judges, the team leader, and the director. Susanne talked about the policy and procedure manual that drove the everyday actions of the court. She talked about weekly team meetings where mission, vision, and goals were discussed.

The members of the court saw educating the public regarding the nature of restorative justice as a goal. Other members stated their desire to work daily as a team. Still other team members talked about the importance of influence as a key to completing the work of the court and getting others involved in community. Jeffery noted that the organizational values of commitment, diversity, fairness, integrity, and trust strengthened the organization. One of the goals from his department was to obtain more interns and complete more mediations. He stated that his team had created the handbook used for operations and spoke of the autonomy he had in completing the organizational goals of expanding the mediation process. Other employees argued that they “knew their jobs and the team leader trusted them to complete them.”

According to Sergiovanni (2001), loosely structured organizations do not achieve goals as much as they respond to certain values and they attend to certain imperatives that ensure their survival over time. Clarity, control and consensus are important to effective management; they are achieved by planning strategically. This strategic planning allows an organization to be clear about basic directions, to set the tone and charter the mission,

to provide purpose, and to build a shared covenant (Sergivonni) [shared goals, values and operating principles]. Within the restorative justice process, a balanced combination between management and leadership is necessary. According to Sergivonni, this planning allows the practice of tight and loose management [holds people accountable to shared values but provides them with empowerment]. This planning also enables them to decide what to do and when and how to evaluate processes and outcomes (Sergivonni).

It was with the introduction of Mark Parker Follett's (1924) *Law of the Situation* model, which suggested a transfer of management, according to the situation, from the formal leader to the person with the most knowledge. The Bowers and Seashore study (1966) documented this same style of mutual leadership that contains precepts of today's Shared Leadership Theory. There is ample evidence within the court that shared leadership is the institutionalized norm. Rost (1991; 1993) wrote about the importance of collaboration, common good, diversity, civic virtues, critical dialogue, justice, consensus, and freedom of expression within the leadership realm. In the ACJCS system, critical dialogue was used by employees in team meetings to plan and articulate goals and values. These employees noted that collaboration, civic virtues, justice, and freedom to complete assignments were a part of their everyday work.

According to Sergivonni (2003), communities are defined by their center—repositories of values, sentiments, and beliefs--that provide the needed cement for bonding people together in a common cause. These norms become compass settings or a map that guides the journey through community life (Sergivonni). Jeffery spoke of the court sharing his values for victim offender mediation and the precepts of restorative justice.

The court members were motivated by the concept of empowerment. This empowerment is a concept of an “active society” a theme based around Etzioni’s (1968) active society in combination with Freire’s (2000) empowerment through dialog. These members had passion, commitment, and were bent on making a difference. These employees created community networks whose objective was making change in the community--change that empowered youth to be participants and be accountable. Court members were empowered to enact change in their own organization, empowered to enact change in the lives of others, and empowered to build community capacity, networking and strengthening other community organizations.

The members of the court also talked about the empowerment of being a part of a learning community. They located and took classes together. They built teams that took initiative (using inquiry), learning new skills and enhancing the ability of the court to respond to new situations. According to Lambert (2003), every worker has the right, responsibility, and capability to be a leader. Lambert noted that leaders in learning communities create an environment that is vibrant, unified, and built around a shared purpose. Lambert also noted that high leadership capacity organizations realize (a) shared vision, (b) use inquiry to confront issues, (c) are reflective in practice, (c) have skillful communication, (e) use evidence to improve practice, (f) use collaborative planning, and (g) exhibit collective responsibility. Workers in these learning communities become fully alive due to skillful participation, stimulation in daily dilemmas, intrigued by the challenge of improving, and participate in stimulating and pertinent dialogue with co-workers.



The Victim Services team spoke of working collaboratively, by holding team meetings where problem solving was the norm and they completed work by sharing responsibility. Finally, Steven spoke of the strategic plan and the reduction of staff turnover due to the change in culture brought on by new department managers. There was ample evidence of visioning, goals, and a strategic plan. Because of shared leadership, there was evidence that employees found their work highly satisfying.

The members of the court were motivated by their work with other civic and governmental agencies- their ability to form partnerships-creating community capacity. Steven mentioned the team mentality and networks with other city, county, and state organizations through community service, the Boise School District, and through the County Multi-Disciplinary Team juvenile support wrap-around services. Creating these networks and structures enabled the members of the court to build community capacity. Deborah talked about the agencies that partnered to enable students to access education through the extended public transit system. Parents talked about the learning opportunities for their children due to partnerships with civic organizations, where their children completed community service or spent time outside of school. While the actions of participants at ACJCS are defined through the mission, vision, and strategic plan, the relationship between ACJCS and other community institutions must be delineated.

#### *Sub-Question Four*

The fourth sub-question was: What is the relationship between the Ada County Juvenile Court and other community institutions? The interviews and court documents were filled with references to community networks being constructed and connected. Steven spoke expansively of the partnerships between the Ada County School system and

the court. He noted the connection between law enforcement, probation, and the court. He commented about the shared commitment to restorative justice between the judges, prosecuting, and defending attorneys. Again, the theme of shared leadership is displayed through the interaction of these court members. According to numerous authors, restorative justice builds relationships with teachers, mentors, and community workers, and it must be the justice replacement model (Barr & Parrett, 2007; Bazemore & Stinchcomb, 2003; Bazemore & Maloney, 1994; Maloney, 2007). Within the field notes, interviews, and court documents, there were many references to networks between the schools, the Idaho Food Bank, Boy's and Girl's Club, Parks and Recreation, churches, Valley Regional Transit, and other neighborhood associations. Many times, the offenders were completing community service in one of these venues. Other times, the solution came from a court employee or a community member passionate about organizing these agencies for the benefit of juveniles and the growth of community. In this manner, these court members were empowered to build community capacity.

