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The Narratives of Participation in Restorative Justice Programs in formerly Incarcerated African American Men

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Walden University

College of Psychology and Community Services

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Jerry D. Elster

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Walden University
2023

Abstract

The Narratives of Participation in Restorative Justice Programs in formerly Incarcerated

African American Men

by

Jerry D. Elster

MA, Walden University, 2016

B.S., California State University, East Bay, 2014

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Forensic Psychology

Walden University

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Abstract

Restorative Justice (RJ) has been viewed as a model for criminal justice and rehabilitation reform, however there are structural and systemic obstacles to participation. The purpose of this qualitative study is to explore the narratives of participation in RJ programs of formerly incarcerated African American men. The evolution of the criminal justice system (CJS) was viewed through the lens of the Critical Race Theory (CRT) to understand the context for the emergence of RJ programs. A conceptual framework of non-domination was used to explore concepts like shame, guilt, and accountability in participants' narratives. Semi-structured interviews were conducted with 6 participants who met the inclusion criteria of RJ program participation. Reisman's structural and thematic analysis was used to guide the data analysis. The structure of the narratives revolved around key turning points, from the first experience with the CJS to the present moment. One to 2 themes were identified within each turning point. Examples include innocent beginnings, testing boundaries, treading water, the discovery of humanity, and redemption. Participants shared that their original intent to participate (to get out of prison sooner) was replaced with a transformative experience of empathy, humility and a desire to make a difference. The results of this study will be shared in order to contribute to expanding the role of RJ programs in rehabilitation and social reintegration efforts, particularly to communities of color communities of color (COC) that are over-represented in the CJS.

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Dedication

This dissertation is dedicated firstly to Dr. Susan Marcus and Dr. Miki-Ross Elster for supporting me throughout the process of this study and who have gone out of their way to assist me even before I saw a hint of light at the end of the tunnel. Secondly, this study is dedicated to those who have suffered from violence, hurt people who have hurt people, those on the front line for justice, and the courageous survivors who have stepped beyond the threshold of their pain to advance the purpose and meaning of restorative justice as a tool for healing.

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Chapter 1: Introduction to the Study

Restorative justice (RJ) is a phenomenon that refers to a broad range of practices that view justice as an attempt to repair the harm caused by criminal acts. Many researchers and professionals described the focus and actions of RJ principles and programs (Bankhead & Elen, 2018; Sherman et al., 2015; Zehr et al., 2015). All have a common view that RJ recognizes the human cost of crime and punishment (victim, perpetrator, and society/community). The implication of this broad view is that victims, are human beings that were harmed, and they must be the center of the goals intent of justice if authentic healing and redemption are to prevail. Among the actions of RJ is the requirement that the offender make amends to those directly affected by the crime rather than the CJS as the sole representative of the victim (Braithwaite, 2002; Sherman et al., 2015; Van Camp & Wemmers, 2013; Zehr, 2002).

To reduce crime and maintain public safety the CJS, in alignment with its five primary objectives (retribution, deterrence, incapacitation, rehabilitation, and restoration), has historically relied on maximizing the length and harshness of its sentencing practices (Chalfin et al., 2017; Weatherburn & Macadam; Zehr, 2015). One of the historical consequences is the disproportionate percentage of Blacks in prison, relative to the US Black population, where Blacks represent 6% of the US population and 25% of the prison population (PPIC, 2013). RJ has been implemented in some prisons as an alternative system which could address some of the limitations of the current justice system, particularly the socio-psychological needs of the victim, offender, and community (Pemberton et al., 2019). The emphasis on reducing crime, maintaining public safety and

lack of emphasis on the socio-psychological needs of the victim, offender, and community has contributed to a mistrust and lack of motivation of Black prisoners to participate in prison programs (Dewe, 2017). Scholarly investigations of the participation in RJ programs have been limited, although a small number of studies have found RJ programs to reduce violence and facilitate victim healing from violent trauma (Angel et al., 2014; Latimer et al., 2005). These findings suggest that programs should be made more available.

Research has consistently documented racial disparities in which people of color are imprisoned at a higher frequency and for longer periods than Whites (Mears et al., 2016; Pettit & Western 2004). Serving longer sentences has substantive psychological, social, and economic consequences (de Oliveria Morsch, 2019; Samuel-Siegal et al., 2019). Underlying racial biases within the sentencing standards act to discourage Blacks from participating in prison programs. Further, as Beckett and Kartman (2016) pointed out, the unavailability of programs to persons committing more serious and violent offenses suggests that the potential for positive impact of RJ may not reach the people most in need. This hypothesis is supported by a 2013 study that found a higher percentage of Black students were less likely to have access to RJ techniques than their White peers when dealing with disruptive or problematic behaviors (Payne & Welch, 2013). Beckett and Kartman (2016) also described the qualitative results of an RJ program with Black prisoners incarcerated for serious crimes called the *Insight Prison Project*. It has a 4-year waiting list to get into the program; and a waiting list of 7-years

for Spanish speaking population. Racial disparities exist even at the level of access to rehabilitative programs within the US prison system.

The purpose of this qualitative study was to explore the narratives of participation in RJ programs in formerly incarcerated African American men. It is hoped that the results of this research study will contribute towards society recognizing the racial disparities within the CJS and considering alternative v. conventional remedies as a resolution to crime. RJ, for example, which derives from indigenous principles and practices, have been fruitful in enabling African American prisoners to heal, accept personal accountability, and grow beyond the burden of their crimes. In this chapter, I reviewed the background and problem statement of the proposed research. Then I presented the purpose, research questions, and nature of the study.

Background

The CJS and its five primary objectives (retribution, deterrence, incapacitation, rehabilitation, and restoration), have been studied extensively. Findings from the national databases and studies demonstrated strong racial inequalities regarding who gets arrested, how long they are imprisoned, and what opportunities are available for rehabilitation and restoration (Beckett & Kartman, 2016; Chalfin et al., 2017). Critical Race Theory (CRT) has been used to point out issues of systemic bias that have been in place since the inception of the CJS and continue to influence policy and practice (Delgado & Stefancic, 2007, 2017).

The history of CJS exposes systemic bias, particularly decisions in 1960s-1980s, that have resulted in disproportionate incarceration and extreme sentencing (Bandes et

al., 2019). These harsh sentencing practices have increased the prison population to what is now referred to as mass-incarceration (Wamsley, 2019).

While most conventional rehabilitative efforts have not met with success, RJ programs have demonstrated mostly consistent, positive results (Byrne, 2020; Yukhnenk, et al., 2021). In some RJ programs, participants gained personal insights which interrupted the cycle of repeat offending and life term, or serious offenders learned personal coping skills to aid them in reducing violence; and released prisoners were found to be less likely to recidivate (Kennedy et al., 2019; Woods & Suzuki, 2019).

In sum, while researchers have demonstrated that programs like RJ have created opportunities for rehabilitation and restoration, they also noted that more research needs to be done on exploring how incarcerated people participate in these programs (Andrews & Bonta, 2010; Byrne, 2020; Galvrielides, 2017). The external restrictions of funding, type of crime, and length of incarceration limit participation. However, these authors pointed out that what was missing were the perspectives of the incarcerated people who participated in RJ programs, their struggle for access and participation in these programs, and their shared reflections about the participation experience.

Problem Statement

In sum, it has been shown that RJ programs are an admirable step toward changing the way in which prisoners were given opportunities for restoration that is beyond punishment. (Beckett & Kartman, 2016); however, access to such programs is limited as per sentencing funding) (Byrne, 2020; Galvrielides, 2017). Researchers are calling for more study of the RJ participation experience. In that convention resolutions

have only marginally focused on the convicted and re-entry population of African American men.

Purpose of the Study

The purpose of this qualitative study was to explore the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men. By approaching the purpose from a narrative perspective, this study investigated how they chose to participate in the selected RJ programs and how access and personal meaning played a role in their choice to participate.

Research Question

The primary research question to be explored was: What are the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men?

The sub-questions included:

1. What is the experience of punitive justice?
2. What is the experience of restorative justice?
3. What is the experience of having space to speak and be heard?
4. What is the process of social re-integration?
5. How has this experience shaped the present moment?

Conceptual Framework

Therefore, was of scholarly importance to see the impetus for these programs from a historical perspective. The lens of CRT was used to examine the history and evolution of the current CJS. This includes discussions about recent policies and

epidemiological trends that have resulted in a disproportionate number of minorities being sent to prison for long periods of time without access to social and emotional programs that could restore and provide restitution (Delgado & Stafanicic, 2007). CRT is a theoretical lens by which the evolutionary racial biases of the US criminal justice system was viewed.

The conceptual framework of non-domination which underlies the principles common to all RJ programs (Braithwaite, 2016) centered the focus of the justice process on the actual victim as the RJ key stakeholder, instead of the state. During this same process the perpetrator, another key stakeholder was present to hear directly from the victim the full ramification of the harm and cost created by the crime. Viewing this through the lens of the conceptual framework of the principles of non-denomination conceptualized the opportunity for both the victim and perpetrator to speak and be heard. The victim gained closure and experienced a sense of empowerment while the perpetrator bore the burden of shame which is evidenced by a contrite heart and became willing to be held accountable and/or make some form of compensation (Braithwaite, 2016). This framework was used to develop the interview guide and guided the analysis and interpretation of the data.

Nature of the Study

The qualitative methodology used in this study was narrative inquiry. Narrative inquiry allowed for the detection of commonalities across narrative interviews of persons who have shared a common experience (Riesman, 2008). Face-to-face, telephone, and Skype was the data collection method used with a every effort made to assure the privacy

and concerns of participants (Hanrahan, 2004). The participants comprised six formerly incarcerated African American men who had experienced or participated in some level of RJ programs. With the above-mentioned qualitative methodology, it was anticipated that the narratives would provide insight.

The results were measured through listening, note taking, and recorded stories of formerly incarcerated African American formerly incarcerated men who had participated RJ programs. The 45-60-minute interviews will employ semi structured open-ended interview questions. Each participant was given a list of the questions prior to the interview. The results of the interview data were analyzed using Riesman's thematic analysis to identify themes, and this was further elaborated on in Chapter 3.

Definitions

Critical Race Theory (CRT) is a theoretical lens by which the evolutionary racial biases of the US criminal justice system were illuminated. CRT emerged through academic, legal and policy discussions on race, racism, and power that took root in the mid-1970s and parallels the rise of social movements such as the Civil Rights Movement, Vietnam War protests, and the War on Drugs (Delgado & Stafanicic, 2007).

Key Stakeholders are the primary parties/victims who were directly impacted by a crime. The other stakeholders include those who committed the crime, and people who live work, worship, and are a segment of community and/or social environment in which the crime took place, including but not limited to, the whole society as represented by government officials; all theorized as a secondary stakeholder (Koss, 2014; McCold & Wachtel, 2003).

