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Repairing the Harm, Rebuilding the Community: Restorative Justice in Chicago Public Schools

Introduction

In September 2009, the world watched with horror as news stations played a grainy cell phone video depicting a Chicago Public School (CPS) student being beaten with a railroad tie and a wooden board, and then punched, kicked and stomped on by a group of his classmates[1]. Derrion Albert, a 16 year-old honor student at Fenger High School on the far South Side of Chicago, died of the injuries he received during the brutal attack that took place as he waited for the bus to take him home from school. The fight was the result of a dispute between groups of Fenger students from two different neighborhoods, and four of Derrion's classmates were eventually convicted of first-degree murder and given lengthy prison sentences[2]. For many who watched the disturbing footage and followed the story as it unfolded on the news, the scene was one of unimaginable violence. For others, like members of the Fenger community and people affiliated with other failing Chicago Public Schools, the story was one of a typical altercation amongst students that got out of hand and ended with one boy losing his life and four others being swept into

[1] Information about Derrion Albert's death is compiled from a variety of news sources, including Chicago Tribune, chicagobreakingnews.com, and nbcchicago.com.
[2] The fifth and final defendant in Albert's murder is currently on trial, and at the time of this writing has not yet been convicted.

the maelstrom of the criminal justice system. Sadly, Derrion Albert's death was not an isolated incident.

According to Chicago Police Department statistics, there were 61 murders of Chicago youth aged 13-18 in 2009 and 68 more murders of children in the same age group in 2010[3]. In 2009, 4,597 CPS students were arrested in the schools, and 18, 297 Chicagoans under the age of 16 were arrested inside and outside of school[4]. Furthermore, the 2009-10 school year saw 43,000 CPS students suspended and 600 expelled[5]. Finally, CPS reports that only 55.8% of the students who begin high school citywide graduate within 5 years[6]. These numbers represent thousands of Chicago's children, children who have lost their lives due to senseless violence, children whose prospects are diminished by their criminal records, children who lose days and weeks of instruction time as punishment for their misbehavior, and children whose educational careers end before they earn a high school diploma. The fates of all of these children can be partially attributed to the culture of violence and retributive justice that permeates every aspect of day-to-day life in many CPS initiations. In order to stop the culture of violence, CPS must take a new and different approach to conflict resolution and discipline. Students need to be given an opportunity to resolve conflict in nonviolent ways, and school personnel must be able to address behavioral problems in ways other than banishing students to the streets and to the juvenile justice system. This paper explores the restorative justice approach to school discipline by examining the principles of restorative justice and

[3] Chicago Police Department data
[4] Chicago Youth Justice Data Project data
[5] Community Renewal Society data
[6] CPS data

explaining why restorative justice efforts are vital to solving the problems of troubled CPS schools.

Failure of Culture of Calm

In 2010, in the wake of Derrion Albert's death, CPS launched Culture of Calm, a widely-publicized effort to stop violence in schools With 26 million dollars in federal funds, Culture of Calm enacted mentoring services for at-risk students at low-performing high schools, "community watchers" who monitor students and prevent violence outside school buildings before and after school, and ambiguous "support for creating a 'Culture of Calm' in 38 high schools where there is a high-risk that students will become involved with violence[7]. Sadly, Culture of Calm is largely ineffective, and little has changed at many participating schools. At one Southside Culture of Calm school, the author has observed numerous instances of students fighting in the halls, security guards grabbing students and shoving them against their lockers or dragging them down hallways, and counselors being unavailable to students who wish to resolve their problems[8]. In another Culture of Calm school on the city's West Side, students talk about security guards grabbing students and holding them in chokehold for minor disciplinary infractions[9]. Despite its grandiose promises and expensive programs, Culture of Calm is ineffective because it attempts to change the culture of schools while largely relying on traditional retributive

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[7] City of Chicago press release, June 22, 2010

[8] The author participates in a weekly tutoring program for students at a Culture of Calm high school located on the far Southeast side of Chicago, and these observations are based upon her experiences there over the course of the 2010-11 academic year.

[9] Black, 1

disciplinary methods. In order to truly change the culture of violence that exists in some CPS schools, the disciplinary model needs to be changed from one of retributive justice to one of restorative justice. In 2007, CPS changed its Code of Conduct to allow for schools to practice restorative justice methods when addressing disciplinary problems by allowing school officials the freedom to decide how to address the majority of Code of Conduct violations.[10] Despite these changes, the data in the introduction illustrate the fact that CPS teachers and administrators are still largely relying on retributive justice tactics to handle problems in their schools, a practice which is clearly ineffective because of the large numbers of students being arrested, killed, or dropping out of school. The policy of CPS currently allows for a restorative justice model to be used when handling school discipline. As the next sections of this paper will show, putting this policy into practice is vital to changing the culture of CPS schools.

