

**Beyond Zero Tolerance**  
Restorative Justice Conferencing  
A tool for front-line school discipline in Ontario.

**Annis Karpenko**  
**June 20, 2001**  
**MRP Adviser: Jack Miller**  
**OISE**

## **ABSTRACT**

Zero tolerance measures, which have been widely used in North America in front-line school discipline, are now being challenged by educators, parents, law officials and government organizations. The random definition of zero tolerance policy allows educators to suspend or expel students from school for a broad range of offenses, many which never compromise school safety. Once expelled, some school jurisdictions ban students from ever returning to the public school system.

Restorative justice measures such as family group conferencing, offer school communities a holistic and healing discipline process that mends the wrongs done by students by allowing victims and offenders and their supporters to meet face to face, to confront the wrongdoing and for the offender to hear first-hand the impact of his/her actions. Agreements for reparation of harm are drawn up by all those affected by the offense reestablishing the victim's sense of well-being while allowing the offender to return to the school community with dignity.

*Until they invent a way to make the peace, it's up to you.<sup>i</sup>*

## **PREFACE**

In a recent Globe and Mail column entitled *Let's Trash All High Schools*, Margaret Wente called modern high schools “the most dysfunctional institutions yet devised by the developed world. They deaden the souls, confine the bodies and bludgeon the spirits of the inmates. They incarcerate young people in their prime and trap them into the cruel hierarchies of adolescent society. Their intellectual climate is unspeakably banal, and their life lessons are all wrong. They are a breeding ground for every kind of teenage pathology, from bullying to bulimia. They're bad for girls, and even worse for boys.”<sup>ii</sup>

And in his book, *Real Justice*, Ted Wachtel writes “Schools are the breeding grounds for our society’s negative subcultures. Schools do not intend to hurt children, but like much of the rest of our society, they respond to wrongdoing with punishment. They operate under the false expectation that punishment causes children to change their ways.”<sup>iii</sup>

Rampant conflict between governments, teachers’ unions, boards of education and parents over the last decade (perhaps longer) gives Wente’s and Wachtel’s hard-edged commentary credibility, especially among the millions of public school students, from coast to coast, who have had their educations disrupted by labour unrest and government interference. Frustration and conflict trickles down into the hearts of Canadian classrooms. As a result of this conflict, many teachers leave the system and retire early or they may take sick days or disability

time to heal. Parents pull their kids out of the public system and put them into private schools, a move now supported by the Ontario government's new school tax credit.

Students, without personal motivation or parental support or guidance, who are at a high risk for school disruption, at best muddle through the system and at worst, face the soul-numbing, punitive justice of zero tolerance resulting in detention, suspension or expulsion, forcing many to drop out of school altogether. It is time to search for and implement ways to heal our schools and students before they crumble away any further.

## INTRODUCTION

People belong to many communities. There is the family community, the school community, as we get older there is the outside social community or peer group, and then the work community. Each community has its own set of rules and regulations, and its own set of human relationships that need to be nurtured. There is no question that conflict is an integral part of any community or relationship.

There are many ways to deal with conflict. One can avoid it, confront it, fight about it or resolve it in an equitable manner. In books discussing soulful or spiritual environments e.g. [Waldorf](#) or independent schools, the word “conflict” rarely appears. It is assumed that if a community provides a nurturing environment then conflict does not arise. This is not true. What is true is that one can find conflict in almost any situation, work, school, home and on the streets. What differentiates some conflict from other conflict is not its existence, but its resolution.

In a spiritual or soulful community, conflict is not avoided or ignored. It is acknowledged and used as a teaching tool and learning experience to help heal the community. Public schools are communities within neighbourhoods which could be places of spirit and soulfulness, but as Wendt and Wachtel pointed out in the beginning of this paper, today they are more likely to be uncaring, unhealthy, scary places for students to be.

Most communities have policies or agreements to deal with conflict among members. In a family situation it might be a “time out” or a family meeting. In the Ontario school system the policy to deal with school conflict is outlined in the province’s new [Safe Schools Act](#) (SSA). The SSA offers swift punishment for offending members of its public school community. The basis of this policy is called zero tolerance. Other kinds of conflict resolution policies can be found in other school policies or perhaps they are practiced by individual teachers or principals. These policies offer a healing resolution to conflict and are called “restorative justice” measures. Zero tolerance punishes those who deviate away and break the rules by removing them physically from the community. Restorative justice acknowledges that offenses are crimes against human relationships and sets about to restore the relationship, in the home, the school or the community.

I believe that schools have a major role to play in the socialization of children. Indeed, the [Toronto District School Board’s](#) mission and values statement affirms that its mission is to “enable all students to reach high levels of achievement and to acquire the knowledge, skills and values they need to become responsible members of a democratic society.” Provincial zero tolerance measures which discard students from their schools do not support the education and socialization of students, it alienates them from the education system and their communities.

In the first part of this paper, I will outline the history of zero tolerance policy and its use in schools. I will also discuss the success of zero tolerance as a deterrent to school violence and other misbehaviour.

In the second section, I will outline the history of Restorative Justice conferencing, its use and the success of conferencing as a deterrent to school violence and other misbehaviour.

And lastly, I will propose the adoption of restorative justice conferencing measures as front line school discipline policy and suggest that it replace or be used as a first alternate to zero tolerance policy.

## **PART ONE: ZERO TOLERANCE**

### **What is Zero Tolerance?**

Zero tolerance is a system of discipline. It is what is known as “retributive justice” and it outlines rules that must be adhered to and the set punishment for any deviation from those rules. It is a very black and white (as we will see, both literally and figuratively) form of justice – you break the rule, you are given the preset punishment. Period. Circumstances of the incident or personal history of the offender is not taken into account and it is a very attractive discipline system to overworked school administrators. It is quick and immediately removes the “problem” from the school.

The zero tolerance system is the frontline discipline tool found in many school systems throughout Canada and the U.S. today. The Toronto District School Board’s Foundation Statement of 1999 states that it “does not tolerate any anti-social or violent behaviour, which impacts on learning environments... and it’s commitment to zero tolerance is central to the [Safe Schools Policy](#).<sup>iv</sup>” Until recently this policy covered violence of any kind, the possession or presence of weapons, harmful, threatening or actual acts of violence or other unlawful acts, verbal abuse in any form, the presence of any intruder or any activity which places the safety of students, staff or visitors at risk, the possession of, use of, or trafficking in alcohol, illegal drugs or unauthorized prescription drugs. But in Ontario, school board policies will no longer be sufficient as the provincial government’s Safe Schools Act will now override individual board policies and become the standard for school discipline policy across the province.