Socioeconomic Status references the social and economic disparities of people who have been adversely impacted by the US prison system. The US prison population is overrepresented by poor, undereducated, uninsured, homeless, and are more likely to be Black and Hispanics in comparison to the general population in which Whites are the majority. The over representation of mental illness, substance use disorders, and infectious diseases are also germane to the prison population, not to omit the stigmatization of social ostracism encountered by formerly incarcerated individuals returning home which also includes housing and employment disparities (Tyler & Brockmann, 2017).

Non-Domination practice evaluated in terms of its success in reducing domination and increasing freedom. The principle of non-domination as the necessity of allowing all stakeholders the opportunity and means to speak and be heard in their own voices in lieu of being represented court appointed representative (Braithwaite, 2002, 2020).

Reintegration Shaming is the conceptualization of the reintegrative shaming (RIS) hypothesis that is key to understanding the process by which moral obligations are created and reinforced. It is theorized that RIS is a group process of dialogue in which the offender and the victim are key participants. The theory is that the through authentic insight and provocative conversation offenders' own disapproval of their behavior would remorse and shame opening the opportunity for expressed disapproval which motivate efforts of forgiveness and reintegration back into the community of law-abiding citizens. This deliberated sequential process of shame and reintegration is essential to the theory of

RIS. Authentic and candid conversations of successful shame and reintegration by close supporters of the offender invite the opportunity to create a pivotal point for the offender (Barnes et al. 2015).

Family Group Conferencing (FGC) was introduced in Aotearoa New Zealand in 1989 through the Children, Young Persons and their Families Act. Celebrated by advocates and policy entrepreneurs alike, the FGC forum is regularly presented as reinvigorating the practice of “ancient,” “Western” restorative justice practices (Moyle & Tauri, 2016).

Assumptions

The experience of participating in RJ programs for African American formerly incarcerated men may act as a motivation or opportunity for display of remorse and insight for their crime will reduce the rate of recidivism for this population. Through a therapeutic-like setting of community groups and an intimate circle process, RJ centers, the perpetrator, and the community as stake holders in the RJ healing process; with the victim being the key stakeholder. This level of participation and acceptance enabled the perpetrators the opportunity to resolve the ambivalence of historical systemic trauma of racial bias that stands as an impediment to justice in the CJS. It was assumed that through the narrative interview process, I will be able to capture not just what happened, but the lived experience of the participants.

I hoped to be able to explore the following areas of experience: criminal justice system, restorative justice programs, the process of social reintegration, as well as how this experience shaped their present circumstances. However, like all qualitative research,

the nature of the method created risk of bias. I have more than 25 years of experience in this field, and my experiences have shaped how I interacted with and viewed individuals who meet the research criteria. I planned to use well-regarded qualitative strategies (e.g., recording the interviews, developed an audit trail, debriefing, and member checking) to minimize the impact of my assumptions and biases. These are addressed in detail in Chapter 3.

Scope and Delimitations

The identified target group for this study was formerly incarcerated African American adult males who have participated in RJ programs, which precluded interviewing individuals of similar status but outside of this category of prisoners. While other categories of prisoner including race, gender, and incarceration status existed; this study only included formerly incarcerated African American adult males who had participated in RJ programs. Even though I have worked in the social justice arena for over 11 years, which has included conducting interviews of formerly incarcerated individuals, I had never done research interviews. The synthesizing of the concept/meaning of words was imperative because they differ according to the perception of everyone i.e., if a person was using slang or cultural language. I relied on guidelines of recognized methodological procedures and the feedback from my committee to enhance the trustworthiness of the study.

Limitations

I proposed to use a homogenous sampling strategy as prescribed by Shenton (2004) to maximize the selection of participants with similar backgrounds and

experiences. Which was consistent with a narrative approach. According to narrative approaches, six to 12 cases was thought to be sufficient for saturation (Reissman, 2008). In exploring for saturation and using purposeful sampling, Guest (2006) found through a study of 60 in-depth interviews with women in two West African countries that saturation occurred within the first six to 12 participants. These suggestions were used as guides for this research, and I realized that examination of the data ultimately revealed the extent of saturation.

Transferability calls for sufficient detail to be presented about the fieldwork and research procedures to allow a reader to ascertain whether research environment was amenable to extrapolate to a familiar situation, and whether the results can be practically applied to other settings. To demonstrate transferability, I kept a journal of data collection and analysis activities so I could accurately summarize and present the data collection and analysis process as part of the results.

There were several issues that I anticipate in the conduct of this study. These include the efforts to invite participants from RJ organizations, and the barriers associated with getting access and participation by target group. I also assumed that participants will be generous with their time, and honest in their responses. It was also recognized that I would need to employ rigorous methodological strategies to address potential areas of personal bias and opinion. These are detailed in Chapter 3.

Significance

The aim of this research was to contribute to the advancement of research knowledge and practical applications for formerly incarcerated offenders who have participated in restorative justice programs to assist them in their transition back into society. The narrative experiences of prisoners who have benefited from prison programs may hold the key to establishing and promoting alternatives to punitive measures such as incarceration. Positive early educational experiences have had favorable influences on African American children. However, this same population quickly became overwhelmed by the negative and underdeveloped social, cultural, and psychological factors (Jeffers, 2017). These same underlying factors were chief variables in the phenomena referred to as the school to prison pipeline (González, 2012).

RJ programs were instrumental for victim/survivor connectivity and re-establishment of empowerments and healing. The process has also been shown to build personal accountability in offenders who have caused the harm (Braithwaite, 2016). It was hoped that hearing the narratives of those who have experienced healing justice would provide the readers with an unprecedented view that links the historical social inequities that is responsible for mass incarceration would provide hope for social reintegration, rehabilitation, and healing. It was also hoped that s researchers, scholars, practitioners, and those working in the criminal justice system would be more supportive of RJ programs (Zipporah, 2017).

Summary

The purpose of this chapter was to introduce the background, research problem and purpose of the study. Considerable research has shown that conventional rehabilitation programs for offenders in prison are not successful, and the development of restorative justice programs has offered the possibility of social and racial justice along with peace and healing. However, what is missing are the perspectives of the formerly incarcerated people who participated in RJ programs, which includes their narratives of the struggle for access and participation in prison groups, as well as the reflections of their participation experience. It was assumed that by viewing the phenomena of the impact of RJ's program on prisoners through the lens of Critical race theory (CRT) would encapsulate the historical seeds of systemic racial bias that is embedded within criminal justice system's political policy and decisions. Braithwaite's principle of non-domination as the conceptual framework opened a space in which both the victim and the perpetrator can openly speak and be heard. This process is contrary to the operations of the CJS, in which the state assumes the role of the victim. The encapsulation of my literature strategy and literature on the theoretical framework is laid out in chapter 2. Chapter 2 further expounds upon the research conducted upon formerly incarcerated African American men who have chosen to participate in RJ programs. Chapter 3 includes the description of the research design, the sample, criteria for selection, and procedures for data collection. Ethical issues are discussed, and informed consent and data storage plans are reviewed.

Chapter 2: Literature Review

While there is considerable literature documenting the structures, processes and consequences of punishment and rehabilitation in the United States criminal justice system (USCJS) (e.g., demographics, recidivism, variations in crime, sentencing and parole) (Henry, 2020; Katsiyannis et al., 2018), research examining more humane and socially conscious alternatives for rehabilitation is still limited (Thomas, 2017).

Restorative Justice (RJ) programs are one such alternative. RJ programs focus on providing those who have committed harm an opportunity to take responsibility for their actions, understand the harm they caused, and create opportunities for forgiveness, redemption, and rehabilitation (Zehr, 2002). Willis (2018), Wood (2016), and others have called for more research on this topic to understand better the experience of African American male prisoners' participation in the RJ program. The purpose of this study was to explore the narratives of participation in RJ programs in formerly incarcerated African American men. Understanding the narratives of participation in RJ programs – how they discovered, entered and experienced the program, as well as their experience after the program – could provide insight into how the programs serve the formerly incarcerated in moving back into civilian life.

This chapter begins with a description of the literature search strategy used to search and identify articles for inclusion in this review. The literature review begins with an overview of the objectives of the US-CJS. Each objective is defined and discussed in terms of how what was intended and is illustrated with examples of how these objectives have not been implemented with unbiased, humane methods that provide most prisoners

fair treatment inside prison and genuine efforts to rehabilitate and promote re-entry into society. As the literature on the evolution of the USCJS has consistently pointed out that racial biases derail efforts for rehabilitation and re-entry, I preface the discussion of prison and USCJS reforms with an overview of Critical Race Theory. I used this as the conceptual lens to review the antecedents and evolution of the criminal justice system, emphasizing how people of color have been discriminated against since its inception through today, including the changes in federal policy that failed to improve the prison system. This lens will also be used to guide the research methods described in Chapter 3.

The literature review moves to a discussion of contemporary programs that attempt to rehabilitate and prepare prisoners for re-entry. This is followed by a detailed discussion of RJ programs. RJ was introduced as a radical alternative for offering offenders in prison and their victims (or their survivors) the opportunity to move beyond punishment into a process of self-reflection, remorse, and healing for both parties. Research on how offenders can participate in the program is discussed, and anecdotal reports of the challenges to participating in RJ are presented. This is followed by research studying the effectiveness of these programs.

In the last part of this Chapter, the framework of non-domination is described in the context of Braithwaite's (2002) reintegrative shaming theory. This theory is also part of the framework of RJ, as it invites the offender the opportunity to participate in humanness, repentance, and self-accountability and accountability to the victim, the community, and themselves. The framework of non-domination is utilized in RJ programs for its ability to provoke empathy by focusing the offender to hear the fullness

of the victims' loss and pain. Issues of participation are addressed here and how the process involves the commitment of the prisoner, victim and community.

Literature Search Strategy

Quantitative and qualitative research studies that date from the turn of the century, forward, including the most recent 5 years, were used in this academic literature search, as were books written by persons with doctoral or medical degrees. PsychINFO, PsychARTICLES, PsychTESTS, Thoreau, and Google Scholar were the main search engines utilized. Key search terms used included: the *United States Justice System, US Criminal Justice System, Restorative Justice, criminal justice reform, mass incarceration, adult justice outcomes, juvenile justice, community justice policies, practices, programs, and program evaluation; criminal court, sentencing policies, prison interventions, victim-offender mediation, family group conferences, process circles, retributive justice procedures, recidivism, sentencing, criminal records, social dissidence, program effectiveness, and conflict resolution*. All search terms also included “*race, ethnicity, Black and or African American*” as modifiers.