Ada County Juvenile Court Services used many volunteers within its program. The BSU interns assisted Jeffery with his administrative duties, and the court used trained volunteers for the mentoring process. These volunteers helped educate the community as to the VOM process, with its juvenile accountability piece. Jeffrey was also quite capable of encouraging and empowering victims to participate in the VOM process.

On the other hand, McGarry and Dickey (2006) stated that weak management of volunteer programs, tension between professional staff and volunteers, and poor training may undermine the effectiveness of the juvenile justice volunteer program. When volunteers are given menial or least rewarding work, the justice system fails to reap their

full potential. Karp et al., (2004), also noted that volunteers who are deeply embedded in the community, knowing both the victim and offender, are able to use their ability to enact informal social control and provide social support. Again, it should be noted that Clay, the intern, was not satisfied with his internship assignment. He noted his discouragement with the court in this area.

The four subquestions have been answered. The crux of this case study was to discover how leadership was defined, maintained, and sustained within Ada County Juvenile Court. What follows is a discussion of the central question.

#### Central Question

The central question was derived from the review of the literature, and designed to discover how leadership is defined, maintained, and sustained within Ada County Juvenile Court. Current research notes a lack of studies with a focus on leadership within the field of restorative justice. The central question guiding this study was: What role does leadership play in the themes and contexts that are expressed in the restorative justice experience? Findings from this study point to the need for strong but shared leadership within restorative justice, a reform model based on accountability, competency building, and community safety. Karp et al. noted the necessity for strong, supportive leadership within the confines of restorative justice (2003). Steven, director, and Jeffery, mediator, noted the need for strong support from both the county and state governmental leadership. Steven also made it clear that only by building community capacity through community and agency networks, could restorative justice thrive.

Shared leadership is the modus operandus within the ACJCS. Even though there were times when members of the court spoke about Steven making the final decision.

However, the majority of references to leadership were based on a shared leadership style. Within this court system, there is strong evidence that leadership passes freely from expert to expert depending upon the situation. These employees were leaders in one instance and followers in another. This continued rotation of leadership and followership, created strong, sustained and shared leadership. Creating leadership capacity facilitated strong leadership within ACJCS.

Within ACJSC, leadership is sustained through the creation of leadership teams and community partnerships. These community partnerships built community capacity and sustained leadership within the ever-reaching influence of the court. One example of this was the Frank Church Alternative School teacher whose salary was paid for by ACJCS. Another example of building community capacity, allowing a community to solve its own problems, was seen through the partnerships between ACJCS, the Idaho Food Bank, and the Youth Ranch, which provided youth leadership opportunities and the opportunity for community service.

The restorative justice mediation process allowed the voice of both the offender and the victim to be heard. Each participant was empowered by telling their own story, by sharing their vulnerability, and by talking about their own fears, their own past. When offenders participate in community service and are taught life-long skills, they are empowered to lead others. These youth obtained skill through a mentorship at their place of service. The confidence gained by these youth offenders is unsurpassed.

When the victim is able to put their life back together, after confronting their perpetrator, they can both forgive the offender and be empowered through their own vindication. This restorative justice process absolutely builds shared leadership, builds

community capacity, and most importantly empowers people to take charge of their own life.

#### Contribution to the Field

This case study has four major contributions to the field; (a) empowerment, (b) the restorative justice alternative, (c) community capacity, and (d) the importance of shared leadership. The first contribution of empowerment is seen throughout many of the interviews. The victims noted the empowerment they felt as they told the offender their side of the story, confronting the victim and letting their feelings spill out. The offender spoke of empowerment when they were able to offer to the victim, perhaps through flawed reasoning, the story behind their crime, or voicing their frustrations with the situations that life had handed them. For example, there was the young woman of 17, who had both parents in prison, and who was now living with an older male friend of her father's. Through the VOM process, this young woman was empowered to speak, letting those around her see her ability to move beyond her circumstances, her past, and become a contributing citizen. In order for restorative justice to be a viable juvenile justice program, the participants must be empowered to be advocates for youth. This process of empowerment has given the voice of democracy back to the grass roots institutions and the constituents they serve

A second contribution to the field is the Ada County Juvenile Court Services' restorative justice system, which proved to be a viable alternative to suspension, expulsion, and incarceration. ACJCS held to the three tenets of restorative justice: accountability, community capacity (safety), and youth competence. The parents/guardians and community saw evidence of accountability in the school and

community setting through youth admittance of guilt, completed community service hours, and the victim-offender mediation and court processes. The parents and community saw the forgiveness and the understanding portrayed on the part of the victim.

Ada County Juvenile Court Services' restorative justice created a network of community partners who realized early on that their non-profit was making a difference for juveniles, who perhaps had no mentor—no parent—no advocate. Public safety is the outcome of this support system for youth. The process supports youth, develops empathy, and gives students life-long skills learned through community service. These juveniles, marginalized by the system of justice and education, found a support network. Many of these community venues grew stronger in their ability to serve more community members as a result of this added networking.

ACJCS also facilitated youth competency development through the process of restorative justice. Youth in the ACJSC program received counseling, mentors, educationally related services, and community service or classes that added competencies, preparing them for the adult world. Overall, ACJCS used the three precepts of restorative justice; immersing the youth, parent, and community in a very viable, innovative program of justice.

It is noted that the community service paradigm of the retributive justice model is a fulfillment of hours to meet a quota for disciplinary statistics, while the restorative justice paradigm notes a community service model that provides youth with a mentor. This mentor, working side-by-side, will transfer life-long skill and will instill within the youth the knowledge that they provided a necessary service for another living being.