The phrase ‘zero tolerance’ grew out of U.S. state and federal no-questions-asked drug enforcement policies in the 1980s. The term was first found in a national newspaper database in 1983 and in 1986 it became the title of a program developed to impound sea craft carrying any amount of drugs. By 1988 the U.S. Attorney General authorized customs officials to seize the boats, automobiles and passports of anyone crossing the border with even trace amounts of drugs and to charge those persons in federal court. Soon, the zero tolerance ball was rolling and it was applied to everything from environmental pollution to skateboarding.<sup>v</sup>

In their article [\*The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?\*](#), Russ Skiba, the Director of the Institute for Child Study at Indiana University and Reece Peterson, an Associate Professor specializing in the education of students with emotional or behavioral disorders, point out that from the onset, zero tolerance drug policies caused considerable controversy. In the U. S. private citizens, whose cars, boats, even bicycles were impounded for minute amounts of drugs, complained bitterly. The American Civil Liberties Union was called upon to consider filing a law suit against the government program. Faced with mounting controversy and the potential of legal action, the U.S. Customs Service quietly discontinued the zero tolerance program by 1990.<sup>vi</sup>

Just as zero tolerance policy was being phased out of federal drug programs, the potentially litigious policy was entering the public school systems of the U.S. where many students suffer human rights violations on a daily basis. Zero tolerance measures in schools began in 1989 to combat drug and gang related activity but by 1993 policies were broadened to

include tobacco-related offenses and any incident of school disruption. Students caught or suspected of any offense were automatically given a suspension or expulsion from their school. In 1994, Clinton signed the [Guns Free Schools Act](#) into law which mandated expulsions for one full calendar year for gun offenses and referred all offenders to the legal justice system. Loose definitions of what constituted a violation in many zero tolerance policies allowed school officials to broadly and randomly interpret the zero tolerance rules. Eventually, weapons offenses included everything from guns and knives to nail clippers and kitchen utensils.

Slowly, as with the federal drug enforcement policy, the critical voices began to gain strength. In Tennessee students violating zero tolerance for drugs, alcohol, weapons or violence got an automatic one-year sentence at the Alternative Learning Center, which is housed at the county jail. It didn't matter if students were using cocaine or having a glass of wine before a dance. The punishment remained the same. The hypocrisy of the measures were not lost on the students or parents and many school officials began to shorten the length of sentence out of embarrassment or compassion.<sup>vii</sup>

In February 2001, the [American Bar Association](#) (ABA) voted to oppose school zero tolerance disciplinary policies that fail to take into account the circumstances or nature of an offence or an accused student's history. In supporting this action, the ABA's policy-makers supported three principles concerning school discipline:

1. Schools should have strong policies against gun possession and be safe places for students to learn and develop.

2. In cases involving alleged student misbehavior, school officials should exercise sound discretion that is consistent with principles of due process and consider the individual student and the particular circumstances of misconduct and
3. Alternatives to expulsion or referral for prosecution should be developed that will improve student behavior and school climate without making schools dangerous.<sup>viii</sup>

Catherine Krebs, a lawyer cited in Margaret Graham Tebo's article, [\*Zero Tolerance, Zero Sense\*](#) says that "Our job as adults is to help kids learn from their mistakes, not to throw them out of school and say 'That's the end of it'". Krebs notes that students expelled from public schools in Massachusetts lose their right to a public education permanently." And Tebo goes on, in the same article, to ponder "What becomes of kids of whom the system washes its hands? Many turn to gangs and crime, since without a high school diploma, legitimate jobs are nearly impossible to get."<sup>ix</sup>

The wide interpretation and definitions in zero tolerance policies vary across the different systems. As Margaret Tebo points out, "even before the term zero tolerance was coined, virtually every school already had a strict policy that prohibited weapons on school property. Rather than safeguarding the good kids from the bad, zero tolerance seems to be a convenient catchphrase for schools unable or unwilling to prevent school violence by identifying and counseling at-risk students."<sup>x</sup>

As the title of Tebo's article reaffirms, *Zero Tolerance, Zero Sense*. Zero tolerance has allowed common sense and compassion to be replaced with intolerance and suspicion through out the education systems of North America.

### **Is Zero Tolerance Working?**

So is zero tolerance working? To quote Skiba and Peterson from their article *The Dark Side of Zero Tolerance*, "the short answer is that we don't really know." There are no calls for accountability or studies that evaluate the effectiveness of zero tolerance strategies. And yet according to Skiba and Peterson, even in the face of public dissension towards zero tolerance, school boards and administrators are failing to back down. "They claim their hands are tied by federal or state(provincial) law (despite some policy language that allows local review on a case-by-case basis) or they assert that continued application of zero tolerance is necessary to send a message to disruptive students.<sup>xi</sup>"

Although studies researching the effects of zero tolerance are almost non-existent, media reports and news articles have proliferated since the introduction of zero tolerance measures in schools,. According to a [1995 report](#) published by Solicitor General Canada, which evaluated a 1994 study that focused on weapons use in Canadian schools, print media articles on the topic of youth violence and zero tolerance rose sharply from 1992 –1994. The survey which tracked articles from 1988 to 1994 in 10 Canadian print publications (newspaper and magazine) found the term 'zero tolerance' first mentioned in the context of school violence in 1988 but it was seldom used until 1992 when rates went from thirty articles in the year to over 100 in 1994. And

while the articles covered the suspension or expulsion of offending students or the involvement of police, very few articles judged the rightness or wrongness of zero tolerance. Those that did criticize the policy said that it just shifted problems from a school to the community or another school.<sup>xii</sup>

More recently, a quick internet search of the databases in Canada's two national newspapers by this writer, found eighteen references to zero tolerance from October 1999 to May 2001. Only one of those references was school related and it discussed a school dress code. Of the others, seven were related to stock traders or the stock market, five were related to drugs, guns or alcohol use on the street, three were related to hockey, and two to pet abuse. In June 2001 however, the term zero tolerance came up numerous times when an eight year old boy in Nova Scotia was suspended from school for pointing a chicken finger (a food item) at a friend and saying the word "bang". These are the kinds of incidents that send critics and reporters howling and embarrass school officials.