Criminal Justice System in the United States

The US Criminal Justice System (US-CJS), as it has been conventionally described and examined in scholarly literature, is directed towards five primary objectives: retribution, deterrence, incapacitation, rehabilitation, and restoration. In modern times, *retribution* is considered the predominant goal, i.e., policy makers and law enforcement systems emphasize, “giving offenders what they deserve as their top punishment priority” (Slobogin, 2015). The lay public and some scholars have opined

that crime prevention can only be achieved through maximizing sentence length and harshness. The evolution of retribution moved from corporal punishment, exclusively for those citizens who could not afford to pay penance, to confinement as an alternative punishment, and neither system has produced evidence of acting as a deterrence to criminality nor rehabilitate offenders (deOliveira Marsch, 2019).

Deterrence is rooted in the hypothesis that the justification of punishment lies in its future benefits, i.e., it would discourage recidivism and model the negative consequences to those considering criminal activity (Raaijmakers et al., 2016). However, modern research has revealed mixed support for this hypothesis. Imprisonment is a less successful deterrent to future crime. Braga et al. (2019) found that intervention programs that target specific at-risk groups (e.g., gangs) have proven to be more successful in deterring future crimes.

Incapacitation refers to the primary justification for imprisonment – physically removing offenders from the community to prevent future crimes committed by those offending. The modern-day prison system now includes private industry (housing about 8% of the total population). The increase of inmates in private prisons since 2000 has grown by 32%, compared to a 3% overall rise in the total prison population which appears to be driven by politics and profits (Laqueur, 2019). The fact that Blacks make up 6% of the US Population but represent more than 25% of the US population reflect the racial disparity with the current political financial agenda of the current CJS (PPIC, 2013).

Russo et al. (2017) In exploring Alternative responses in crime and punishment within the U.S. Criminal Justice System a panel of criminal justice experts found that long period of time that crime has been decreasing nationally, however, correctional costs have continuously expanded. Which concluded that it is vital that other public services, probation, parole, and community-based resources be significantly expanded. As a result, the following suggestions were made:

- New programs and improved education and training for corrections staff.
- Adequate public funding of the corrections system cultural change— combined.
- Data driven policy—to improve the sector’s ability to rehabilitate offenders.

Rehabilitation is the process of assisting the imprisoned in areas of education, skill development, and mental health to increase the likelihood of successful re-entry into society and is one of the most overlooked objectives. There is considerable evidence that rehabilitation works. Using a meta-analysis of correctional education programs Bozick et al. (2018) found that inmates receiving education while incarcerated reduced their chances of recidivism and improved their post-release employment prospects. Education as a rehabilitative tool reduces the age of formerly incarcerated prisoners that recidivate and return to prison which supports the idea that there is a value in providing inmates with education while incarcerated (Bozick et al., 2018). This finding recognizes a broadening need for prison-based education and resources which are later expanding on in this paper.

Restoration refers to the process by which both victims and perpetrators have opportunities to confront the consequences of the crime, narrate the story of their

experiences, and rebuild agency and connection to community (Pemberton et al., 2019).

As will be discussed below, the impetus for finding RJ programs was to fill a missing gap in the conventional criminal justice system to give individuals an opportunity to heal and resolve.

Given these five objectives, it is well-documented that the US criminal justice system has unfairly treated people of color since its inception, beginning with the post-colonial era up to contemporary times (Brooklier, 2017). Social science literature and legal studies have historically documented how the justice system, either unconsciously or deliberately, used race in the implementation of these objectives, skewing the distribution of retribution, deterrence and incapacitation strategies such that persons of color remain over-represented in prisons (Delgado & Stefanicic, 2007; Van Cleve & Mayes, 2015).

Restorative Justice programs are an attempt to bring the principle of restoration to persons for whom this was minimally or never made available. To understand rationale for developing RJ programs and challenges of participation, it is important to explore the history and evolution of the current US-CJS from its roots in slavery (Jones, 2016; Tauri & Porou, 2014; Wacquant, 2000). Many scholars have noted that the racial bias built into the US-CJS origins continues to be embedded within the current political and criminal justice system's policy decisions (Katsiyannis et al., 2018). For example, the Pew Research Center (2013) concluded that black men are six times more likely to be incarcerated than White men. Research has found that the development of RJ programs has particular relevance to the issues of race and racial bias, because of its emphasis on

social engagement over social control, and the use of harm acknowledgement, skill building and community support as a method of deterrence, rather than longer, harsher sentences which tend to be most often ministered to people of color (de Oliveria Morsch, 2019; Samuel-Siegal et al., 2019).

Critical Race Theory

Critical race theory is used in this research as the lens through which the evolution of the US criminal justice system can be described, to illuminate the seeds of racial bias from its inception to its current form of systemic racism that is embedded within the political and criminal justice system's policy decisions. The evolution of critical race theory began with the emergence of academic, legal and policy discussions of race, racism, and power in the mid-1970s, parallel the rise of social movements like the Civil Rights Movement, Vietnam War protest, and the War on Drugs (Delgado & Stafanicic, 2007). Critical race theorists broadened these discussions to include economics, history, and psychology, questioning the very foundations of race progress in the US and globally.

The basic tenets of critical race theory are:

1. Racism is “ordinary” – it is the way society does business.
2. Racism is deterministic – it advances the positions of White elites and the working class.
3. Race and races are products of social construction (rather than genetic reality, i.e., variations in skin color, physique, and hair texture comprise a tiny portion of genetic diversity).

4. Racial marginalization of groups varies because populations often change over time (Delgado & Stefancic, 2017, p. 6-10).

Critical race theory illuminates the observation that, despite declining US crime rates, incarceration rates continue to grow as well as the racial disparities of incarceration. The theory postulates that growth in incarceration is attributable to (1) the shift from rehabilitation to incapacitation, and (2) the shift from overt racism to passive racism (e.g., political correctness, “colorblindness”) (Delgado & Stefancic, 2017).

Many authors have addressed the need for equality within the criminal justice system (Brown, 2011; Fasching-Varner & Dodo Seriki, 2012; Fornili, 2018; Haney Lopez 2000; Oliver, 2001; Murakawa & Beckett, 2010). Others (Murakawa & Beckett, 2010; Oliver, 2001) have written extensively about the underlying, unspoken bias that pervades the criminal justice system. For example, Murakawa and Beckett (2010), in an analysis of what they referred to as the “penology of racial innocence,” described racism in the criminal justice system as not merely an identification of policies and behaviors that are blatantly racist. Instead, they make a strong case that racism is built into the criminal justice system and operates implicitly. Fornili (2018) examined and summarized the racialized motives of racialized policies such as the war on drugs, the school-to-prison pipeline, the for-profit prison (“prison industrial complex”) and produced a comprehensive theoretical framework to examine the relationship between race racism, and power (Fornili, 2018).

The US has imprisoned more than 2.2 million people in which more than half of those prisoners are either Black or Hispanic (Van Cleve & Mayes 2015). Although many

criminal justice scholars recognize that the US criminal justice system is highly racialized, Van Cleve and Mayes (2015) concluded that this broad recognition is not reflected within the broader socio-legal scholarship and, for that reason, concluded that this subject warrants more research focus. Brewer and Hietzeg (2008) utilized critical race theory as a guide for pedagogy and praxis to explore the structure of the current micro and macro injustices within the criminal justice system concerning the policies that drove mass incarceration. Researchers combined the opinions of the Supreme Court with the voices of a political prisoner(s) of conscience to capture an accurate representation of both the dominant and dissent narratives of the current criminal justice system. Brewer and Hietzeg (2008) found that the focus of justice mostly includes race, class, and gender to reflect authentic inclusiveness. In recognizing that the prison industrial complex is rooted in racism and classism, the authors concluded that social justice and prison abolitionist movements hold the solution to racism and classism. They further asserted that the three critical dimensions of this work should be public policy, community organizing, and academic research (Brewer & Hietzeg, 2008).

Critical race theory has been used to contextualize and examine RJ in many venues. For example, Simson (2013) and Payne and Welch (2015) used this lens to examine racial bias and access to participation in RJ alternatives to punitive. They used a national random sample and logistic regression analyses to explore how school-level racial composition affected the application of RJ techniques to control student behavior, as an alternative to punitive discipline. They found that administrators were less likely to use RJ techniques in response to student misbehavior when the student population was

predominately Black (Pain & Welch, 2015). This study and similar efforts (Simson, 2014) have shown that punitive measures are detrimental to African Americans and have fueled the school-to-prison pipeline, high school dropout rates, the push-out phenomenon, and the criminalization of schools.

In his thoughtful discussion on racial, criminal justice, and restoration, Gavrielidis (2014) called for more research on RJ using the CRT lens; The lens of the CRT is essential for conceptualizing the racial disparity with the political and financial agenda of the CJS. Gavrielidis' discussion illuminated the inequalities and racial disparities within the CJS. This is in alignment with Braithwaite's (2002) point that human rights should act as the guiding values in restorative practice. The article goes further to define human rights as the legal standard of the judicial process and advocates for bringing racial equality into the localized codes of behavior and ethos. RJ is an authentic movement for justice that brings race relations into the debate and incorporates it with lawful practices, structures and regulations (Gavrielides, 2014).

Race and the Evolution of the US Criminal Justice System

As the aspirations of independence from Great Britain took shape in the mid and late 1700s, so did the formal and informal structures for what was to become the prison industrial complex. Historians have pointed out that the US prison system is inextricably woven from the system of slavery (Blackett & Duquesnoy, 2021). The symbiotic relationship between the US government and prisons was found by Wacquant (2000) to be an effort to compensate for the socioeconomic deficits that resulted from the deconstruction of illegal slavery.

The system of slavery spanned the eras of colonial, neo-colonial, right up to the period of reconstruction (McNair, 2009). The policies of 1775, such as color codes, were instituted to control and regulate the movement and procurement of slaves. These codes also represented a broad system of protecting and reinforcing White-privilege and dominance (Blackett & Duquesnoy, 2021; Davis, 1989). It was illegal for slaves to bear arms, gather in numbers, or travel outside of the town's limits without a pass. Any White "inquisitor" could question whip or even kill a Black person while a felony committed by a non-White person was punishable by death; In contrast, if a White person killed a slave, they would be fined a 150 Starlings. The prison population of non-Whites increased drastically under the duality of these racist criminal justice policies and procedures and in much need of prison reform.