Fuller Theological Seminary researchers, Van Ness and Strong (2006) reiterated what Bazemore (2003) argued, that restorative justice empowers the offender to reenter society with competence. Community capacity was facilitated through community service and mentoring networks which built community safety in the process.

A third contribution to the field is the importance of building and sustaining community capacity. The knowledge gleaned from this case study will pave the way for communities and counties to either enhance or begin a program of restorative justice, which creates and sustains community capacity. Evidence from this study lays the foundation for communities, county, or state governments that design a program of restorative justice. Community agencies will be strengthened when schools, faith-based organizations, social agencies, business and commerce, and the justice system create networks that support and build youth competence. It is these precepts that build and sustain community capacity by creating agency networks that strengthen and sustain each other. This case study shows that the constructions of court and community partnerships are necessary to sustain the restorative justice model.

The fourth contribution to the field from this case study is that of shared leadership. As noted earlier, it takes shared leadership and a determination to create leadership capacity, and a fortitude to create community partnerships that builds, sustains, and maintains the ACJCS system of juvenile justice. This dissertation paves the way for communities to implement victim-offender mediation within various community venues by using a shared leadership model. This study strictly expresses that within the restorative justice experience, the shared leadership model is needed. Community justice organizations work, using loosely knit leadership roles, and add value to the communities

they serve. This study shows that only by building leadership capacity and a learning community, can restorative justice maintain the necessary teamwork needed to sustain restorative justice (W. P. McCaw, personal communication, May 13, 2010) and the ACJCS network. Restorative justice sites must include leadership from schools, faith-based and volunteer organizations, social agencies, and judicial to include the prosecuting and defending attorneys, probation, police, and judges. Using the shared leadership model will ensure that the three tenets, youth competency, community capacity/safety, and youth accountability institutionalized.

### Recommendations

Given the review of the literature assertions for leadership, specifically concerning transformational and shared leadership, there are many roles for individuals to play within the restorative justice framework. Beginning with the legislature, laws may need altering, so community volunteers can play an active role in designing an effective VOM program. Community and legislative leaders will need to lobby for the funding needed to sustain the program. The State government leaders will need to be educated in the restorative justice model. Schoolteachers, principals, and superintendents will need to have appropriate training in shared leadership as it pertains to the nuances of restorative justice.

In order to build a culture that sustains this restorative justice model, educational leaders will need to create a strategic plan that includes a vision and goals with the restorative justice philosophy in mind. Law enforcement, probation, and juvenile court systems will also need training in order to build a similar culture. Just as the employees of ACJCS noted, the communities will need to be educated on this innovative method of



healing and vindication for crime victims and offenders, which ultimately builds community capacity and the ability of communities to problem solve. Most importantly, shared leadership will need to be the modus operandi used in this loosely-coupled network of juvenile justice. Restorative justice leaders will need to network with other leaders and amongst themselves, with the goal of building leadership capacity within the restorative justice framework (W. P. McCaw, personal communication, May 22, 2010) . It should be noted that building leadership capacity will in turn build community capacity as individuals become empowered to be involved in the democratic process.

It will be important for ACJCS to provide quality jobs for volunteers that allow the volunteers to feel that they are contributing to the overall mission of restorative justice. Volunteers that are deeply embedded in the community, knowing both the victim and offender, are able to use their ability to enact informal social control and provide social support (Karp et al, 2004). This empowerment of the volunteer will also build community capacity and provide shared leadership opportunities.

#### Recommendations for Future Studies

It will be necessary for future studies, through qualitative and quantitative research, to study how race, ethnicity, gender, class, culture, customs, and values are addressed within the VOM process. It will also be necessary for future studies to discover if VOM should take place before or after sentencing of the offender occurs. It would also be important to note participant satisfaction and juvenile recidivism rates with VOM in either case. Other studies should focus on the strength and nature of community partnerships which are formed through this restorative justice process.

Future research should include a longitudinal study, comparing groups who entered the traditional juvenile justice system with those who entered the restorative justice system. Both these groups could then be compared to a cohort group which did not enter the justice system, noting differences in education, vocation, and any distinction in class orientation.

#### Implications for Leaders

The findings from this study point to the need for shared leadership within the restorative justice process. It is this shared leadership that will strengthen and empower the individual. When the individual is empowered, their contributions to humanity will further strengthen and build community capacity.

After noting the findings for this research study, it is apparent that the leaders of juvenile jurisdictions must re-evaluate the juvenile justice process. This study shows that restorative justice builds community capacity and the ability of the community to solve disputes. School principals, superintendents, and school boards can use this restorative justice model in dealing with student issues. This innovative model of justice would include restorative justice precepts and would offer alternatives to detention, suspension, and expulsion. This juvenile justice reform model would ensure that a victim-offender mediation take place prior to assigning consequences. These consequences would include community service performed at the school, teaching a class to other students, completing research on a related topic, or alternative placements if suspension or expulsions are to be considered.

The county juvenile justice system could use this victim-offender mediation (VOM) within its program. VOM could take place, again ensuring empowerment of both

the victim and the offenders. Since the criminal and juvenile justice system has “stolen” the community’s authority to resolve crime problems from community members, especially victims and offenders, citizen participation refocuses the justice “lens” on what some regard as the key stakeholders in the justice process, the victim, the offender, and the community (Zehr, 2002, p. 32). Influence is generally associated with a leadership relationship; it will take key community leaders with a strong vision to revitalize citizen participation in and change the lens of justice.