Framework: The Restorative Justice Model

Restorative justice is an approach to resolving disputes and behavioral issues that emphasizes repairing harm caused to relationships and communities over punishing the offender. "Restorative justice is defined not in terms of those who are to blame 'getting their just desserts' but as 'all those affected by an "offence" or incident being involved in finding a mutually acceptable way to move forward. In this context offenders or wrongdoers are also recognized in having been affected

[10] CPS Policy Manual: Code of Conduct 2010-2011. Prior to 2007-2008, the CPS Code of Conduct required schools to call police for a large number of infractions, now only the most serious problems require police involvement.

and are therefore involved in finding a way forward."[11] This stands in contrast to Retributive justice, the model traditionally practiced in schools, in which authority figures identify and punish individuals who have broken the rules[12]. Restorative justice takes a different outlook on the importance of rules, as well. While retributive justice emphasizes the importance of rules by characterizing a disciplinary infraction as the breaking of a rule without focusing on harm caused to the school community, restorative justice approach looks at misbehavior "primarily as an offence against human relationships and secondarily as a violation of a school rule (since school rules are written to protect safety and fairness in human relationships)."[13] The restorative justice model is, at its core, a means of rebuilding damaged communities by focusing on healing interpersonal relationships and allowing individuals to become reflective and introspective about conflicts and problems.

While the traditional disciplinary model in CPS schools calls for students who have broken rules to be referred to the school disciplinarian, principal, or other authority figure for punishment, schools that practice restorative justice use different techniques to handle conflict. Peace Circles, which are based on Native American and African models, involve bringing community members together in a safe space to listen to one another and to talk about their problems.[14] A trained parent or teacher facilitates circles, and they allow for mediation, conflict resolution, and healing. Restorative justice practices also include peer juries, which train

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'[11] Hopkins,142
[12] Hopkins, 145
[13] Hopkins, 143
[14] POWER-PAC, 6

students in leadership and conflict resolution skills and then allow them to sit on juries that decide how to handle conflict situations within the school community. "Peer juries are a way for students to hold each other accountable, and decide how to make things right."[15] Another technique used by schools that practice restorative justice is community service, either as a way for students to contribute to their communities or as a way for them to repair damage that they have caused. For example, a student who defaces school property might be required to clean up his or her mess[16]. All of the techniques used in the restorative justice model focus on rebuilding relationships by repairing damage caused, which allows those involved to acquire social and cultural capital, heal their fractured communities, and gain a sense of empowerment by feeling respected and heard, all of which are imperative to solving the violence and conflict in many CPS schools.

Acquiring Social and Cultural Capital

Restorative justice gives individuals the social and cultural capital that they need in order to be able to be successful in mainstream America. Social capital, described by sociologist Pierre Bourdieu as the elaborate network of relationships and connections that allow an individual to build communities and feel a sense of belonging[17], is a natural consequence of restorative justice practices because inherent to talking through one's problems with others involved is a kind of network building. Furthermore, restorative justice also allows people to gain cultural capital, defined by Bourdieu as non-financial social assets that confer

[15] POWER-PAC, 6
[16] POWER-PAC, 6
[17] Bourdieu, 241-58

status[18], by equipping them with the tools that will enable them to effectively solve problems and empathize with others. For example:

> At one Southside Chicago high school that is using a restorative justice approach, a young man came in late to school one day and exchanged words with the security guard. He yelled and she hollered back, and it escalated from there. Soon, the principal heard the yelling, and asked them to sit in a Peace Circle… In the Peace Circle, it came out that this young man was having problems at home-his mother had been arrested, and he was caring for his younger siblings. He was late to school because of all that he was dealing with at home, and he was mad and frustrated with himself for letting it all overwhelm him. The security guard was angry, too, she felt disrespected. But as she listened, she came to empathize with his situation. She even offered to spend time with the boy to help support him. [19]

This story illustrates several key features restorative justice-Peace Circles, talking through one's problems, and giving individuals a space in which they can resolve conflict by being given a chance to speak to one another and learn the other person's perspective by listening. This story also illustrates how restorative justice works to give individuals access to social and cultural capital. Both the young man and the security guard emerged from the Peace Circle with a new ally, which gives them the social capital of a new supportive figure in their lives. They also gained cultural capital by learning, through the process of participating in the Peace Circle, that there are ways to solve problems that are more effective that yelling and screaming at one another. By employing restorative justice to solve this problem, the principal at this school was able to turn a potentially violent situation into an opportunity for

[18] Bourdieu, 241-58
[19] Black, 1

two members of the school community to foster a relationship and learn valuable lessons. If *every* conflict of this nature were handled in this manner, students and teachers would be able to feel a sense of connection to people with whom they formerly felt at odds. Students who commit a Code of Conduct violation, as the boy above did when he yelled at the security guard, would have an opportunity to think through their actions and communicate their feelings to others, which is a vital component to successful conflict resolution. As anyone who has worked with children and teenagers can attest, many violent and disruptive behaviors have at their root an issue in the child's life-a problem at home, a problem at school, a fear or insecurity-that is being left unvoiced. Peace Circles and other restorative justice practices give students an opportunity to voice their concerns, which then allows the other members of the community to assist in the addressing of those concerns rather than punishing the student and continuing to leave the student's concerns unvoiced. The above story and analysis also illustrate another key concept of restorative justice, one that is truly imperative to solving the problems of troubled CPS institutions: building a sense of community.