Quakers and the Walnut Street Jail

The Quakers, as described in Romirowsky and Joffe (2013), emerged as a nonconformist religious group that rebelled against the teachings of the church of England. The early Quaker movement's goal and the objective were to serve the establishing of Christ's kingdom on earth. They were also highly involved in political affairs, and through 'pamphleteering activities,' preaching, silence, and symbolic performance, as well as private letters, became a powerful religion (Peters, 2007). Following the American revolution (1765 to 1783), the Quakers attempted to reform prisons by introducing the concept of a "penitentiary," where inmates would be cleaner, live in safer facilities, and enjoy times for reflection. The most well-known example was Philadelphia's 1773 construction of the Walnut Street Jail. According to Skidmore

(1948), the Walnut Street Jail was the first penitentiary to incorporate rehabilitative principles and goals which were designed by the Philadelphia Quakers.

The Walnut Street jail operated from 1789 -1895, and its systems of operation and structures continue to be a significant influence on how today's prisons operate (Skidmore, 1948). Adamson (2001) wrote of the Society for the Improvement of Prison Discipline and the Reformation of Juvenile Offenders (S.I.P.D.), a British Quaker organization, became the over-all authority on prison operations and reforms.

The New York State Prison was developed and structured after the Walnut Street jail (Nash, 2017). However, the Act of 1823, which became the hallmark of Quaker influence, adopted into legislation the reformist idea of prisons not being overcrowded cruel instruments of torture and hard labor, but rather as organizations with rehabilitation as its ultimate goal. Such reforms included inmate wages, religious services, education programs, and housing according to the severity of the crime. Most of these policies and guidelines still play a significant role in the operation and management of prisons in the US (Cooper, 1979).

The Emancipation Proclamation of 1862 rendered slavery in all the territories of the United States to be illegal (Chambers, 2013). The 13th, 14th, and 15th amendments that followed were three pertinent revisions within the constitution, which broadened the scope of citizenship for America's Black population (Newman & Gass, 2004). The 13th Amendment prohibited slavery in any US territory except for the punishment of a crime (Howe, 2009). This "exception clause" justified the continued use of enforced labor in prisons, and the over-representation of people of color in the prison system (Pereira,

2018). Blackman (2008) and others (Davis, 1983; Murakawa & Beckett, 2010; Oliver, 2001) described this as the continuation of slavery under the structure of the US criminal justice system.

The 13th Amendment banned slavery and became the critical authority for enforcing abolition. In addition to abolishing slavery, the intent of the 14th amendment was to grant citizenship to all US citizens, including former slaves. Blacks and other non-Whites gained equal rights according to the language within the 14th amendment and the due process and equal protection of the law of the Civil Rights Act of 1866 q). However, the “*privileges and immunities*” clause nullified the intent of the 14th amendment by allowing each state to regulate the law according to their interpretation of its intent (Aynes, 2009; Harrison, 1992). Former slave holder states interpreted and enacted policies that maintained the continuation of Black servitude and the promotion of White supremacy (Forte, 1998; McNair, 2009; Robinson, 2015; Zick, 2000).

The 15th Amendment was ratified in 1870, and endowed Congress with the power to deploy federal troops on domestic soil and to protect and execute the rights and privileges of the 13th, 14th, and 15th amendments (Newman & Gass, 2004). These amendments whose intent was to provide equal protection and citizenship to every American, including former slaves, were threatened by bigotry and partisan views (Ross, 2003). The reconstruction in the post-civil war era appeared to have been heavily laden with tactics to preserve a system of free labor that favored White supremacy. While these racially motivated tactics provoked the efforts of the ratification of the 14th amendment

the enactment of the *due process* clause undermined it and rendered it ineffective for addressing the current racial inequalities of the time (Andrews, 2002; Aynes, 2009).

The 1865 Voting Rights Act granted voting rights to all US citizens. The intent was to give a political voice to those who did not have one. As many historians indicate, this legislative policy was symbolic at best, since Blacks, formerly incarcerated people, and indigenous peoples' voting rights are still denied (Alexander, 2011; Barnett, 1977; Mcleod, 2015).

The Modernization of the Prison System

The early 1900s was demarcated by the initiation of the “hockey stick” like growth in prisons and prisoners. Researchers and activists in social justice and prison reform have examined trends in arrest, sentencing and imprisonment to document pervasive consistent trends towards mass incarceration that is heavily weighted towards Black men. For example, Wamsley (2019) examined data from the Department of Justice and tracked the annual numbers of prisoners from as far back as 1925. Their report described the U.S. as the world leader in incarceration, with 2.2 million people locked away in their prisons and jails. This number represents a 500% increase over the last 40 years (see Figure 1).

Figure 1

Graph of US State and Federal Prison Population



Note. This graph was produced by Wamsley in 2019 to display data on the U.S. prison population.

This growth curve according to the findings of Wamsley (2019) was the result of changes in sentencing laws and policies, and not based on change in crime rates. They further found that 32% of that number were Black men who were 6 times more likely to be imprisoned than White men. This rapid increase, which is be found to be a contributing factor to mass incarceration, created an unhealthy situation for the prison environment, fiscal burdens on the state, and was counterproductive to public safety (Wamsley, 2019). As indicated above in Figure 1, prison rates began a dramatic rise in the mid-1980s, and there are several correlates that explain this “hockey stick” acceleration. Laws such as Mandatory Minimums, Three Strikes Law, Stop and Frisk and

similar forms of legislative policy were found to be the main source of the acceleration of arrests and convictions, contributing to the skewed distribution of incarceration of people of color.

Mandatory Minimums

In the mid-1980s, mandatory minimum sentencing was used as a strategy for discouraging the sale or distribution of cocaine, an addictive substance that was ravaging many socio-economic strata. In 1986, the Reagan Administration passed a legislation called the Anti-Drug Abuse Act of 1986. This was less formerly known as the “100-to-1 crack versus powder cocaine” sentencing policy. The conviction for possession or sale of 5 grams of crack cocaine carried a minimum sentence of a 5-year federal prison sentence while the same 5 year minimum was given to a person that was convicted of the possession or sells of 500 grams of powder cocaine (Alapo & Rockefeller, 2019). It was also known at that time that the distribution of powder cocaine was located primarily in upper SES White communities, while crack cocaine sales were more prevalent in lower SES Black communities. The differential attraction is financial; that is, the low grade of cocaine in crack made it less expensive to manufacture and purchase, making it more accessible in urban Black and Brown communities. Powder cocaine is more expensive and is of a higher grade and attracts a more affluent White clientele base. Many studies have documented how the enforcement of the mandatory sentencing of stiffer penalties for crack cocaine became racially based (Alapo & Rockefeller, 2019; Alexander, 2011; Bjerck, 2017). One such example is New York’s Rockefeller Drug Laws. The Rockefeller law which was intended to discourage the sale or distribution of cocaine resulted in a

massive incarceration of people of color and bore a heavy financial hardship upon taxpayers of New York (Herman, 1999). Consequently, Blacks made up 15% of drug users but accounted for 37% of drug violations, 59% of drug convictions, and 74% of cocaine prison sentences (Vegans & McCurdy, 2016).

Almost 25 years later, mandatory minimum sentencing laws and the follow-up effort to correct the problems were enacted as a bi-partisan effort. The Fair Sentencing Act (FSA) of 2010 was intended to lessen the harshness of the sentencing practices of crack versus powder cocaine. However, a US supreme court decision determined that the FSA guidelines were only intended as an advisory measure rather than a mandatory policy. This, in effect, rendered the guidelines useless; and harsh sentencing trends continued (Bjerk 2017). Bjerk further explained that mandatory minimum sentencing laws continued to result in differential prison rates for people convicted of crack versus powder cocaine.

Stop and Frisk

Stop and frisk was introduced as a non-intrusive stop of private citizens by law enforcement. John Terry of Ohio was the complainant in a case in which Officer McFadden and his partner suspected Terry and some of his associates of contemplating a robbery, and they were randomly stopped and patted down. The opposing argument was that the impact of the Terry decision on individuals from marginalized or vulnerable groups violated their right to privacy as guaranteed by the 4th Amendment to the US Constitution. After the court rulings were upheld, the US Supreme Court added an exception clause to the 4th amendment in which police officers were no longer required to

procure a search warrant during future stops. The opinion of the court granted law enforcement the discretion of utilizing probable cause to ensure the protection of the public and in the interest of crime prevention to perform “Terry Stops.” The US Supreme Court did require that reasonable cause judgment be applied in these cases (Bandes et al., 2019).

Bandes et al. (2019) illuminated the underexplored part of the Terry equation; the psychological, social, and emotional impact of Terry Stops on individuals and communities changed the consequences of the Terry v. Ohio decision. The US Supreme Court, in Terry v. Ohio, assumed the middle ground in deciding that stop and frisk is constitutional and a flexible, useful crime prevention tool. The discretion within the Terry decision was a probable cause exception with a reliance on the officer’s discretion.

These dissenting voices were individuals and communities of color who were most frequently the targets of Terry Stop’s practices. For example, Floyd v. New York (2013) gave a description of a period in New York in which Black and Latinos accounted for more than 90% of the 700,000 stops and frisk practices that took place. It has been suggested that these practices have contributed to the lack of trust for law enforcement, and lack of cooperation with investigations or prosecutions of criminals in these communities (Bandes et al., 2019). Bandes et al. (2019) concluded that the psychological, social, and emotional harm of Terry Stops on citizens and communities outweighed the potential gains of crime prevention. In sum, the research has shown that aggressive policing hurts communities and erodes the bonds of trust.

Three Strikes

The Three Strikes law is a policy that was signed into effect in 1993 by California's governor, Pete Wilson. This legislation was in response to the public outcry for the murder of Polly Klaas (Males & Macallair, 1999). This law mandated that a sentence of 25 years to life be the penalty upon any finding of guilt of a third felony conviction. Kovandzic (2004) conducted a study to determine the impact of the three strikes on communities across the nation. Researchers utilized a longitudinal multiple time series design and UCR data from 188 cities with populations of 100,000 from 1980 to 2000. Researchers discovered a strong correlation between the homicide rates and the implementation of three-strikes policies in cities. They also discovered that there had not been a significant reduction of crimes in the majority of cities in states with three strikes policies.

How Changes in Law and Policy Affect Incarceration of Minority Groups

Simon (2019) asserted that challenges to produce equitable decisions for US authorities are, many times, undermined by implicit biases. This synthesis across books and published research argued that implicit biases are manifested and reflect a sub-conscious cognitive association between race and attitudes, and that this results in biased decision-making. It further referenced the racial conflicts that often arise when the actions of people of color have been perceived as threatening (e.g., weapon involved) have exacerbated the opportunity to produce equitable results. It is suggested that this form of implicit bias is one of the underlying reasons that changes to legislative and

policy decisions that result in the over-representation of Black and Brown people in the US-CJS (Simon, 2019).