In their 1999 article *Zap Zero Tolerance*, Skiba and Peterson argue that although zero tolerance tends to provide a feeling of safety in schools, there is little solid evidence it is curbing violent behavior in schools. "In the face of an apparent inability to influence violence in schools, harsh measures are intended to send a message that the administration is still in charge... Whether it is effectively received or actually changes student behavior may be less important than the reassurance that sending it provides to administrators, teachers and parents."<sup>xiii</sup> But what does the zero tolerance message say to students? With the wide range of interpretations, all students are potentially guilty of offensive behaviour and the Safe Schools Act supports this

premise by allowing teachers to issue automatic one day suspensions to students, no questions asked.

The most comprehensive and controlled study considering aspects of the zero tolerance policies appears to be the [1998 National Center for Education Statistics' \(NCES\)](#) survey of school principals who were asked to identify which of a number of possible components of zero tolerance strategy (e.g., expulsions, locker searches, metal detectors etc.) were used at their school. Of those that responded, 79 per cent reported having a zero tolerance policy for violence. The schools with no reported crime were less likely to have a zero tolerance policy (74 per cent) than those schools that reported incidents of serious crime (85 per cent). While these statistics might not be surprising, the NCES survey found that after four years schools that use zero tolerance policies are still less safe than those without such policies. Virtually no data suggest that zero tolerance policies reduce school violence.<sup>xiv</sup> And yet, today in Ontario regardless of need, all schools are required to abide by the Safe Schools Act which advocates zero tolerance.

There are discrepancies among the different reports. This might suggest that different authors are using only data that best support their own position. According to Skiba and Peterson the NCES study finds that schools that had zero tolerance policies in place had more incidence of violence than those that did not. But in an interview with broadcaster, Peter Jennings, Sandra Feldman, the president of the American Federation of Teachers says she believes zero tolerance policies work and sites a Department of Education study which indicates almost a 50 per cent drop in violence and gun incidents in schools since the zero tolerance policies have been in place<sup>xv</sup>.

Another study considering zero tolerance shows that punishment is doled out to poor and African-American students in disproportionate number. Of the nearly 3,000 school districts represented in the Office for Civil Rights database, more than two-thirds showed rates of black suspension exceeding rates for white students. Researchers have consistently found disproportionate minority representation among students on the receiving end of exclusionary and punitive discipline practices. African American students are over represented in the use of corporal punishment and expulsion and they are underrepresented in the use of milder disciplinary alternatives.<sup>xvi</sup> And many of the offences pose no threat to school safety. According to the [2000 Civil Right Project on Zero Tolerance](#) in 1999 the Maryland schools (not including Baltimore City, the largest district) suspended 44,000 students for the non-violent offenses of “disobeying the rules,” “insubordination,” and “disruption.”<sup>xvii</sup>

And yet, in Sandra Feldman’s article [Let’s Stay the Course](#), her studies suggest that the percentage of African-American students taking Algebra II rose 20 per cent between 1982 and 1994 and that fewer students are dropping out. And although she acknowledges there are weaknesses in zero tolerance study she believes that we need to solve problems as they come up instead of giving up on higher standards and zero tolerance at the first sign of difficulty.<sup>xviii</sup>

According to Skiba and Peterson, school suspension was consistently found to be a moderate to strong predictor of a student’s dropping out of school. More than 30 per cent of sophomores who dropped out had been suspended, a rate three times that of those who stayed in school.<sup>xix</sup> In his [address](#) to the 106<sup>th</sup> Congress in February 2000, Ralph C. Martin says “lowering the boom” on youth that are victims of circumstance i.e. troubled and rejected kids living in

troubled neighbourhoods, is a questionable practice despite their potentially poor behavioural choices.<sup>xx</sup>

Along with statistical incongruities, the range of offenses where zero tolerance measures were used grew and grew resulting in near epidemic suspensions and expulsions for seemingly trivial events. According to Martin, zero tolerance covers the gamut of student misbehavior, from “threats” in student fiction to giving aspirin to a classmate. Zero tolerance has become a one-size fits all solution to all problems that schools confront and it has redefined students as criminals with unfortunate consequences.<sup>xxi</sup> Fighting among students is the single most frequent reason for suspension but the majority of school suspensions occur in response to relatively minor incidents that do not threaten school safety.<sup>xxii</sup> Less than 1 per cent of all violent incidents involving adolescents occurred on school grounds. And Martin points out that “zero tolerance results in the expulsion or suspension irrespective of any legitimate explanation. In many instances it also results in having the student arrested.”<sup>xxiii</sup>

According to the [United States Secret Service Safe School Initiative](#)<sup>xxiv</sup> “most official statistics show that rates of school violence have steadily decreased since 1993.” And the U.S. Department of Education’s National Center for Education Statistics report that the number of deaths in the 1999-2000 school year was almost one quarter the number of that occurred in 1992-1993.<sup>xxv</sup>

A new NCES study, [The School Survey on Crime & Safety](#) is set to be released in the fall 2001. This study will again survey 3000 public elementary and secondary school principals as a

follow up to the 1997 study. Principals will again be polled about security measures and discipline policies in their schools. This study should shed some up-to-date light on the effectiveness of the different discipline policies in schools.

But currently, none of the reports or articles on zero tolerance's success or failure address the link in low rates of school violence to the overall drop in the U.S and Canadian crime rate which began in the early 1990s before zero tolerance measures were firmly in place in the school system. Does lower rates of school violence in schools or in street crime rates for young adults stem from having zero tolerance measures in schools?

One study from Australia suggests that early intervention strategies such as home visits, family support and parenting education have a major impact on at risk families and children, improving their quality of life and preventing them from future offences.<sup>xxvi</sup> While the most current and controversial study links the lowered crime rate not with zero tolerance measures in schools but with access to legalized abortions in the U.S.

John Donohue III from Stanford University and Steven Levitt from the University of Chicago, in their 2001 study [\*The Impact of Legalized Abortion on Crime\*](#)<sup>xxvii</sup> state that “criminologists have long known that the peak crime years are from 18 to 24 years old and since the landmark Supreme Court decision in Roe vs. Wade, they have found that with higher abortion rates have consistently had lower crime rates.” In Canada, abortion rights activist, Dr. Henry Morgenthaler published a similar theory in 1995 but only one newspaper, The Vancouver Sun was willing to publish it.