According to Maloney and Holcomb (2001), leadership comes in various forms through formal and informal roles. To ensure the empowerment of citizens within the juvenile justice system, leadership must come from the schoolteacher, principal, superintendent, and the school board. Leadership must also come from the juvenile judges and probation officers. Community leaders should be asked to take an active role in changing local and state laws to reflect the restorative justice precepts. These community members need to create partnerships where juveniles can complete skill-building community service and provide a place where juveniles can develop leadership skills and build life-long competencies. While traditional juvenile justice simply records restitution as a matter of tallied hours, restorative justice creates a mentorship between the juvenile and the community. The result and the bigger picture are community members mentoring students, providing these youth examples of a strong citizenry.

Community leaders will need to take the initiative to provide partnerships between juvenile justice, law enforcement, and the school system, and thereby allowing better communication and perhaps a change in funding. As ACJCS Director Steven

noted, juveniles who do well in school will not penetrate the juvenile justice system; if they do, they will not penetrate it very far.

#### Implication for Practitioners

This case study has shown the need for additional training for school administrators in the restorative justice process. It is recommended that Universities, specifically schools of education, incorporate training in restorative justice through the coursework in school law, along with classes in teacher supervision. When administrators are trained in and see alternatives to suspension and expulsion, while ensuring a rigorous, accessible curriculum, the states will begin to see a reduction in the cost of juvenile detention services and penitentiary incarceration. This savings will become value added, enhancing the state's ability to provide prevention programs, state of the art parks and recreation, and proactive, highly equipped social service agencies to further support the at-risk populations.

While this study did not support nor provide research showing a positive correlation between juvenile criminal behavior and poverty, it clearly shows that victims and offenders, regardless of social economic status, still have a deep human requirement for vindication and healing, following crime and criminal activity.

Some concerns are noted within the legal precepts of the juvenile court system. When juvenile pre-sentencing occurs, the sentence is handed down by the judge without input from either the victim or the offender, and restorative justice cannot take place. It is during the VOM, where the victim and offender meet face-to-face and an agreed upon contract is signed, that the victim and offender empowerment occurs. In ACJCS there is an awareness that the legal system must change if restorative justice is to benefit juvenile

offenders and victims alike. In the Judge Breecz interview, he reconfirmed his position, stating only after sentencing or a plea bargain, could the victim-offender mediation take place. It will be necessary for jurisdictions, judges, prosecuting attorneys, and lawmakers to come together for the best interest of our youth and make the necessary changes in our laws, allowing VOM to take the place of the judge ordered traditional sentencing process is critical, as this is where the empowerment of the individual occurs.

When juvenile crime rates go down, juvenile justice and communities reap great rewards. The resulting decrease in crime rates and court expenses would allow juvenile justice to pay for added staffing in schools. The information contained in this case study provides ACJCS some new arenas for evaluation and research regarding leadership. As ACJCS Director Steven Dye stated in his interview, “The one constant we know that keeps kids out of juvenile justice is helping them be successful in school.” With strong, shared leadership, the restorative justice initiative is bound for success.

Victim Offender mediation could be used with teacher-student issues and student-student issues. Within the model, empowerment occurs, while hearing the stories of those involved in conflict. School officials could consider the use of a restorative mediation contract that may include such items as required counseling, a law or anger management class, community service, an assigned mentor, and/or an alternative placement. Schoolteachers could use the restorative justice model within the classroom setting to deal with bullying issues, conflict between students, or conflict between student and teacher. In this mediation setting, student and teacher empowerment occurs by hearing all voices, and managing conflict.

After analyzing the data from the ACJCS Demographic Survey, it is imperative that the practitioner understand that offenders, already marginalized by their crime, may be further marginalized by the make-up of the VOM. The mediator must know and understand the issues surrounding gender, race, class, and dominant cultural themes, guarding against infringements in the conference setting. In the review of the literature, and from a feminist's perspective, these concerns are noted. During the ACJCS victim-offender mediation, a male victim would speak about the vulnerability of another female victim stating, "She lives all alone with her children, and needs protection." There were other times when the male victim stated, "He was lucky that I didn't have a gun, I would have used it." These very pointed, male dominant positions should be guarded against in the mediation setting. The members of the Victim Services Division voiced other feminist themes anecdotally. These members were told of mediations where the victim told the offender to "look me in the eye and tell me you did it." From several cultural perspectives, especially the Native American view, it is disrespectful to look an elder in the eye. Cook (2006) reminded us that for the restorative justice conferences to function, categorical differences cannot be used as devices of domination. Cook noted that the "invisible privileges" around gender, race, and class cannot not be reproduced and embraced within the restorative justice setting.

### In Conclusion

Putnam (2000) and Etzioni (1968), along with Bazemore et al. (2003), pointed to the rapid breakdown of society. Western individualism wreaks havoc with the concept of community (Etzioni). Community social controls that were once in place, monitored by neighborhoods, schools, and churches, no longer exist in the same capacity as in previous

generations. Now, a large segment of community members no longer sit on their front porches, helping monitor youth and supporting the single mom next door as she disciplines and holds her children responsible to the social norms of the neighborhood. These members are instead intent on their own egocentric interests. Restorative justice calls for shared leadership even within the social structures closest to home, that of the neighborhood. The restorative justice system of juvenile justice empowers families, neighbors, civic organizations, and governmental agencies to network and build community capacity in the name of restoring social control and providing empowerment for its citizens.

This study points to the need for strong but shared leadership within restorative justice, a reform model based on accountability, competency building, and community safety. Van Ness and Strong (2006) as well as Freire (2000) argued that the existence of social, political, and economic inequities, challenges any society that values justice and fairness. It is an essential task to monitor the structures whose interplay affects criminal justice, to discern imbalances, inequities, or disparities that result in less justice for some, and then to seek remediation and even transformation of those structures. A hallmark of restorative justice must be ongoing transformation of perspective, structures, and people (Van Ness & Strong). “We all have recompense to pay, reconciliation to seek, forgiveness to ask, and healing to receive; restorative justice is an invitation to reflection and renewal in communities and individuals as well as procedures and programs (Van Ness & Strong).” Van Ness and Strong reiterated, “Transformation of the world begins with transformation of ourselves--our own values, behavior, mindset, and character,” (pp. 178-179).