In highlighting the issue of an important social determinant of health in contemporary U.S. society for Blacks and their families, Nowotny and Kuptsevych-Timmer (2018) pointed out that the US prison system is comprised of 1% of the US population but more than 11% of the Black US population and 37.2% of them, aged 20 to 34, have less than a high school education. Even more alarming are health statistics ramifications, i.e., the over-representation of Blacks in US prison system correlates with an underreporting of the health burden on this population and the system (Nowotny & Kuptsevych-Timmer, 2018).

Socio-Economic Issues that Contribute to Criminal Activity and Imprisonment

The above historical discussion points out that the need for alternative rehabilitation and restoration programs emerged out of the evolution of the US-CJS as an institution with significant racial disparities in the administration of justice. The previous discussion also highlighted the research, legal precedents, and scholarly findings of the system as influenced by racial injustice, implicit bias, and good intentions with unequal outcomes. In addition, longitudinal studies of criminal behavior, imprisonment and recidivism have identified other systemic factors that contribute to the trends of racial disparity.

According to DeFina and Hannon (2013), the past 30 years of study of vulnerability to criminal behavior and imprisonment have examined factors like socio-economic stress, educational opportunities, and substance abuse and sales. Petit and

Western (2004) noted that among all the Black men born between years of 1964-1969, at least 30% of those who lacked college education and nearly 60% of those who were high school dropouts ended up in prison. The continuation of retributive justice measures appears to expand a phenomenon that perpetuate mass incarceration in light of later studies that insinuate a strong relationship between measures that produce a decrease in the prison population and produce safer community out-comes (Bynes, 2020). For example, Berghuis (2018) used a randomized controlled design to demonstrate the effectiveness of reentry programs that reduced recidivism and produced positive re-entry opportunities for adult, male offenders. Programs like this may not be able to reverse the racial disparities of an over representation of Black bodies in prison they appear to be indicative of the possibility of measures that will decrease prison population and enhance community for the re-entry population and public safety.

Difina and Hanonon (2013) explored whether the mass incarceration of the past few decades might have impeded progress toward poverty reduction. Researchers relied on a state-level panel spanning from 1980 to 2004, in which time the incarceration rate increased by more than 300%. The study used three different poverty indexes to measure the impact of poverty due to the impact of mass-incarceration; (1) the total population that is identified as poor, (2) the Current Population Survey (CPS) from the Census, and (3) pre-defined thresholds. A combination of these indexes allowed researchers to identify poor individuals and estimate headcounts. Estimates were generated using instrumental variable techniques to account for possible simultaneity between incarceration and poverty. Two findings are relevant to the current discussion:

first, poor people are more likely to be incarcerated and would not be counted for official poverty statistics; and second, incarceration of a wage earner decreases household income, increasing the risk of falling below the poverty line. Whatever the case, the findings indicated that the poverty levels increased significantly as a result of mass-incarcerations (Difina & Hanonon, 2013).

In sum, a significant body of research has demonstrated that the evolution of the USCJS has deliberately and implicitly utilized used legal and policy decisions to maintain a massive incarceration system that has cumulatively thwarted Black men and Black communities from equal opportunities for justice. In addition, the consequences of these decisions have negatively impacted the physical, emotional and social health of people of color. The recognition of these facts has emerged through the study of history and policy through the lens of CRT. In addition, CRT served as one of the key forces in the movement towards programs serving Black and underprivileged communities.

Models of Rehabilitation and Restoration

Even more overwhelming than the number of persons in prison, is the number of people who are released from US-CJS every year. Over 2.5 million people are incarcerated in Americans in prison and more than 650,000 ex-offenders are released from prison every year. Studies show that approximately two-thirds of prisoners that are released from prison will likely be rearrested within 3 years of their release (DOJ, 2021). The recidivism rate suggests that conventional methods of rehabilitation and restoration are not sufficiently effective to stem the problem. However, studies have shown that

collaborative efforts of community and legislative authority may present a more favorable result.

Conventional Programs

Byrne (2020) found that there has been considerable research on conventional programs directed towards increasing a successful re-entry into the community (DOJ, 2020; Duwe, 2017). These rehabilitation programs include faith-based efforts, education, technical training, drug treatment, and re-entry programs like half-way houses. A historical consequence is the representation of a disproportionate percentage of Blacks in prison. The Attorney General's report (2020) provided the most comprehensive examination of effectiveness across all programs. Key findings from Byrne's (2020) review of the research literature examined the impact of Federal, State, and Local Inmate Programming on Post-Release Recidivism and found key deficits in prisoner's participation:

- 49% of inmates had not completed even one of the three programs included in the "any programs" variable (p, 5).
- 82% had not completed a single technical or vocational course.
- 92% had not been involved in federal industry employment.
- 73% of inmates who needed substance abuse treatment had not received it (Byrne (2020 p. 5).

To augment these findings, suggest that efforts be made to connect program participation to sentence reduction, although the report did not give an estimate of the possible increase.

Drake (2012) was another meta-analysis study which found a similar, yet modest, increase in participation and determined to be insufficient (methodologically unsound) to state affirmatively about the value of such programs. Mitchell et al. (2012), is yet another meta analyses study that focused on four different types of prison programs: therapeutic communities, counseling, narcotics maintenance programs, and boot camps and also found a similar modest decrease in TC programs in particular a reductions in post-release recidivism and drug use. However, Byrne (2020) was able to estimate the recidivism reduction effects of five types of programs:

- Residential substance abuse treatment
- Prison-based substance abuse treatment
- Prison education and vocational training
- Prison work/employment programs

The fifth type of program (mentoring and social support in prison) did not have enough evaluation research to make a reliable estimate. It is likely that RJ kinds of programs would fall under this category.

Smaller, more program specific research has been conducted. For example, Schaefer et al. (2016) conducted a meta-analysis of the effects of faith-based correctional interventions convicted offender populations. The researchers found an estimation of the average impact of religious prison programming on convicted offender population's attitudes and disciplinary infractions through examination of 15 studies in which 57 effect sizes were calculated. They also found that religious interventions produce a modest but significant alteration to offender values and behaviors.

Auty et al. (2017) conducted a systematic review to examine the effect of psychoeducational programs on violent behavior in prison. They examined empirical research literature to identify randomized and non-randomized studies that spanned over two decades and concluded that Institutional violence presents significant challenges to the accomplishment of legitimate social order in prison. A major discovery was that therapeutic community that focused on specific needs/deficits (substance abuse/misuse) had a significant effect in reducing institutional violence.

Fogarty and Giles (2018) conducted a replication of an earlier meta-analysis to examine the relationship between correctional education programs and recidivism. The replication study examined concerns of the possibility that the earlier study could have inadvertently been affected by publication bias. However, after replication was concluded and elements which could have resulted in publication bias were factored out the findings of Fogarty and Giles (2018) were the same as those in the earlier meta-analysis in that correctional education programs are cost-effective which concludes that there was a relationship between correctional education programs and recidivism.

Wong et al. (2019) conducted a meta-analysis and review of nine studies to examine the effects of halfway houses on recidivism. The controlling factor was that prisoners were allowed to integrate back into society but were housed under correctional rules, guidelines, and supervision. It appears that the collaborative efforts between the community and corrections serve the dual purpose of reintegration and public safety. The results of this study support a finding that halfway houses are an effective correctional strategy for successful reentry (Wong et al., 2019).

Restorative Justice as an Alternative Approach

RJ appears to have taken its lead from the Quaker's prison reform movement of within the Walnut Street Jail in moving away from a brutal/retributive system to a restorative/rehabilitative one (Skidmore, 1948). The main goal of RJ is to redress the harm caused and/or resolve the dispute by identifying the needs resulting from the criminal act. According to the RJ approach, this can be achieved by holding an unprejudiced guided discussion between the parties affected by the criminal behavior with the aim of coming to agreements on what the offender, and some- times the community, should do to address the needs of those who suffered as a result of the criminal offense. The integration of restorative processes in prisons can help inmates to understand the harm they have caused and the needs of the victim and others affected by the criminal act. Inmates have to accept responsibility for their actions and have an opportunity to "make amends" in various ways, for example, by giving the victim a nominal monetary compensation, an apology, or by means of com- munity service. (Weismann-Saks & Peleg-Koriat, 2020, p. 382)

RJ's must not be in allegiance with the system, the offenders or the victims in order to stay objective in the healing process. Woolford and Radner (2003) examined the tensions that exist within the restorative justice movement about occupying a nomadic marginal position. In order to develop a self-identity, this study recognized that RJ practitioners had constructed a collective identity that broadens its global potential. This study found that RJ practitioners, by the majority, occupy a nomadic existence while operating within the margins of the criminal justice system. The adaptation of

transformative politics enabled RJ practitioners to distance themselves far enough from the criminal justice system as not to become entangled within the operations but close enough to challenge and make useful alterations retributive codes within it. This dual form of operation enables RJ practitioners to achieve more than escapism or co-optation but to situate themselves in a nomadic position in order to challenge and promote particular codes and operations of the structure (Gramsci, 1971).

Definition of Restorative Justice

RJ is a process described in Marshall (1999), to which all parties impacted by an offense, identified as the key stakeholders, work toward the resolution/healing process in response to an offense. The objectives of RJ are to address the needs of the injured party, address accountability, rehabilitative, and community reintegration factors of the offender, coordinate and build a strategic plan toward recreating a working community that can support, holds space for both the survivor and the offender. This strategic plan is twofold: first, to assist in the healing process of the survivor; and second, to aid the offender in a rehabilitative pursuit.

The RJ incorporates of a set of principles that assist particular agencies in fostering fidelity while mediating the process of healing and restoration between those parties that are directly, impacted by a crime: the victim, perpetrator, and the community) also referred to as the key stakeholders (Barnett, 1977; Braithwaite, 1989; Hudson, 2002; Marshall, 1999). The central premise of restorative justice is the restoration of the victim's empowerment, safety, and trust in society and humanity, the restoration of the

offender to lead a law-abiding life, and the restoration and reconciliation of social and civic responsibility to the community (Marshall, 1999).

According to Sherman et al. (2015), and Weatherburn and Macadam (2013), RJ programs represent the potential for forgiveness, harm reduction, and the reduction of the risk for repeat offending. After conducted 36 comparison reviews of restorative justice v. criminal justice and find that RJ was favorable in the following areas of the study:

- Substantially reduced repeat offending for some offenders, but not all.
 - Doubled (or more) the offences brought to justice as diversion from criminal justice.
 - Reduced crime victims' post-traumatic stress symptoms and related costs.
 - Provided both victims and offenders with more satisfaction with justice than the CJS.
 - Reduced crime victims' desire for violent revenge against their offenders.
 - Reduced the costs of criminal justice, when used as diversion from the CJS.
 - Reduced recidivism more than prison (adults) or as well as prison (youths).
- (Sherman & Strange, 2007).