In a recent newspaper article, *Innovations in Youth Justice: A passion for not writing kids off*, Lynn Zammit a founder of the Community Alternative Program for Suspended Students in Toronto says “(Our society) has tended to gravitate toward a justice-based punishment model. But when you look at the results – it doesn’t work. Punishment is not going to solve the problem.”<sup>xxviii</sup>

Present day zero tolerance measures were set up to treat adult criminals not children in school. Its blanket policy treats first graders and twelfth graders alike and children, regardless of age are not stupid. As one private attorney in Virginia observed in the American Bar Association Journal, children are able to understand the difference between being treated equally and being treated fairly. “Kids are not going to respect teachers and administrators who cannot appreciate the difference between a plastic knife and a switch-blade.”<sup>xxix</sup> As Lynn Zamitt says, “When I started, the school system and the justice system were separated. Now, a schoolyard fight is called an assault. Taking the Grade 9 lunch money is now being called extortion. And if the Grade 9 feels threatened, all of a sudden it’s a robbery.”<sup>xxx</sup>

Thomas Gabor, in *School Violence and the Zero Tolerance Alternative: Some principles and policy prescriptions*, points out that when he asked what schools should be doing to prevent youth violence? “School board officials favoured proactive measures over reactive, disciplinary measures...An overwhelming majority felt that helping high-risk students, communicating and meeting with parents regularly, and training staff in dealing with violence and disruptions were especially important.” In his study, communication and training outweighed “enforcing rules

strictly and including non-violent conflict resolution in curricula”, which were deemed less critical.<sup>xxxii</sup>

The Ontario Safe Schools Act which mandates suspensions and expulsions, without any consideration of the circumstances will force more and more kids to be discarded from their community schools. And yet, these same students must go home every day and hang out on the streets with students from their old school. In his book, *Real Justice: How we can revolutionize our response to wrongdoing*, Ted Wachtel states that “because most crimes involve victims and offenders who live near each other and are likely to continue to see each other, punishing the offender is not enough. People need personal resolution so that they can deal with each other in the future.”<sup>xxxiii</sup> It is common knowledge in the Toronto School Board (and other areas as well), that many teachers and students already stigmatize students who do not follow the prescribed “university path” or academic track by describing those students as “basics”. In the United States, the basics are considered on “the commercial track” and those who are at high-risk of failure are on “the terminal track”.<sup>xxxiii</sup> These are tags that children carry with them for their whole school careers, with teachers seldom advocating or encouraging a student off the prescribed path. Most certainly a new derogatory handle will bubble into the school lingo to describe the students banished from their school community under the guise of Safe Schools. This will also be a tag that students will carry with them for their academic career but more sadly, perhaps for their whole life.

*The world is so mean for our children, we can't let them slip  
away when we've got their attention.*<sup>xxxiv</sup>

## **PART TWO: RESTORATIVE JUSTICE**

### **What is Restorative Justice?**

As cited in the book *Restorative Justice: A Vision for Healing and Change*, Australian scholar David Moore, points out that social regulation often falls to one of two extremes. It either punishes an offender in order to convey that a certain act is unacceptable (as in school punishment). Or it looks past an unacceptable act in order to support the offender (as in counseling and treatment programs).<sup>xxxv</sup>

As cited in Susan Sharpe's book, [\*Restorative Justice: A Vision for Healing and Change\*](#) "in a ground-breaking article written twenty years ago, Norwegian criminologist Nils Christie wrote that criminal conflict had been taken away from victims and offenders, becoming the property of the state and of defense lawyers. Christie argued that the ownership of crime, and the responsibility for how to deal with it, should be returned to victims, offenders, and their communities."<sup>xxxvi</sup>

Today in many areas, justice is regarded as punitive. A person commits an offence which is in direct violation of a code or rule. The system that monitors members doles out the required punishment for the violation. If it is a peer situation, the offender may be harassed, harmed or

banished. In a community situation, the offender might be handed over to the police, in a school situation the offender might be sent to the principal's office and suspended or expelled to another school. In a work situation, a person might be fired, put on notice or suspended, although treatment programs or counseling may be offered first. But while counseling might be an option for some students, treatment programs for drug or alcohol use, which are the norm for employees in many companies, are not offered to students who in the midst of an addiction are merely removed from the school system, perhaps the only safe haven they have.

Restorative justice acknowledges that it is not enough to just remove an offender from the community and move on. What lessons, if any, does the offender learn from the incident by being removed from it? What chance does the victim have to confront the outrage that comes from being a victim? Restorative justice is a conflict resolution process which acknowledges the myriad of human relationships that each person has and also acknowledges that there can be conflict within these relationships. It is holistic discipline, discipline that offers tools for people to identify the conflict, resolve the conflict and resume the relationship that has been harmed by the conflict. Its first edict is that offenses are against relationships not against laws. Laws are merely put in place to protect relationships.

From Susan Sharpe's book, the belief of Restorative Justice is that justice should do, to the greatest degree possible, five things:

- Invite full participation and consensus.
- Heal what has been broken.
- Seek full and direct accountability.

- Reunite what has been divided.
- Strengthen the community, to prevent further harms.

“Restorative justice models such as conferencing or healing circles, facilitate a just and satisfactory outcome for both the offender and more importantly the victim, by providing them both with an opportunity to address the conflict and work together to chart a course of resolution.”<sup>xxxvii</sup>

Conferencing originated as a response to juvenile crime in New Zealand in 1989 where they were also known as family group conferences or community accountability conferences. Conferencing was adapted by Australian police in 1991 and first used by educators in Australia in 1994. In North America, full fledged restorative justice programs can now be found in Minnesota, Pennsylvania, Colorado, Vermont and Alberta with other states and provinces using it in various areas of education and juvenile justice system. Native peoples have been using healing circles, which is a type of conferencing, for generations.

Conferencing can be employed by schools in response to truancy, disciplinary incidents including violence, or as a prevention strategy in the form of role plays of conferences with primary and elementary school students. Its effectiveness also enhances the community well-being by including not only victims and offenders but everyone who has been affected by an offense, parents, teachers and fellow students. For many offenders a conference provides the first opportunity for them to fully appreciate not only what their negative behaviour did but also that people care enough to come together to help him/her repair the harm. Punitive retributive justice

is void of emotion, but according to Ted Wachtel, it is the “emotion that gives the conference it’s power.”<sup>xxxviii</sup>

### **Making Restorative Justice Conferences Work**

A conference is a structured and voluntary meeting between offenders, victims and both parties’ supporters. Conferences deal with the emotions of an offense, the consequences of the offence and facilitate the resolution of how to best repair the harm done by the offender. The first rule of conferencing is that the offender must admit guilt for the offence and must be willing to make restitution. Equally important is that the victim must be willing to attend a conference.