## Empowerment Through Voice

The shared leadership model allows empowerment through voice. Within this model, followers become leaders in their own right. When both the leader and the follower are allowed a voice, empowerment occurs. Through shared leadership, ACJCS developed partnerships, building community capacity, stronger schools and families, and have given the voice of democracy back to the grass root institutions and the constituents they serve. Voices are heard through these partnerships. Instead of the old model of “what can you do for me?” this new relationship is “how can we mutually sustain each other?” Within these partnerships, created by empowerment of the individual, the new mantra is the building and strengthening of both agencies.

Voices are now heard throughout the justice system; within the restorative justice setting, juveniles once tossed into juvenile detention are now leading community forums or designing and creating community parks. These positive activities are enhancing their own ability to problem solve and create a place for others to belong. Victims, offenders, and parents, once silenced by the daunting code of law and a system that superseded individual rights, now find empowerment in being heard, the empowerment of the democratic process, and the empowerment to lead. Voices of students once marginalized due to detentions, suspensions, or expulsions, are now empowered to tell their story. They are empowered to teach others, and most importantly, they are empowered to lead.



## Epilogue

### The Role of the Researcher Revisited

Stake (1995) commented that the role of the researcher is that of teacher. He stated that teaching is not just lecturing, not just delivering information; it is instead the arrangement of opportunities for learners to follow a natural human inclination to become educated. Freire (2000, p. 80) noted that through dialogue, the “teacher-of-the-student and the student-of-the-teacher cease to exist and a new term emerges, that of teacher-student with student-teacher . . . authority must be on the side of freedom where people teach each other, mediated by the world.” Because of this research, I have learned considerably more through this research because of my 22 “teachers.” I learned in the best sense that the one who travels is changed. I have a great respect for those that have deepened my perspective through this experience. The members of the ACJCS leadership team, those that perpetrated harm, and the recipients of that harm, have taught me the deeper meaning of compassion, which is multi-faceted and encompasses all aspects of humanity.

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## Appendix A:

## Ada County Juvenile Court Services – Parent Interview

1. Your son/daughter went through the Juvenile Court Mediation program, is that correct?
2. Tell me about that experience.
3. Tell me about the Victim Offender Mediation that you and your child participated in.
4. How much input did you have in developing your child's mediation agreement?
5. Tell me about your child's community service experience.
6. How would you rate your child's connection to the community (school, parks and recreation, etc, Boy's and Girl's Club. . .) since your child's court experience?
7. Tell me about your child's experience with his/her crime victim.
8. What was the most helpful part of the Mediation program?
9. What can you tell me about how the Mediation was run?
10. What can you tell me about the leadership of the Mediation program?
11. Is there something else about your child's experience that you would like me to know?

## Appendix B:

## Ada County Juvenile Court Services – Youth Interview

1. You went through the Victim Offender Mediation program, is that correct?
2. If so, tell me about that experience.
3. Tell me about the actual Victim Offender Mediation that you participated in.
4. How much input did you have in developing your mediation agreement?
5. Tell me about your community service experience.
6. How would you rate your connection to the community (school, parks and recreation, Boy's and Girl's Club, etc. . .) since your diversion experience?
7. Tell me about your experience with your crime victim.
8. What was the most helpful part of the Ada County Juvenile Court Mediation Program?
9. What can you tell me about how the Mediation was run?
10. What can you tell me about the leadership of the Mediation program?
11. Is there something else about your experience that you would like me to know?



## Appendix C:

## Ada County Juvenile Court Services - Victim Interview

1. You went through the Ada County Victim Offender Mediation program, is that correct?
2. If so, please tell me about that experience.
3. How much input did you have in developing the offender contract?
4. What do you feel the offender learned from his/her experience with the Mediation program and subsequent contract assignment?
5. What did you learn from the Victim Offender Mediation program?
6. What was the most helpful part of the Mediation program?
7. Do you feel you were adequately updated on the court process and on the court case?
8. Did you have input into any compensation for incurred losses?
9. Are you satisfied with the compensation process?
10. What are your feelings about the crime and the offender?
11. What can you tell me about how the Mediation was run?
12. What can you tell me about the leadership of the Mediation program?
13. Is there something else about your experience that you would like me to know?

## Appendix D:

## Ada County Juvenile Court Services - Director

1. I am interested in the history of your program. How did Victim-Offender Mediation program get its start?
2. Tell me about your team training process?
3. How much did this training cost?
4. What company conducted the training for you?
5. What is the process for offering the Mediation program to an offender?
6. What offenses are considered for the Mediation program?
7. What is the recidivism rate of your Victim Offender Mediation program?
8. What is the recidivism rate of the State of Idaho juvenile justice programs?
9. Some schools have incorporated restorative justice programs in their school. Can partnerships be created between juvenile justice and schools?
10. If so, what would these partnerships look like?
11. How are the objectives of restorative justice used in the Victim-Offender Mediation program?
12. How does the Attendance Court operate?
13. What other community partnerships have you established?
14. How do you solicit stakeholder input?
15. What type of stakeholder input do you solicit?