Free Inside is a prison-based program that offered a 12-week cycle of twice weekly, hour-long classes in yoga, meditation, and chi gung practice (Duncombe et al., 2005) at Maui Community Correctional Center in Hawaii. Researchers sought out to assess the rehabilitative effectiveness of these classes in participating prisoners. The study concluded that there was, in fact, an association between inmate participation and increased awareness, self-esteem, sense of hope, and compassion. It was suggested, as a

result of these findings, that similar programs should broaden the rehabilitative potential for prisoners to return to open society and flourish (Duncombe et al., 2005). If and how RJ can address broad racial disparity within the current criminal justice system also warrants considerable attention.

Leonard and Kenny (2011) conducted a meta-analysis to explore the effectiveness of RJ in the Republic of Ireland of the “Functionalist Exchange” that occurs during restorative conferences. Researchers adopted an application of the meta-analysis as a measure of effectiveness that was first utilized by Latimer et al. (2005), as presented in the following stages: The study assesses the extent to which functionalist roles become significant in restorative conference outcomes. Researchers surmised that effectiveness for RJ must possess strong elements of remorse and subsequent expression of satisfaction.

Silva and Hartney (2012) conducted a mixed-method model in which a 130-item explores statistical associations between Insight Prison Project’s (IPP) participation and the desired cognitive outcomes. The survey measured self-esteem, degree of aggression, respond to problems, level of emotional support, attitude about the future, and n group cohesion, leadership, support, and expressiveness of each class (emphases on participant’s attitude rather than the impact of the class on their behavior). Silva and Hartney (2012) found that participation in longer-term IPP programming is associated with healthy cognitive-behavioral outcomes. Moreover, all interviewees reported that their understanding of their anger and violence improved.

Van Camp and Wemmers (2013) went beyond the examination of the effectiveness of RJ, and described how victim satisfaction was simply a by-product of procedure justice. Researchers interviewed 34 victims of violent crime who had participated in victim-offender mediation, family group conferencing, or victim-offender encounters in Canada and Belgium. The theory of procedural justice is based on? a perception of fairness of the outcome for the perpetrator and enhance victim satisfaction with the outcome. The RJ conflict resolution process is informative, not only, of a favorable outcome, but also an appreciation of the following factors: trust, neutrality, respect, and voice. According to Van Camp and Wemmers (2013), procedures can be irrespective of their outcome. The founding is that additional factors of the restorative approach are being flexible, providing care, centering on dialogue, and permitting pro-social motives to stand out. These factors were not indicative of the procedural justice model. Under these considerations and tests, procedural justice may partially but not entirely be indicative of victim satisfaction with restorative practices. Researchers concluded that because of the inclusion in the restorative justice procedures, in which victims gain a sense of control and empowerment, which is reflective of victim satisfaction and effective restorative justice procedure (Van Camp, 2013)

Koss (2014) focused on 22 cases of prosecutor referred to an adult misdemeanor and felony sexual assaults to figure out how conferencing could expand the individualized justice options for sex offenders in a program called RESTORE. RESTORE is a 1-year voluntary program, which involves face to face dialogues between primary or secondary victims with perpetrators of crimes. These dialogues convene

during a process in which perpetrators have to acknowledge their culpability and are willing to work with the primary or secondary victims to develop a re-dress plan. This process includes referral and consent rates, participant characteristics, observational ratings of conferences compared with program design, services delivered, and safety monitoring. The following categories were used to assess the outcome of those 22 cases: (a) pre–post reasons for choosing RESTORE, (b) preparation and conference experiences, (c) overall program and justice satisfaction, and (d) completion rates utilized to determine high victim satisfaction with restorative interventions.

Although the data had some limitations, the results support cautious optimism regarding feasibility, safety, and satisfactory outcomes. They help envision how conferencing could expand and individualize justice options for sexual assault. Among the consented cases, 91% resulted in a completed conference. Researchers found 67% of a felony, and 91% of misdemeanors determined to have completed all re-dress plans and supervision requirements. These completions offered an experience of validation for a survivor/victim and the opportunity to experience validation and accountability for the perpetrators. Koss (2014) further noted that three-fourths of prosecution cases were closed without further consequences and that victims were the chief benefactors as 90% were satisfied, and 95% would recommend RESTORE. Although surrogate victims still held some trepidation, they still rated the conference as a success; 66% said the redress plan was fair, 70% believed that justice prevailed, and 84% would recommend RESTORE to others (Koss, 2014).

Daly et al. (2007) found that RJ conferences would be seen as more advantageous for victims than courts. In particular, conferences were more likely than a court to result in an admission of responsibility and raised the likelihood that offenders would receive counseling (Daly et al., 2007). Despite the findings of effectiveness, Koss (2014) strongly recommended a higher than usual degree of safety conferencing, which includes sexual offenders.

Karp and Frank (2016) also studied an RJ program in which 15 practitioners were interviewed to explore how successful RJ would be on the social issue of mass incarceration and other criminal justice system failures in the United States. Karp and Frank (2016) found that RJ gained bi-partisan support for victim-offender mediation, increased public interests for RJ as a social resolution, increased empirical support, as well as found that RJ is an appropriate tool for addressing tensions within the social movement (Lightfoot & Umbreit, 2004).

Another compelling finding was that of Silva and Lambert (2015) explored state-level supports for legislation that focused on RJ in juvenile and adult criminal justice. In this case, researchers discovered that 32 states passed RJ legislation that expanded economic support or funding and implementation of RJ practices for youth and adult criminal justice reforms (Silva & Lambert, 2015).

Karp and Frank (2016) listed the following five concerns for the growth of RJ as successful social justice instrument: the slow pace of which the knowledge of RJ is spreading, federal mandates and laws which fail to garner widespread implementation, the scarcity of funding for RJ related work, the future RJ may be in the social justice

movement, and the need for bipartisan collaboration on social justice reform. Until progress is made on these points, RJ remains marginally supported by justice practice at the level of state policy and even more limited at the national level.

Kennedy et al. (2019) utilized both quantitative and qualitative methods to conduct a longitudinal study that would explore and compare the effectiveness of restorative justice intervention between and those that received restorative justice interventions (RJIs) (77 sessions; n = 383) and probationers who received treatment as usual (TAU) (n=130). The hypothesis is that RJIs would recidivate at a lower rate, and second, amongst those who recidivated, the frequency of the RJIs group would be lower. The researcher further explored the degree of acknowledgment of empathy experienced by RJIs. Researchers found that by the sixth year of the study, 16% of the RJIs recidivated in comparison to 46% TAU group. The findings also reflected a 50% acknowledgment of empathic understanding associated with the participation of the RJIs.

The Emergence of Restorative Justice

According to Braithwaite, (2002) RJ is marked as a phenomenon of historical significance which goes back to the ancient Greek and Roman civilizations. Braithwaite also is of the opinion that the significance of RJ lies within the development of criminological thinking, notwithstanding its grounding its practices in traditions of indigenous concepts. Howard Zehn and Kay Prentis, key authorities on RJ, describe it as a practice of indigenous Māori concepts. Howard Zehr (2002), who could be considered the grandfather of RJ, describes it as developing, sustaining, and maintain positive social relationships through the centralization and adoption of indigenous cultural concepts

practices. The observation of the meanings of words used by different cultures, for example, the Māori's whakapapa, Navajo hoshó, and Bantu ubuntu, are all directed toward the assumption of the need for social relationships and views crime as a rip in social relationships (Zehr, 2015).

The Māori People of New Zealand practice a way of life that has been passed down from generations and believed to go back thousands of years. Evidence of these indigenous concepts shows up in many of RJ's practices, particularly Family Group Conferencing (FGC). According to Moyle and Tauri (2016), the origin of FGC is rooted in the presentations of entrepreneurs and advocates to address the needs of justice involved diverse population people. The principles and practices are presented through indigenous constructs within a Eurocentric, formulaic, and standardized process. This process referred to in Moyle and Tauri (2016) encompasses a broad range of practices of repairing the harm done to human relationships instead of the breaking of laws. RJ views it as breaking/fracturing of human relationships (Zehr, 2002). According to Zehr (2002), RJ moves away from the narrative of a retributive system of justice toward one of authentic human practices, principles, obligations, and needs.

RJ Practices

In this alternative system, key stakeholders include the following: the person harmed, the person that offended, and the people who represent the interest of the community. According to Doolin (2007), key stakeholders must be present and play an active role in every facet of the decision-making process in order for RJ to succeed. One dichotomy between RJ and the current criminal justice system is that the current criminal

justice system aims to punish offenders while assuming the role of the victim. In contrast, restorative justice seeks to restore relationships fractured due to crime by including the victim as the chief vital stakeholders (Zehr, 2002). From a social justice perspective, RJ programs represent the potential for forgiveness, harm reduction, and the reduction of the risk for repeat offending; and provides a remedy or alternative to the current criminal justice system (Sherman et al., 2015; Weatherburn et al., 2015).

Relevance of RJ to Transforming Other Systems

While prisons have been useful in reflecting the value of RJ as a tool for promoting and transforming violence in prisons and other social environments, Schiff (2013) realized that it could be just as valuable to the school environment. He reviewed available research on tolerance, evidence for the effectiveness of restorative justice in schools as an alternative to punitive disciplinary policies, and local and national policy efforts to increase the use of restorative practices in schools. What he found was that RJ is a sufficient policy tool for fostering fidelity, trust, and cooperation from students, faculty, and alternative measure for keeping students in school and out of jails. Other research has discovered that RJ is also useful in creating, developing, and maintaining productive relationships between students, faculty, families, schools, and communities for academic achievement, conflict resolution, and school safety (Bankhead & Barry, 2018; Gonzalez, 2012; Shift, 2017).

Bankhead and Barry (2018), in their journal “Envisioning Oakland as a Restorative City,” presented a platform on the theoretical framework of social constructionism. Social constructivism subscribes to the idea that our social environment

sculptures and defines who we are as social beings (Risse, 2004). The outlined framework detailed Oakland as a Restorative City with the principles and practices of restorative justice in all its structures (school systems, social services, health care, public safety, the courts, and other civic). They envisioned a community and a city that operates from the fundamentally relational, healing values of restorative justice, a future world that embodies social and racial justice, peace, and healing (Bankhead & Elen, 2018).

Ryan (2017) studied the potential benefit of the use of RJ in schools as an alternative to retributive practices. This study found that RJ has been used globally in both the efforts of criminal justice institutions and social agencies such as elementary and secondary schools, as well as the social support systems. In preparation for adopting a more alternative mode of consequences, Ryan (2017) suggests that educators take steps toward moving away from punitive consequences. The researcher further suggested that educators focus on how management speaks to and about, staff, students, and parents; as well as paying attention to the patterns of communication within staff meetings, and what conversations transpire immediately after meeting, as well as how criticism and disagreement are handled (Ryan, 2017).