According to Susan Sharpe, “for justice to be restorative, it must be based on a dialogue about what happened in the incident and why it happened. Only then can the participants discuss what is needed to make things right. That dialogue should be inclusive. Victims must be able to speak for themselves... Offenders must be able to explain their behaviour and apologize for it. Community members must say how they have been affected by the offense and how they can help restore harmony, not just decide whether guilt has been proved.”<sup>xxxix</sup>

Assisted by a facilitator, conferences provide victims and others an opportunity to confront the offender, express their feelings, ask questions and have a say in the outcome. Offenders hear firsthand how their behaviour has affected people. Through the extensive and thorough preliminary groundwork, the facilitator sets the scene for the conference. All the participants are briefed to avoid the possibility that there will be any surprises once the

conference is underway. Participation is of course, voluntary and all members must agree to participate. Offenders may be swayed by a promise that if a satisfactory resolution is come to, they may be spared court appearances, suspension or expulsion.

Depending on the outcome, the harm may be repaired by a simple apology from the offender and/or by his/her agreeing to make financial restitution or do personal or community service work. Conferences hold the offender accountable while providing them with an opportunity to discard the ‘offender’ label and be reintegrated into their community or school.<sup>xi</sup>

According to Nancy Riestenberg, a prevention specialist with the [Minnesota Department of Children, Families and Learning](#), Minnesota has four school districts which are demonstration sites for the use of restorative measures as an alternative to suspension and expulsion. The districts have adapted the processes of restorative justice conferencing to address everything from bullying and harassment to classroom disruptions and chronic attendance problems. Riestenberg says that “incorporating restorative measures into a school is for some a paradigm shift; but for other educators, it is another familiar tool. A teacher who involves the class in making the rules with her, or who holds a class meeting every week, may already use conflict resolution and other problem solving approaches to help students learn all that classroom life has to offer: the social-emotional as well as the academic lessons.”<sup>xli</sup>

Writer Scott Simmie describes conferencing as “an innovative approach that’s been proving itself in recent years with the Toronto District School Board.”<sup>xlii</sup> Many Toronto schools have programs that are restorative in nature to deal with some incidents but most lack a

comprehensive restorative discipline process. Extensive budget cuts to the Ontario public education system and the introduction of the Safe Schools Act have all but eradicated the possibility for restorative justice measures to be implemented in front-line discipline in Ontario. That is, perhaps, until the next provincial election.

In her article, *Where to From Here?*, Lorraine Stutzman Amustutz says that “for restorative justice principles to work, it is critical that governing bodies, school boards, school administrators and teachers who are in decision-making positions come together with restorative justice practitioners to flesh out both a philosophy and practice.<sup>xliii</sup> These practices are best utilized within the schools, where all school community members are involved, not separately from them. Even though the Ontario government insists that they are providing students with an opportunity, students discarded from their school communities and sent off to “strict discipline” schools might as well be sent to jail.

The Civil Rights Project’s fascinating report *Opportunities Suspended: the Devastating Consequences of Zero Tolerance and School Discipline Policies* says “that most negative behaviours that might warrant exclusion from school can be prevented if students perceive themselves as valued and respected members of a larger community that nurtures strong relationships between school adults and students, sets high behavioural and academic standards and values fairness and consistency. In other words, their efforts are geared toward eliminating certain behaviours rather than the students themselves.<sup>xliv</sup>” In Toronto, critics argue that the money spent on strict discipline schools could be better spent on providing more support and prevention programs such as restorative justice conferencing in existing schools which would

allow students to stay in their own communities and also provide the opportunity for communities to develop conflict resolution policies.

According to Ted Wachtel who sites Silvan Tomkins's affect theory, "conferencing works so well because it provides a setting which allows for free expression of emotion, minimizing expression of negative emotions and maximizing expression of positive emotions.<sup>xlv</sup>" Healthy schools and students create healthy neighbourhoods, which in turn create healthy communities. The justice system is recognizing the benefit of reconciliation and restoration in its justice. The more community members who are versed in conflict resolution processes and who use them, the healthier Ontario communities can become.

### **The Conference**

Conferencing can be simple or elaborate. Role plays are often used in training to illustrate how a conference can work. Role plays can also be used in elementary schools to teach students about conferencing. Participants take turns playing the victim, the offender, the supporter and the conference facilitator. Facilitators set up the conference area with chairs in a circle. One role playing scenario, which took place in a facilitator training session in Belleville, Ontario in March 2001, presents the offender as a young boy who has shoplifted from a store. Some jewelry and some money are taken and the boy has been caught. The jewelry is returned but \$50.00 taken from the till, is spent on CDs. The local police officer has arranged for the conference to take place.

The offender has admitted wrong doing and agrees to try and make amends. The victim is also willing to participate in the conference in hopes of having her money returned to her. The facilitator sets up a circle of chairs with the facilitator in the center, the offender on the right with the offender's mother beside him and the victim on the facilitator's immediate left with her friend sitting next to her.

The facilitator reminds the participants of why they are all there and reminds the offender and victim that they may leave at any time. The facilitator then directs the first of the scripted questions to the offender.

“What happened?”

*I didn't have any money and we were poor. I just wanted some stuff.*

“What were you thinking about at the time?”

*I was just having fun, I didn't want to hurt anyone.*

“What have you thought about since the incident?”

*Well, I wish I hadn't done it.*

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

*The lady at the store. My mother*

“How have they been affected?”

*Well, the lady got her jewelry back but I guess she doesn't have her money. And my mother had to come down here today, so I guess she's not too happy.*

The facilitator then asks the victim questions.

“What was your reaction at the time of the incident?”

*I was shocked. I don't think that anything like this has ever happened before.*

“How do you feel about what happened?”

*Angry.*

“What has been the hardest thing for you?”

*I don't like being in the store alone now. And I am always suspicious when kids come in.*

“How did your family and friends react when they heard about the incident?”

*They were shocked.*

The victim speaks about how her sense of security has been violated, how she no longer wants any kids in her store and says that she is afraid. She had loved her store and liked being part of the community but now she didn't like it any more.

More questions are asked. The offender's mother speaks about how ashamed she is of her son and how she has tried to make a good life for him but it's hard. She is a single parent. The victim's friend speaks about how it hurt him to see his friend, who had worked so hard to make a nice business, suffering under these circumstances.