## Appendix E:

## Director, Victim Advocate, Mediator, Restitution Specialist Survey

1. What leadership role do you play at the Ada County Juvenile Court?
2. How are decisions made within the Juvenile Court?
3. How do you involve stakeholders in decisions within the court?
4. How much autonomy do you have within the Juvenile court?
5. What do you bring to the court in terms of education and experience?
6. What role do mission, vision, and goal play within the Juvenile Court?
7. What are the attitudes concerning restorative justices held with the court?
8. Describe the Victim Offender Mediation Conference setting?
9. Describe how restorative justice fits and works within the Mediation program.
10. How do you ensure that family culture, customs, and values are honored within the Mediation process?
11. How does the Victim-Offender Mediation program address public safety?
12. How does the Victim-Offender Mediation program address offender accountability?
13. How does the Victim-Offender Mediation program address recidivism?
14. By what legal authority does the Victim-Offender Mediation program operate?
15. How would an outsider describe the impact the Victim-Offender Mediation program has on community capacity (the ability of a community to problem solve)?
16. How much training have you received in restorative justice?

17. What suggestions would you give another program contemplating a restorative justice program?
18. How is the Victim-Offender Mediation program evaluated?
19. What success stories support this evaluation process?
20. Tell me a Victim-Offender Mediation program success story?
21. What is a current challenge in the Victim-Offender Mediation program?
22. How will you overcome this challenge?

## Appendix F:

Ada County Restorative Justice Demographic Survey

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Name:

1. What is your age? \_\_\_\_\_ Years
2. What is your gender?  
 Female     Male
3. What is your ethnicity?  
 White  
 Hispanic  
 African American  
 Native American  
 Asian or Pacific Islander  
 Other
4. How long have you lived in the area where you serve on a board? \_\_\_\_\_ Years
5. What is the highest education level you have completed?  
 Some High School    High School    Some College    College    Graduate/ Professional
6. Please specify your work or student status:  
Occupation \_\_\_\_\_  
 Student     Retired     Unemployed
7. What was your total household income (e.g. including spouse, if applicable) before taxes last year?  
 \$0-\$20,000     \$20,001-\$40,000     \$40,001-\$60,000  
 \$60,001-\$80,000     Over \$80,000
8. Please write your religious affiliation, if any: \_\_\_\_\_
9. How important is religious faith (or spirituality) in your life right now?  
 Not Important     Somewhat Important     Very Important     I don't Know
10. How would you characterize your political view?  
 Very Liberal     Liberal     Moderate     Conservative     Very Conservative     Not Sure

Appendix G:  
Interview Protocol

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Project: Restorative Justice: A Leadership Perspective

Time of Interview:

Date:

Place:

Interviewer:

Interviewee:

Position of interviewee:

To discover how leadership is defined, maintained, and sustained within Ada County Restorative Justice, the central question, used to guide the study will be: The central question used to guide the study was what role does leadership play in the themes and contexts that are expressed in the restorative justice experience?

Welcome the interviewee and introduce the researcher and the study.

Have the interviewee complete a consent to participate in the study. Go over the purpose of the study, the amount of time that will be needed to complete the interview, and plans for using the results from the interview (a copy of the abstract will be offered)

Have the interviewee complete the Ada County Demographics Survey.

Interview Questions: (Questions will be placed here)

Thank the individual for participating in this interview.

Appendix H:

University of Montana Internal Review Board

Court Leadership Informed Consent

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UNIVERSITY OF MONTANA INFORMED CONSENT  
Ada County Juvenile Court Leadership

Title: Restorative Justice: A Leadership Perspective

Project Director: Kim Harding  
Box 273  
Sheridan, MT 59749  
406-596-1085

Dr. Bill McCaw  
Associate Professor of Educational Leadership  
Phyllis J. Washington College of Education and Human Sciences  
The University of Montana  
Missoula, Montana 59801  
406.243.5395

**Special Instructions:**

This consent form may contain words that are new to you. If you read any words that are not clear to you, please ask the person who gave you this form to explain them to you.

**Purpose:** You are being asked take part in a research study to understand how the Victim-Offender Mediation program defines, sustains, maintains, and builds leadership. You have been selected because you are a part of the leadership team.

**Procedures:**

You will be asked to complete the Ada County Demographic Survey which will take about 5 minutes and you will be asked to participate in a ½ hour long interview about the Ada County Restorative Justice leadership team.

The interview will take place in the conference room at the Ada County Juvenile Court site.

**Risks/Discomfort:**

There is no anticipated discomfort for those contributing to this study, so risk to participants is minimal.

**Benefits:**

Although you may not benefit from taking part in this study, it will benefit further research in the area of leadership within Restorative Justice.

**Confidentiality:**

Your initials\_\_\_\_\_indicate your permission to be identified by name in any publication or presentations. The audio taped interview will be transcribed and placed as a narrative in the results of this study. You will be identified by name and by your role in this narrative.



**Compensation for Injury:**

Although we do not foresee any risk in taking part in this study, the following liability statement is required in all University of Montana consent forms.

In the event that you are injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University or any of its employees, you may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University's Claims representative or University Legal Counsel.

**Voluntary Participation/Withdrawal:**

Your decision to take part in this research study is entirely voluntary. You may leave the study for any reason.

**Questions:**

If you have any questions about the research now or during the study contact Kim Harding at 406-596-1085 . You may also contact the Institutional Review Board for the Protection of Human Subjects at Research & Development, University Hall 116, The University of Montana, Missoula, MT 59812, Phone 406-243-6670.

**Statement of Consent:**

I have read the above description of this research study. I have been informed of the risks and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the research team. I voluntarily agree to take part in this study. I understand I will receive a copy of this consent form.