Healing Fractured Communities

For decades, one of the major problems at many CPS schools has been the disconnection between the school and the surrounding community. Many parents don't feel comfortable discussing problems with school personnel, who are viewed as readily willing to suspend students and call the police, and teacher don't feel connected to the children's lives outside of school because they don't have relationships with the parents and other community members who influence and

educate students when the school day ends. In "A Cord of Three Strands: A New Approach to Parent Engagement in Schools," sociologist and former CPS teacher Soo Hong discusses this problem in detail. Hong describes years of mistrust and suspicion that have colored the views of many Chicago parents toward their children's schools, places where they feel unwelcome and often negatively judged by teachers and administrators.[20] She cites numerous examples of parents entering schools only to be treated with disrespect and condescension.[21] The lack of connectedness that many CPS parents feel further exacerbates problems in schools because students go from home to school feeling as they are navigating two worlds that are completely alien to one another, and there is little or no support to help them address issues and problems that affect their lives in both worlds. The restorative justice approach allows parents to become involved in the school community, effectively making the school a community center and forming an elaborate network of support for students that is with them both inside and outside of school.

In the Austin neighborhood on Chicago's West Side, a group of parents who were disturbed by the large number of suspensions and expulsions at their local CPS elementary school launched the POWER-PAC Elementary Justice Campaign.[22] The campaign, begun in 2005, involves training parents in restorative justice practices and then asking them to volunteer their time as Peacemakers in the school. The program has grown so that it now includes two elementary schools and one high

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[20] Hong, 11-31
[21] Hong, 11-31
[22] POWER-PAC, 10

school, and parents are on the school premises every day to help students and teachers resolve disputes by using techniques like the Peace Circle[23]. At a workshop sponsored by some of the parents involved, the author heard stories of how, in addition to the benefits of restorative justice that are conferred upon the students, the parents themselves feel a sense of ownership in the day-to-day operation of their children's schools. Parents talked of having closer relationships with teachers and with other parents, and they described this process as being transformative to entire communities. Parents who volunteer as Peacemakers are required to contact the parents of all students who participate in the restorative justice programs, and they described the fact that they were able to form connections with mothers and fathers whom the school itself had failed to engage due to the reasons described in the preceding paragraph. In the years since the launch of the Elementary Justice Campaign, 80% of students who participate in the program have shown significant improvements in grades, behavior, and attitude[24]. Much of this can be attributed to the increase in parental involvement in the schools as a part of the restorative justice program. Since parents are children's first teachers and often the most influential parties in their children's education success, giving parents a sense of the vitality of their role and allowing them to be full participants in the school community is an imperative part of the process of transforming the culture of CPS schools.

Feeling Respected, Respecting Others

[23] POWER-PAC, 10
[24] POWER-PAC, 10

The practice of restorative justice is one that is based upon mutual respect. People in Peace Circles respect one another by listening to the speaker, not talking out of turn, and not making accusatory statements. Parents and students who participate in restorative justice programs feel empowered, which creates a sense of self-respect, and are taught to be able to address conflict in their lives without losing respect for self or others. By its very nature, the idea of restorative justice creates a sense that the school community is deserving of respect, which allows the community members to approach situations with the knowledge that they are part of an important network in which every member plays an important role.

At many CPS schools, discipline includes yelling at or sternly talking to students who have misbehaved, making them feel ashamed of themselves and powerless. The author as witnessed numerous instances of children being berated and humiliated by school disciplinarians and other officials in CPS elementary and high schools[25]. Disciplinary tactics such as these are ineffective because they prevent students from being able to feel a sense of agency in their own lives, thus reinforcing the negative attitudes that contributed to the misbehavior in the first place. At a CPS elementary school in Austin that practices restorative justice, students respond well. According to parent and peacemaker Laurella Scaggs, "[w]hen we asked one young lady why she responded more respectfully to the Peacemakers than to other adults in her life, including the school staff, she said, 'the

[25] In addition to her envolvement with the Culture of Calm school, the author has had the opportunity to work in various capacities in other CPS institutions, none of which practice restorative justice, over the course of the past three years.

people at the Peace Center treat me like I'm human.[26]" Obviously, a student who does not feel that she is being treated like a human being by the adults in her life is unlikely to respond to them with a sense of respect. Restorative justice allows students a chance to take ownership of their own lives and responsibility for their own decisions, thus giving them the ability to participate in their communities in positive and constructive ways. If every CPS school practiced restorative justice, far fewer students would feel the sense of powerlessness that contributes to disciplinary issues.

Conclusion

By giving students the ability to de-escalate and resolve conflicts in a peaceful manner, allowing them to form connections with their communities, involving parents in their children's school careers, and helping individuals feel respected and empowered, restorative justice is able to transform the culture of schools and communities in ways in which Culture of Calm and current disciplinary practices will continually fail. The need for restorative justice techniques to be practiced in all CPS institutions is great, and hopefully these practices will be implemented soon. While it's too late to save Derrion Albert, it's not too late to save hundreds of thousands of Chicago's children. Their lives are hanging in the balance.

[26] POWER-PAC, 10

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