The facilitator follows the script and allows the discussion to go around. The offender hears the feelings of those around him and feels badly. He would like to get the whole thing over with and go home. The time comes for the group to draw up the restorative agreement. The victim had the jewelry stolen returned but the offender no longer has the \$50 and the victim wants her money returned. The offender doesn't have the money and his mother says she doesn't

have any money either. The offender keeps saying “I’m sorry. I’ll pay you back. I’ll figure out a way.” But clearly, he doesn’t have a job and had no clear plan.

And then, the victim’s friend speaks. “Listen, I have a landscaping company,” he says. “I’d be willing to let you come and work for me until you pay the money back. And if it works out, you might be able to stay on after that.”

The offender is shocked and begins to cry. The unexpected kindness and generosity of this stranger, even in a role play situation is very powerful. The offender really feels like he has had no breaks, and when one person reaches out and offers to help make things right, the flood of emotion is great. Although the victim admits later that she felt a little betrayed at first, thinking her friend had sided with the offender, she is happy that she will get her money back and relaxes a bit when she witnesses the true remorse of the boy.

The above role play situation is typical of how a conference can play out. Descriptions of actual conferences can be found in Ted Wachtel’s book [\*Real Justice: How we can revolutionize our response to wrongdoing\*](#) and any of the conferencing videos provided by [Real Justice](#), the organization Wachtel founded to bring conferencing to North America. ([www.realjustice.org](http://www.realjustice.org)).

Also, the [Vermont Department of Corrections](#) website has the description of an amazing conference involving 91 participants. In November 2000, a conference was held to deal with a high school hazing incident. Fourteen varsity soccer players beat two junior varsity players in the back of a bus on their way home from an away game. Because Vermont has a hazing law and

because the incident happened off of school property all fourteen varsity players could have been fined \$500.00 and issued citations. The school had suspended the seven primary offenders from school and all fourteen varsity players were suspended from participating in any extracurricular activity. The varsity soccer season was cancelled as a result.

In all, 91 people and three facilitators attended the conference. The description of the process and the complexities of the situation are frank and detailed. It is also a good example of the challenges that can be experienced using the structured conference script with such a large group of people. In the end, the three hour conference was deemed successful by the victims who felt they could go back to school and feel safe. There is discussion about the earnestness of the offenders and questions about whether they only attended so they would not be faced with the \$500 fine. Still, the state of Vermont amended legislation in May 2000 felt strongly about the power of conferencing to include Restorative Justice measures into state policy. It is a sentiment shared by policy makers in Canada with the inclusion of conferencing in the new Youth Criminal Justice Act. Conferencing is now being recognized in North America as a valuable tool in the youth justice system.

### **Is Restorative Justice Conferencing Working?**

Like zero tolerance, there are few studies outlining the success rates of restorative justice measures. There are, however, more glowing anecdotal references to the successes of restorative justice programs than there are for zero tolerance measures. And historically, the Maori in New Zealand and the native peoples of North America, to name a few populations, have been

successfully using these kinds of justice measures for generations. Currently most of these programs are being used within the criminal justice system. There has yet to be a wide-spread use of them within the education system. Minnesota has used restorative justice programs throughout the state for a number of years. In Minneapolis, according to the Central City Neighborhoods Partnership, which has used volunteers to implement a community conferencing program, over a two year period, of the 76 people who partook of conferencing to deal with their offenses, none had reoffended.<sup>xlvi</sup>

At the Raisin City School in Fresno County, California all teachers have the opportunity to participate in at least four full days of training in a restorative justice program called “Discipline That Restores”. According to school officials, detentions and suspensions have dramatically decreased while the school has become a safer place to be.<sup>xlvii</sup>

And in New Zealand, where family conferencing measures have been in place since 1989, Mike Doolan, Chief Social Worker for Children, Young Persons and their Families Agency says that “In 1996 there were 554 Family Group Conferences held in Wellington to address youth offending. In 1998, there were 215. A couple of years ago the Wellington Youth Justice co-ordinator had 25-plus family group conferences on his agenda at any given time. Now four or five is the norm. The most significant factor, however, is that this drop represents a drop in serious charges.”<sup>xlviii</sup>

But like zero tolerance, statistics are vague and numbers are few. According to [Hennessey Hayes](#), a Lecturer in the School of Justice Administration, Griffith University,

Australia, “future empirical work in restorative justice should consider the ways in which “success” can be defined and measured. In this way the results of systematic research into the effectiveness of restorative approaches may be more definitive and useful for guiding policy agendas.”<sup>xlix</sup> With its introduction into the new Youth Criminal Justice Act in Canada, tracking the relevance and success of restorative justice measures is hopefully, on the way.

## Conclusion

Ted Wachtel says that “We, as citizens, must help revolutionize our society’s response to wrongdoing.”<sup>1</sup> With money pouring away from public education in the guise of strict discipline schools and school tax credits, what hope is there for students who do not fit into the general education mold of those university/college bound. There are motivated and gifted (materially and intellectually) students who will do well in almost any environment they are placed. But as Lynn Zammit points out “If a kid hasn’t had a place to sleep for the past week, well, math isn’t high on the priority list.”<sup>li</sup>

And what about the students who are responsible for their brothers, sisters or their own children while they are trying to attend high school, or those who are hungry, disabled, in need of behavioral modification or the kids who have no idea that any one person might care about them... what message does zero tolerance measures give them? That there is no room for mistakes any more? That students in Ontario must be born polite, well adjusted, motivated, not angry, not defiant, well in short... not normal or else they are, as The Civil Rights Report states, *discarded?*

The [Youth Criminal Justice Act](#) states that “While youth may know that their behaviour is wrong, they may not fully understand the nature and consequences of their acts for themselves and others. Further, some young people lack the structured guidance and support in their communities needed to change behaviour patterns and overcome damaging influences.” As citizens, we must work together to give some hope for the children in our society who have less.

We are in fact, regardless of profession, all educators and all responsible for helping students to become valued members of society.

Although it may be initially time consuming, Restorative Justice conferencing offers a cost effective chance for communities and to deal with conflict. Whether it be a neighbourhood, a school or a work community, this non-adversarial process can be integrated and utilized by all members. It offers hope and healing and begins to repair the damage caused by criminal or juvenile acts in the communities where they occur and begins to repair the harm inflicted on individual victims.<sup>lii</sup> Victims can regain a sense of security and dignity by looking into the face of their offender and by being able to articulate, in clear and brutal detail, how it feels to be a victim. This is especially helpful when victims and offenders may be separated when the offender is expelled or suspended from school but still must come in contact with one another in the neighbourhood or upon the offenders return to school.