\_\_\_\_\_  
Printed (Typed) Name of Subject

\_\_\_\_\_  
Subject's Signature

\_\_\_\_\_  
Date

**Statement of Consent to be Audiotaped:**

- \* I understand that audio recordings may be taken during the study.
- \* I consent to being audio recorded.
- \* I understand that if audio recordings are used for presentations of any kind, names or other identifying information will not be associated with them.
- \* I understand that audio recordings will be destroyed following transcription, and that no identifying information will be included in the transcription

\_\_\_\_\_  
Subject's Signature

\_\_\_\_\_  
Date

Appendix I:

University of Montana Internal Review Board

Victim Informed Consent

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UNIVERSITY OF MONTANA INFORMED CONSENT  
Victim

Title: Restorative Justice: A Leadership Perspective

Project Director: Kim Harding  
Box 273  
Sheridan, MT 59749  
406-596-1085

Dr. Bill McCaw  
Associate Professor of Educational Leadership  
Phyllis J. Washington College of Education and Human Sciences  
The University of Montana  
Missoula, Montana 59801  
(406) 243-5395

**Special Instructions:**

This consent form may contain words that are new to you. If you read any words that are not clear to you, please ask the person who gave you this form to explain them to you.

**Purpose:** You are being asked take part in a research study to understand how the Victim-Offender Mediation program defines, sustains, maintains, and builds leadership.

**Procedures:**

You will be asked to complete the Ada County Demographic Survey which will take about 5 minutes and you will be asked to participate in a ½ hour long interview about the Ada County Juvenile Court process.

The interview will take place in the conference room at the Ada County Juvenile Court site.

**Risks/Discomfort:** There may be possible physical discomfort associated with the anticipated ½-hour interview. There may be psychological or cultural discomfort associated with the recalling of details of victimization. There may be psychological or cultural discomfort associated with the recalling of details of the event or of the offender. The researcher will stop the interview if any emotional discomfort is exhibited.

**Benefits:**

Although you may not benefit from taking part in this study, it will benefit further research in the area of leadership within Restorative Justice.

**Confidentiality:** Your signed consent form will be stored in a cabinet separate from your audio recorded responses. The audio taped interview will be transcribed without any information that could identify you. The tape will then be erased.

**Compensation for Injury:**

Although we do not foresee any risk in taking part in this study, the following liability statement is required in all University of Montana consent forms.

In the event that you are injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University or any of its employees, you may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University's Claims representative or University Legal Counsel.

**Voluntary Participation/Withdrawal:**

Your decision to take part in this research study is entirely voluntary. You may leave the study for any reason.

**Questions:**

If you have any questions about the research now or during the study contact Kim Harding at 406-596-1085 . You may also contact the Institutional Review Board for the Protection of Human Subjects at Research & Development, University Hall 116, The University of Montana, Missoula, MT 59812, Phone 406-243-6670.

**Statement of Consent:**

I have read the above description of this research study. I have been informed of the risks and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the research team. I voluntarily agree to take part in this study. I understand I will receive a copy of this consent form.

---

Printed (Typed) Name of Subject

---

Subject's Signature

Date

**Statement of Consent to be Audiotaped:**

- \* I understand that audio recordings may be taken during the study.
- \* I consent to being audio recorded.
- \* I understand that if audio recordings are used for presentations of any kind, names or other identifying information will not be associated with them.
- \* I understand that audio recordings will be destroyed following transcription, and that no identifying information will be included in the transcription

---

Subject's Signature

---

Date

Appendix J:

University of Montana Internal Review Board

Minor Assent Form

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Minor's Assent for Being in a Research Study

**University of Montana**

Title: Restorative Justice: A Leadership's Perspective

Why am I here?

You are being asked take part in a research study to understand how the Victim-Offender Mediation program defines, sustains, maintains, and builds leadership. You have been selected because you were involved in this program.

Why are they doing this study?

You are being asked to take part in a research study to understand how Offender-Mediation program defines, sustains, maintains, and builds leadership.

What will happen to me?

You will be asked to fill out a survey and you will be asked 15 questions about the Offender-Mediation program.

Will the study hurt?

The study will require you to sit for about one half hour at a table. You may feel some discomfort from sitting during this time. You may also feel some sadness, remorse, guilt, or emotional distress.

Will the study help me?

This study will provide information about the Offender-Mediation program so the researcher can learn from your experience.

What if I have any questions?

You can ask any questions that you have about the study. If you have a question later that you didn't think of now, you can call me at 406.596.1085 or ask me next time. My name is Kim Harding.

Do my parents [guardians] know about this?

This study was explained to your parents [guardians] and they said that you could be in it. You can talk this over with them before you decide.

Do I have to be in the study?

You do not have to be in the study. No one will be upset if you don't want to do this. If you don't want to be in this study, you just have to tell me. You can say yes now and change your mind later. It's up to you.

Writing your name on this page means that that you agree to be in the study, and know what will happen to you. If you decide to quit the study all you have to do is tell the person in charge.

\_\_\_\_\_  
Name of Minor (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Minor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Researcher

\_\_\_\_\_  
Date

Appendix K:  
University of Montana Internal Review Board  
Parent Informed Consent

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## UNIVERSITY OF MONTANA INFORMED CONSENT

Parent

Title: Restorative Justice: A Leadership Perspective

Project Director: Kim Harding  
Box 273  
Sheridan, MT 59749  
406-596-1085

Dr. Bill McCaw  
Associate Professor of Educational Leadership  
Phyllis J. Washington College of Education and Human Sciences  
The University of Montana  
Missoula, Montana 59801  
(406) 243-5395

**Special Instructions:**

This consent form may contain words that are new to you. If you read any words that are not clear to you, please ask the person who gave you this form to explain them to you.

**Purpose:** You are being asked take part in a research study to understand how the Victim-Offender Mediation program defines, sustains, maintains, and builds leadership. You have been selected because your child was involved in this program.