In reviewing the available evidence on the impact of institutional programming on pre- and post-release outcomes for prisoners, the National Institute of Justice (NIJ) found that even though program opportunities are readily available within prisons many prisoners choose not to participate in these programs while in prison (Duewe, 2017). The racial historical disparities that lay dormant within the American criminal justice system can breed mistrust and a lack of motivation among minority groups within the

correctional facility. A failure to incorporate measures toward countering the racial historical disparities could be a motivational factor toward deterring the participation in prison programs for minority groups. It could also be a motivating factor for creating dissonance which could lead to disruption and misbehavior in correctional facilities and the broader community. Similar mistrust and a lack of motivation among minority groups was found to be the motivation for the Attica prison riots (Gomez, 2008; McCorkle et al., 1995). The objective of providing prisoners with programming is to improve their behavior, both before and after release from prison. Indeed, institutional programming is often intended to not only enhance public safety by lowering recidivism, but also to promote greater safety within prisons by reducing misconduct. Duwe (2017) examined the empirical evidence on educational programming, employment programming, cognitive behavioral therapy (CBT), chemical dependency (CD) and sex offender treatment, social support programming, mental health interventions, domestic violence programming, and prisoner re-entry programs and summarized the research findings as follows: CBT programs have proven to be the most effective in reducing prison misconduct, social support interventions have also shown success in decreasing misconduct, reducing recidivism, and producing cost-avoidance benefits but have arguably been underused in U.S. correctional systems, and education and employment programs have, on the whole, produced favorable outcomes for post-release employment and cost avoidance.

Schwartz (2015) utilized a two-part framework: Chevalier and Buckles' five stages of collaborative inquiry and critical race theory (CRT) to explore the potential

benefit for the expansion of formerly incarcerated people into the adult education system. They found that high school equivalence (HIS) and early college was symptomatic of decreasing recidivism for formerly incarcerated people by expanding employment opportunity and re-integration opportunities. Findings such as those explored in the studies above make it pertinent that more holistic approaches such as those that harbor restorative approaches on the true principles of Restorative Justice (Zehr et al. 2015).

Zehr et al. (2015) further found that restorative justice was transforming the way that these decision-makers were thinking about and responding to wrongful occurrences and that RJ in school approach sought to balance the needs of the victim, the school, and community with consequences and accountability for the wrongdoer. Restorative justice models provide schools with the opportunity to improve school culture by addressing disciplinary standards and creating a forum for peaceful resolution of conflict and misbehavior. These models seek to determine the impact of the incident and establish a mutual, prescriptive agreement for resolving and repairing the harm caused by the wrongdoing.

Impediments to Participation in RJ Programs

Racial disparities within the current US Justice system make it imperative for an exploration of a more equitable, inclusive forms of justice. The most recent Public Policy Institute of California (PPIC) document Black people as less 7% of the population but more than 25% of the prison population (PPIC, 2009 - 2013). These findings paint a dire picture of Black people, which could lead the reader to believe that Blacks are either predisposed to criminal activity or the subjects of a bias in the criminal justice system.

Whatever the case, Black people are denied equity and fair treatment within the US Justice system. As Byrne (2020) noted, less than 20% of those incarcerated can participate in any rehabilitative program. RJ programs account for a very small percentage of those cases.

Duwe (2017) further find that efforts to implement effective domestic violence programs were undermined by the utilization of feminism-based approaches, such as the Duluth model which emphasizes altering patriarchal attitudes. It is believed that DV programs would be more effective with a focus more on addressing known criminogenic needs such as antisocial attitudes, substance abuse, and social support. Previous evaluations of prison-based chemical dependence (CD) treatment have concentrated on programs that use the therapeutic community (TC) model. Originating in England during the late 1940s, the TC model regards CD as a symptom of an individual's problems rather than the problem itself (Patenaude & Laufersweiller, 2002). A recognition of dynamic factors must be considered to assure the success of prison programs. They also identify risk principles such as criminogenic needs which are individual characteristics that increase the risk of recidivism. Such an assessment will be informative of whom the program should be designed to treat. Criminogenic needs are individual characteristics that increase the risk of recidivism (Latessa & Lowenkamp, 2005). A full comprehension of the individual characteristics needs, and risk of recidivism illuminate individual's problems rather than the problem itself. People are more amenable to engage in programs that identify with their individual needs. For example, delivering substance abuse treatment to chemically dependent offenders will presumably help reduce their recidivism

risk. Dynamic factors could include moderate risk factors include family/marital, education/employment, leisure/recreation, and substance abuse. The risk needs responsibility model by Andrews and Bonta (2010) held that because individual characteristics can affect responsiveness to treatment programming, could hold the remedy to why prisoners choose to not participate in prison programs. By studying the narrative experience of Blacks who have participated in restorative justice programs this research may contribute to painting a more equitable and inclusive system of justice for all the critical stakeholders within the RJ practice.

Marshall (2017) found that rather than preparing persons to reintegrate positively back into society, incarceration does precisely the opposite. The RJ belief is that empathy invites the other participants, primarily, the person who offended to rise to a higher potential of humanness, as referred to in the reintegrative shaming theory (Braithwaite, 2002). The higher potential of humanness is to inspire the offender to repent of his/her ways and become accountable for their actions.

Examples of Non-Domination in RJ Applications

Alternative to Violence Programs (AVP) predate the work of RJ in prison and has proven to be equally beneficial for prison and the re-entry population. The AVP (2020) incorporated the Quaker philosophy of respecting the existence of good in everyone, to affirm the first step of strengthening self-respect. The concept is to learn how to communicate feelings without creating negative responses. It requires that a person develop the ability to go beyond simply hearing the words but pay close attention, empathize, show patience, and courage. The value of the AVP went beyond the confines

of prison environment, as an ideal model for the work, home, and the community environment. Since its successful inception in 1975, US Quakers have replicated it to be used globally as a peacekeeping tool to promote their philosophy of nonviolence. For example, Australia the Help Increase the Peace (HIP), Kenya to assist in rebuilding the communities after the post-election violence in 2007, London, Quakers established 'LEAP for confronting conflict young people in schools and the wider community, as well as the African Great Lakes Initiative supports AVP work in Burundi, DRC, Kenya, Rwanda, Tanzania, and Uganda.

Ahmed et al. (2001) conducted a study and found that participants who experienced a fair treatment of justice also had an experience of positive reintegration. Those participants who saw the experience as unfair became further engulfed in the subculture of criminality. Braithwaite's principle of non-domination identifies the human factors of the crime and aftermath by allowing equal representation ("voice") of all parties (victims, perpetrators, and the community). Interview questions and the analysis plan will include inquiries about the experience of having "space" to "speak and be heard," and how their experience has influenced the present outcome (Barnes et al., 2015). The framework of non-domination was used to guide the development of the interview guide questions and the data analysis.

Conceptual Framework

This study utilized Braithwaite's (2002) *principle of non-domination* as the conceptual framework. Braithwaite (2002) described the principle of non-domination as the necessity of allowing all stakeholders the opportunity and means to have a space to

speak and be heard. By design, prisoners live in a structural imbalance of power and opportunity. Under the authority of the current criminal justice system, the states assume the role of the victim versus the alleged perpetrator in the court readings. The state by assuming the role of the victim Zherky (2002) opinions that it deprives the victims and offenders of an authentic opportunity for healing and accountability (Zehr, 2002). RJ programs incorporate the principle of non-domination in work with restoring the power to speak for both victim and offender.

Braithwaite (2016) also pointed out that RJ addresses some of the limitations within the current justice system, particularly in the situation where the state assumes the role of the victim throughout the entire judicial process. RJ invites the victim into a process as a chief key stakeholder. The story of the victim sets the stage for a crime to cross over from a violation of the legal system to one that is an authentic human tragedy. Hearing the tragedy firsthand allows the other participants to gain and express a sense of empathy and become proactive toward change.

A criminal justice system that is overly focused on retribution, deterrence, and incapacitation impedes the authentic rehabilitation and social reintegration process. It also creates a subculture of mistrust within its structural system with counter codes to rival the dominant culture. This sentiment is shared by quite a few researchers; for instance, Edkins (2011) contends that the current criminal justice system fails to factor in human characteristics or emotions but is content with using an old system of legal doctrines and laws, which tend carry cruel and unfair penalties. Restorative justice refers to a broad range of practices that view justice as an attempt to repair the harm a crime has

caused rather than inflicting harm on an offender and may include having the offender make direct reparations to the persons or organizations harmed (Sherman & Strang 2012; Sherman et al., 2015).

Summary and Conclusions

The first part of this chapter summarized Critical Race Theory as the conceptual lens through which the history of the criminal justice system was described. Then a discussion of the development and effectiveness of RJ as an alternative approach to conventional criminal justice system was presented. In addition, other applications of RJ were discussed. The conceptual framework of non-domination was presented, along with research to demonstrate how it was developed and implemented as part of RJ programs. In the next Chapter, the methods and procedures for the proposed research are described.

Chapter 3: Research Method

The purpose of this qualitative study was to explore the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men. By approaching the purpose from a narrative perspective, this study investigated how the participants chose to participate RJ programs and how access and personal meaning played a role in their choice to participate. This chapter includes the description of the research design, the sample criteria for selection, and procedures for data collection. Ethical issues were discussed, and informed consent and data storage plans were reviewed.

Research Design and Rationale

Research Questions

The primary research question to be explored was: What are the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men?

The sub-questions include:

1. What was the experience of punitive justice?
2. What was the experience of restorative justice?
3. What was the experience of having space to speak and be heard?
4. What was the process of social re-integration?
5. How did this experience shape the present moment?

Phenomena of Interest

The phenomena of interest were punitive justice, restorative justice, non-domination, and social reintegration. These concepts have been identified and discussed in Chapter 2 and will be used in the development of the interview guide and analysis plan.

Restorative justice refers to a broad range of practices that view justice as an attempt to repair the harm a crime has caused rather than inflicting harm on an offender and may include having the offender make direct reparations to the persons or organizations harmed (Marshall, 1999; Sherman & Strang 2012; Sherman et al., 2015). The objectives of RJ are to attend to the needs of the injured party, address accountability, rehabilitative, and community reintegration factors of the offender, coordinate and build a strategic plan toward recreating a working community that can support and hold space for both the survivor and the offender. This strategic plan is twofold: first, to assist in the healing process of the survivor; and second, to aid the offender in a rehabilitative pursuit. The interview guide questions explored the stories of participants who experienced this process.