“For those people who would comment that it is a bleeding-heart program, I’d say, “Come along and watch it. And watch some serious butt being kicked! Because that’s what happens.” We’ve seen particular offenders had some fairly torrid times imposed upon them during the conferencing process,” says a Deputy Principal in the New Zealand school system in the Introduction to Restorative Justice video.

Many of the comments from the Vermont hazing conference included the words “humiliating for the offenders” and in a letter from the father of one of the victims, he wrote “those boys (the offenders) ate a bunch of humiliation burgers tonight.”

Another school guidance counselor in the Restorative Justice video states: “It has allowed me to really open up the dialog between the kids who have been injured and the kids who have been doing the hurting, and truly come to reparation of harm. They truly have been able to come to an agreement on how they’re going to heal the harm and make things better for everybody. And these are kids that need to be back in a classroom together, so we need to do that.”<sup>liii</sup>

Certainly Restorative Justice practices are not perfect. Many critics will say that the time required to effect a conference is prohibitive. In an ideal situation, conferences are pre-planned in detail by the facilitator which includes meeting with all the participants preferably in person before the conference date so that the facilitator can be pretty well assured what will go on. But many facilitators and educators, through experience, have found ways to modify the conference process to suit different situations and have frequently cut down on the time factor. Training teachers, social workers, parents, principals and students in restorative justice measures would escalate the involvement of community members within the school community and offer at-risk students the opportunity to acknowledge harm and repair it before being banished from the community. In the long run, if time is money, the investment of time may save money. If a student’s escalating negative behaviour can be arrested in a just and soulful manner instead of a harsh manner, won’t the student and then the community benefit?

According to The Civil Rights Report, Russ Skiba and Reece Peterson maintain that “for an adolescent at-risk for anti-social behaviour... suspension may simply accelerate the course of delinquency by providing troubled youth with little parental supervision and more opportunities to socialize with deviant peers.”<sup>liv</sup>

And although the federal changes to the Young Offenders Act, now the Youth Criminal Justice Act, state that “Conferencing is encouraged at many stages of the process which could allow the young person to be a participant in a process with family members and others to learn about the consequences of his or her behaviour and to develop ways to make amends.”<sup>lv</sup> the Ontario government has no plans to support any restorative justice measures in the education system.

Across North America, law societies and officials are opposing zero tolerance measures which trickled into schools as a Congressional response to students with guns and now runs the gamut of student misbehaviour from “threats” in student fiction to giving an Aspirin to a classmate.<sup>lvi</sup> And if in 1999, the Toronto Board of Education implemented a zero tolerance standard against abuse of students by any staff member in anticipation of the amendments to Ontario’s Child and Family Services Act, perhaps it is time for them to prepare to implement front line restorative justice conferencing measures in anticipation of the new federal Youth Criminal Justice Act. School communities in Ontario should be strengthened, not fractured. The opportunity to implement conferencing into front-line school discipline policy in Ontario is only an election away.

## FOOTNOTES:

---

- <sup>i</sup> Minnesota Department of Children, Families & Learning 2000
- <sup>ii</sup> The Globe and Mail, Saturday, April 7, 2001
- <sup>iii</sup> Wachtel, Ted. Real Justice: How we can revolutionize our response to wrongdoing. Pipersville, PA. The Piper's Press. 1997. pg. 123.
- <sup>iv</sup> Policy of the Toronto District School Board, Policy C.06 June 23, 1999 revised May 3, 2000.
- <sup>v</sup> Skiba, Russ And Reece L. Peterson. **The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?**, Phi Delta Kappa International <http://www.pdkintl.org/kappan/kski9901.htm> January 1999.
- <sup>vi</sup> Skiba, Russ And Reece L. Peterson. **The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?**, Phi Delta Kappa International <http://www.pdkintl.org/kappan/kski9901.htm> January 1999 p. 2.
- <sup>vii</sup> Mueller, Nancy. **Leeway sought in zero tolerance at schools**. The Tennessean, Wednesday, Sept 15, 1999.
- <sup>viii</sup> Press Release American Bar Association Online, <http://www.abanet.org/media>, February 19, 2001
- <sup>ix</sup> Tebo, Margaret Graham. 2000. Zero Tolerance, Zero Sense. American Bar Association Journal, May 2000. pg. 2.
- <sup>x</sup> Tebo, M.G., Zero Tolerance, Zero Sense, American Bar Association Journal, April 2000.
- <sup>xi</sup> Skiba, Russ And Reece L. Peterson. **The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?**, Phi Delta Kappa International <http://www.pdkintl.org/kappan/kski9901.htm> January 1999. p. 4 and p. 8.
- <sup>xii</sup> Gabor, Thomas. PH.D., 1995. **SCHOOL VIOLENCE AND THE ZERO TOLERANCE ALTERNATIVE: Some principles and policy prescriptions**. Solicitor General of Canada. Minister of Supply and Services. Cat. No. JS 42-67/1995. ISBN: 0-662-61983-8
- <sup>xiii</sup> Skiba, Russell J. And Reece L. Peterson. **Zap Zero Tolerance**. The Education Digest, vol. 64, no.8, Apr. 1999, p. 5 and 24-30
- <sup>xiv</sup> Skiba, Russ And Reece L. Peterson. **The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?**, Phi Delta Kappa International <http://www.pdkintl.org/kappan/kski9901.htm> January 1999.
- <sup>xv</sup> Norris, Michelle abcNews.com 2000  
[http://archive.abcnews.go.com/onair/clos...wnt\\_000208\\_cl\\_zerotolerance\\_feature.html](http://archive.abcnews.go.com/onair/clos...wnt_000208_cl_zerotolerance_feature.html)
- <sup>xvi</sup> Skiba, Russ And Reece L. Peterson. **The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?**, Phi Delta Kappa International <http://www.pdkintl.org/kappan/kski9901.htm> January 1999.
- <sup>xvii</sup> Opportunities Suspended: the Devastating Consequences of Zero Tolerance and School Discipline Policies, Report by the Advancement Project and The Civil Rights Project. June 2000, Harvard University.
- <sup>xviii</sup> Fledman, Sandra. **Let's Stay the Course**. National Journal, February 12 2000. Washington.
- <sup>xix</sup> Skiba, Russ And Reece L. Peterson. **The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?**, Phi Delta Kappa International <http://www.pdkintl.org/kappan/kski9901.htm> January 1999. p. 9.
- <sup>xx</sup> Martin, Ralph C. II. Chairperson. Final Report, BiPartisan Working Group on Youth Violence, 106<sup>th</sup> Congress, February 2000.