**Procedures:**

You will be asked to complete the Ada County Demographic Survey which will take about 5 minutes and you will be asked to participate in a ½ hour long interview about the Ada County Juvenile Court process.

The interview will take place in the conference room at the Ada County Juvenile Court site.

**Risks/Discomfort:** There may be possible physical discomfort associated with the anticipated ½-hour interview. There may be psychological or cultural discomfort associated with the recalling of details of the crime by the offender and the parent of the participating offender. The researcher will stop the interview if any emotional discomfort is exhibited.

**Benefits:**

Although you may not benefit from taking part in this study, it will benefit further research in the area of leadership within Restorative Justice.

**Confidentiality:** Your signed consent form will be stored in a cabinet separate from your audio recorded responses. The audio taped interview will be transcribed without any information that could identify you. The tape will then be erased.

**Compensation for Injury:**

Although we do not foresee any risk in taking part in this study, the following liability statement is required in all University of Montana consent forms.

In the event that you are injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University or any of its employees, you may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University's Claims representative or University Legal Counsel.

**Voluntary Participation/Withdrawal:**

Your decision to take part in this research study is entirely voluntary. You may leave the study for any reason.

**Questions:**

If you have any questions about the research now or during the study contact Kim Harding at 406-596-1085 . You may also contact the Institutional Review Board for the Protection of Human Subjects at Research & Development, University Hall 116, The University of Montana, Missoula, MT 59812, Phone 406-243-6670.

**Statement of Consent:**

I have read the above description of this research study. I have been informed of the risks and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions I may have will also be answered by a member of the research team. I voluntarily agree to take part in this study. I understand I will receive a copy of this consent form.

\_\_\_\_\_  
Printed (Typed) Name of Subject

\_\_\_\_\_  
Subject's Signature

\_\_\_\_\_  
Date

**Statement of Consent to be Audiotaped:**

- \* I understand that audio recordings may be taken during the study.
- \* I consent to being audio recorded.
- \* I understand that if audio recordings are used for presentations of any kind, names or other identifying information will not be associated with them.
- \* I understand that audio recordings will be destroyed following transcription, and that no identifying information will be included in the transcription

---

Subject's Signature

---

Date

Appendix L:  
University of Montana Internal Review Board  
Parental Permission Form

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PARENTAL PERMISSION FORM

**Title: Restorative Justice: A Leadership Perspective**

**Project Director(s):** Kim Harding  
Box 273  
Sheridan, MT 59749  
(406) 596-1085

Dr. Bill McCaw  
Associate Professor of Educational Leadership  
Phyllis J. Washington College of Education and Human Sciences  
The University of Montana  
Missoula, Montana 59801  
(406) 243.5395

**Special instructions:** This consent form may contain words that are new to you. If you read any words that are not clear to you, please ask the person who gave you this form to explain them to you.

**Purpose:** Your child is being asked take part in a research study to understand how the Victim-Offender Mediation program defines, sustains, maintains, and builds leadership. Your child has been selected because your child was involved in this program.

**Procedures:** Your child will be asked 15 interview questions about their time in the Ada County Juvenile Court Program. The study will take place at the Ada County Court conference room. This interview will be audio taped by a tape recorder which will be placed on the table. The session will last for about ½ hour.

**Risks/Discomforts:** Your child may experience physical discomfort associated with the anticipated ½-hour interview. Your child may experience psychological or cultural discomfort associated with the recalling of details of the crime. The researcher will stop the interview if any signs of emotional discomfort are exhibited.

**Benefits:** Although your child may not benefit from taking part in this study, other children may as a result of this interview. This study will provide information about the Ada County Victim-Offender Mediation program so the researcher can learn from your and your child's experience.

**Confidentiality:** Your child's signed assent form, as well as this parental permission form will be stored in a cabinet separate from the audio recorded data. The audiotape will be transcribed without any information that could identify you or your child. The tape will then be erased.

**Compensation for Injury:** Although we believe that the risk of taking part in this study is minimal, the following liability statement is required in all University of Montana consent forms.

In the event that your child is injured as a result of this research you should individually seek appropriate medical treatment. If the injury is caused by the negligence of the University or any of its employees, your child may be entitled to reimbursement or compensation pursuant to the Comprehensive State Insurance Plan established by the Department of Administration under the authority of M.C.A., Title 2, Chapter 9. In the event of a claim for such injury, further information may be obtained from the University's Claims representative or University Legal Counsel. (Reviewed by University Legal Counsel, July 6, 1993)

**Voluntary Participation/Withdrawal:** Your decision to allow your child to take part in this research study is entirely voluntary. Your child may leave the study for any reason.

**Questions:** If you or your child have any questions about the research now or during the study contact: Kim Harding at 406.596.1085. If you have any questions regarding your child's rights as a research subject, you may contact the Chair of the IRB through The University of Montana Research Office at 243-6670.

**Parent's Statement of Permission:** I have read the above description of this research study. I have been informed of the risks for my child and benefits involved, and all my questions have been answered to my satisfaction. Furthermore, I have been assured that any future questions that I and my child may have will also be answered by a member of the research team. I voluntarily agree to have my child take part in this study. I understand I will receive a copy of this permission form.

---

Printed Name of Minor

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Signature of Parent or Legally Authorized Representative

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Date

**Statement of Permission to be Audiotaped:** I understand that audio recordings may be taken during the interview with my child. I give permission to having my child being audio recorded. I understand that audio recordings will be destroyed following transcription, and that no identifying information will be included in the transcription.

\_\_\_\_\_  
Signature of Parent or Legally Authorized Representative

\_\_\_\_\_  
Date