- 
- <sup>xxi</sup> Martin, Ralph C. II. Chairperson. Final Report, BiPartisan Working Group on Youth Violence, 106<sup>th</sup> Congress, February 2000.
- <sup>xxii</sup> Skiba, Russell J., Reece L. Peterson and tara Williams, "Office Referrals and Suspension: Disciplinary Intervention in Middle Schools," *Education and treatment of Children*, vol. 20, 1997, pp295-315.
- <sup>xxiii</sup> Martin, Ralph C. II. Chairperson. Final Report, BiPartisan Working Group on Youth Violence, 106<sup>th</sup> Congress, February 2000.
- <sup>xxiv</sup> Vossekuil, Bryan. Reddy, Marisa. Fein, Robert. Borum, Randy. Modzeleski, William. U.S.S.S. Safe School Initiative: An Interim Report on the Prevention of Targeted Violence in Schools. October 2000.
- <sup>xxv</sup> National Center for Educational Statistics. Violence and Discipline Problems in U.S. Public Schools: 1996-97
- <sup>xxvi</sup> The Development Crime Prevention Consortium. National Crime Prevention Report No. 6: Pathways to prevention: developmental and early intervention approaches to crime in Australia. 1998
- <sup>xxvii</sup> Donohue, John III and Steven Levitt, The Impact of Abortion on Crime, May 2000, *Quarterly Journal of Economics*, Harvard University.
- <sup>xxviii</sup> Simmie, Scott. Innovations in Youth Justice: A passion for not writing kids off. Saturday, May 26, 2001. *The Toronto Star*. A4
- <sup>xxix</sup> Tebo, M.G., Zero Tolerance, Zero Sense, *American Bar Association Journal*, April 2000.
- <sup>xxx</sup> Simmie, Scott. Innovations in Youth Justice: A passion for not writing kids off. Saturday, May 26, 2001. *The Toronto Star*. A4
- <sup>xxxi</sup> Gabor, Thomas PH.D. School Violence and the Zero Tolerance Alternative: Some Principals and Policy Prescriptions. Ottawa, Ontario 1995.
- <sup>xxxii</sup> Wachtel, Ted. 1997. *Real Justice: How we can revolutionize our response to wrongdoing*. Pipersville, PA. The Piper's Press.
- <sup>xxxiii</sup> Zernike, Kate. The Hard Search for 'Just Right' School Standards. *The New York Times*. Sunday, June 17, 2001. p. 22.
- <sup>xxxiv</sup> Larry Wesley, Catholic Charities, Unlearning Violence, Minnesota Department of Children, Families & Learning 2000.
- <sup>xxxv</sup> Sharpe, Susan Restorative Justice A Vision for Healing and Change. Edmonton Victim Offender Mediation Society 1998 pg. 7
- <sup>xxxvi</sup> Sharpe, Susan 1998. Restorative Justice A Vision for Healing and Change. Edmonton Victim Offender Mediation Society.
- <sup>xxxvii</sup> Sharpe, Susan.1998. Restorative Justice A Vision for Healing and Change. Edmonton Victim Offender Mediation Society pg. 7
- <sup>xxxviii</sup> Wachtel, Ted. 1997. *Real Justice: How we can revolutionize our response to wrongdoing*. Pipersville, PA. The Piper's Press. p. 33.
- <sup>xxxix</sup> Sharpe, Susan Restorative Justice A Vision for Healing and Change. Edmonton Victim Offender Mediation Society 1998 pg. 7

- 
- <sup>xl</sup> Sharpe, Susan Restorative Justice A Vision for Healing and Change. Edmonton Victim Offender Mediation Society 1998 pg.7
- <sup>xli</sup> Riestenberg, Nancy. Respecting Everyone's Ability to Resolve Problems, Restorative Measures Supplemental Materials, Minnesota Department of Children, Families & Learning. March 2000.
- <sup>xlii</sup> Simmie, Scott. Healing Circle shows offenders their human toll. Saturday, May 26, 2001. Thr Toronto Star. A4
- <sup>xliii</sup> StutzmanAmstutz, Lorraine. Where to From Here? Mennonite Conciliation Service Quarterly, Spring 2000. pg. 11.
- <sup>xliv</sup> Opportunities Suspended: the Devastating Consequences of Zero Tolerance and School Discipline Policies, Report by the Advancement Project and The Civil Rights Project. June 2000, Harvard University.
- <sup>xlv</sup> Wachtel, Ted. 1997. Real Justice: How we can revolutionize our response to wrongdoing. Pipersville, PA. The Piper's Press p. 85.
- <sup>xlvi</sup> Walsh, James. Restorative justice showing results but growth is slow. The Star Tribune Wednesday, February 16, 2000.
- <sup>xlvii</sup> Classen, Ron. Holistic Discipline. Mennonite Central Committee Conciliation Quarterly. Spring 2000, Vol. 19, No. 2, p. 2.
- <sup>xlviii</sup> Doolan, Mike. The Family Group Conference – 10 Years On. August 1999 Conference Paper.
- <sup>xlix</sup> Hayes, Hennesey. Restorative Justice and the Notion of Success. Ethics and Justice, online <http://www.ethics-justice.org/v1n1/page6.html>
- <sup>l</sup> Wachtel, Ted. 1997. Real Justice: How we can revolutionize our response to wrongdoing. Pipersville, PA. The Piper's Press p. 203.
- <sup>li</sup> Simmie, Scott. Innovations in Youth Justice: A passion for not writing kids off. Saturday, May 26, 2001. Thr Toronto Star. A4
- <sup>lii</sup> Restorative Justice Amendment, Vermont State Legislature, May 24, 2000. Sec. 62.28.V.S.A. 2a
- <sup>liii</sup> Real Justice, Introduction to Conferencing video, 1999.
- <sup>liv</sup> Opportunities Suspended: the Devastating Consequences of Zero Tolerance and School Discipline Policies, Report by the Advancement Project and The Civil Rights Project. June 2000, Harvard University. P. 10
- <sup>lv</sup> Press release, Minister of Justice Reintroduces Youth Criminal Justice Act. February 2001.
- <sup>lvi</sup> American Bar Association Final Report, Bi-Partisan Working Group on Youth Violence, Feb. 2001.