Braithwaite's (2002) principle of non-domination was used as the conceptual framework. By design, prisoners live in a structural imbalance of power and opportunity. RJ programs incorporate the principle of non-domination in work with restoring the power for both victim and offender to speak and be heard. This concept was also explored in the data gathering process.

Social integration refers to the experience of returning to the community.

Restorative justice research often refers to the three stakeholders in the process: the offender, the victim, and the community. Social integration improves the likelihood of desistence (the journey from committing crimes to abstaining from crime) (Brubacher, 2019). For this proposal, the interview guide incorporated questions about participants' re-entry into the community and experience of healing among all stakeholders.

Narrative analysis was chosen as the qualitative approach for the proposed study. The objective of this approach was to investigate the stories that reveal the phenomenon of interest and was concerned with the content of what was said, written, or visually displayed. Its sources included memoir, biography, autobiography, diaries, archival documents, scientific theories, folk ballads, photographs, and another artwork (Reisman, 2001, 2008). The structure of narrative analysis was ideal for understanding the stories of persons with language limitations, or physical, and emotional challenges because the focus is simply on relating what happened.

Other approaches were considered, including phenomenological analysis and case study. Phenomenological research focuses on lived experience (Smith & Shinebourne, 2012), and the intent of this research was to understand the transitions of life experience through the restorative justice program. Qualitative case study was also considered, as this approach enables researchers to study complex phenomena within a particular context. Case studies tend to be focused on the small details of a particular event or experience (Baxter & Jack, 2008), and the intent of the proposed study was much broader, transcending a particular context. Therefore, I chose structural narrative analysis,

as it generated broad insights across an array of structural dimensions rather than narrowly focusing on the singular phenomenon or unit of analysis (Riessman, 2008).

Role of the Researcher

The role of the researcher in qualitative research from the researchers' perspective is experienced as very complex. The researcher is expected to be personally involved in every aspect of the research process (Fink, 2000). For all practical purposes, the researcher is the primary research tool and must make every effort to minimize biases about the subject matter. It is critical that researchers listen and record the participants' related experiences. My role was to develop the interview guide, collect, analyze, interpret the data, and employ the necessary qualitative strategies to address the risks of bias. These are described in the procedures below. The perceived barriers to trustworthy data that I needed to acknowledge and manage for this qualitative study include:

- *Malingering and deception.* The validity of data gathering is predicated on the assumption that the evaluations are forthcoming and truthful. Rogers and Bender (2003) found that there is a possibility of external and Internal influences on self-reporting for instance an external factor could have litigation and pressures exerted by interested others, such as attorneys and family members and internal influences may include (a) reactions to questioned credibility, (b) stigmatization of mental disorders or disability status, (c) effects of a genuine disorder, or (d) efforts to obtain undeserved benefits; with a strong emphasis placed on the later. Obtaining the trust of participants around the sensitive nature of incarceration is

critical. This was done by being informative and transparent about the research goal and purpose.

- *Researcher's bias*. This refers to my ability to separate my personal experiences from the research process (data collection through analysis). I minimized personal disclosures so as not to confound the narrative data collection process. I used well-regarded qualitative strategies for managing bias, including journaling during the collection and analyses process. The data collection process was recorded verbatim with the use of a software transcribing. The entire process was subjected to a peer review process by my committee to ensure methodological rigor.

While there are ethical issues regarding compensations (e.g., creating a sense of obligation to participate), I provided a \$20 gift card to all participants for their time and willingness to participate. This was described in the informed consent (Appendix C), and given to all participants who started the interview, regardless of whether they complete the interview or not.

Participant Selection Logic

The identified population for this study was formerly incarcerated African American adult males who have participated in RJ programs. I used a homogenous sampling strategy as prescribed by Shenton (2007) to maximize the selection of participants with similar backgrounds and experiences. This was consistent with a narrative approach. According to qualitative researchers, six to 12 cases is thought to be sufficient for saturation (Reisman, 2008). In exploring for saturation and using purposeful

sampling, Guest (2008) found through a study of 60 in-depth interviews with women in two West African countries that saturation occurred within the first six to 12 participants. These suggestions were used as a guide for this research, and I realized that examination of the data did reveal the extent of saturation.

An invitation was distributed to National and local RJ organizations for distribution to clients/workers in the organization via bulletin boards and social media (see Appendix A). My prior work relationship in the RJ field enabled me to contact colleagues who acted as key informant. I also enlisted them to distribute invitations directly to individuals known to meet the study criteria for inclusion. They were admonished from acting as “recruiters.” I also instructed them to clarify that they were only passing out the invitation and that interested individuals will have to reach out to me via the contact information on the invitation to opt in. Even though I received about 15 inquiries, only six actually made themselves available for the interview.

Instrumentation

The basis for the instrument development was the literature discussed in Chapter 2. I sought to establish content validity by identifying the key concepts in the literature that were consistent and relevant to the research questions and frameworks. This is shown in Table 1. Next to each research question, is the corresponding interview guide question, and the literature that supports the inclusion of this question.

Table 1*Content Validity of Instrument*

Research Questions & Sub-Questions	Interview Guide	Relevant Source
What is the experience of punitive justice?	Tell me how you got involved with the court system. <ul style="list-style-type: none"> As you did your time, what was the most punitive part of the experience? 	Bernett (1977); Campbell & Vogel, (2017); Ryan (2017)
Participation	Tell me how you got involved with the RJ program? <ul style="list-style-type: none"> What was the most important thing that happened? Give me an example. Was there another important event? 	“How has this experience shaped the present moment?” Willis (2018), Wood (2016) p.13 Duncombe et al. (2005) p. 40 Silva and Hartney (2012) p. 41
What is the experience of having “space” to “speak and be heard”?	What did it mean when the RJ people offered you a space to be heard? <ul style="list-style-type: none"> Example/What happened? What did that mean to you? 	What is the experience of having “space” to “speak and be heard,”? Braithwaite (2002) p. 51 Barnes et al. (2015) p. 52
What is the process of social integration?	What did you learn about personal accountability in the RJ program? <ul style="list-style-type: none"> Example/What happened? What did that mean to you? How did you change? 	What is the process of social integration? Marshall (1999) p. 38 Koss (2014) p.43 Kennedy et al. (2019) p. 44 Zehr, 2002) p. 50

	<ul style="list-style-type: none"> • What does this mean for you now? <p>What did you learn about empathy in the RJ program?</p> <ul style="list-style-type: none"> • Example/what happened? • What did that mean to you? • How did you change? • What does this mean for you now? 	<p>Braithwaite (2002) p. 51 (Marshall, 1999; Sherman and Strang 2012; Sherman; Strang; Mayo-Wilson, Woods & Ariel, 2015) p. 55</p>
<p>How has this experience shaped the present moment?</p>	<ul style="list-style-type: none"> • How has the RJ experience shaped who you are now? • What advice would you give to a person who has harmed? • Now that you know what you know, what advice would you give to your younger self? 	<p>Doolin (2007); Sherman & Strang (2012); Sherman et al. (2015)</p>

Procedures for Recruitment, Participation, and Data Collection

Recruitment

As described earlier, I have created a list of key informants who I have worked with over the years in this field. I provided them with electronic and/or printed copies of the invitation and explained that they are to pass out these invitations, without exerting any pressure to comply (see Appendix B). Potential participants will reach me by phone or email to hear more about the study. An affirmative response to being a formerly incarcerated African American who has participated in restorative justice program was the satisfactory criteria for this study. Checking legal records to verify self-report was not done.

Participation

Once a determination has been made that the participants meets the criteria. I informed the candidate about the research purpose and their role in the study and invited them to participate in the study. Once the candidate agreed to participate, I emailed them the detailed information. During the initial stage of the interview, I asked each participant if they had the opportunity to read the consent form. All confirmed they read it. After reading the consent form to them aloud and advising them that if they agreed to participate in the study to please confirm their willingness to participate by stating that they consent to the interview. Each participant confirmed their willingness to participate in the interview by stating that they consent to be interviewed. Their response was recorded into the record.

Data Collection

I collected data using the NoNotes Call Recording and Transcription Service. A onetime interview was conducted for each participant, given current circumstances (COVID-19 Quarantine). The duration of the data collection sessions took from 45 to 60 minutes. I reviewed, transcribed, and edited the results of the transcription for accuracy, due to No Note Transcription malfunction. Although this study was limited to six participants the contingency of a follow-up plan for recruitment was not necessary as the Reisman's (2008) standard for narrative approaches explains that six to 12 cases is thought to be sufficient for saturation.

The participants exit/debriefing procedures consisted of thanking them for their time, explaining the follow up procedures for member-checking, and providing them with

a summary of the results at the conclusion of the study. A follow-up procedure (such as requirements to return for follow-up interviews) was not necessary. Each participant received a \$25 gift card for their participation.

Data Analysis Plan

The primary research question focused on the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men; and sub-questions which highlight experience of punitive justice and how it shaped the present moment; the process of social integration; and the experience of having space to speak and be heard. The interview guide was crafted from insights from the literature and frameworks so that the data aligned with the questions.

Once the data was transcribed and member-checked, I begin the process of manual coding using Microsoft Word and Excel programs. I used Saldana's (2016) method of In Vivo coding. This form of coding is ideal for focusing on spoken words of the participants and using literal phrases to create codes. I used Reissman's (2009) structural analysis plan for data analysis. In this process, I looked for key elements of the story line (e.g., turning points, resolution, the present moment) to code and compare within each case and across cases. Discrepant story lines and individual cases were noted.

Issues of Trustworthiness

Strategies to enhance trustworthiness were established to ensure rigor of qualitative research. The following areas were addressed: credibility, transferability, dependability, confirmability, and intro-and intra- and intercoder reliability. Guba's constructs suggestions for strategies were sources for the proposed steps (Shenton, 2004).

Credibility (internal validity) is the degree to which the research process and results present an authentic picture of the phenomenon. In the effort to display this authentic picture I interviewed individuals who have directly experienced restorative justice. I also used time-tested and rigorous methods to collect and analyze the data.

Transferability (external validity) calls for sufficient details to be presented about the fieldwork and research procedures to allow a reader to ascertain whether research environment was amenable to extrapolate to a familiar situation, and whether the results can be practically applied to other settings. To demonstrate transferability, I kept a journal of data collection and analysis activities so I could accurately summarize and present the data collection and analysis process as part of the results.

The dependability (the qualitative counterpart to reliability) factor encourages the researcher to take measures to assure the study satisfies the standards of replication for future studies. I established reliability by adapting Labov's approach of analyzing clauses across a group of stories coded to identify structural commonalities across cases (Shendon, 2007). This analytic strategy allowed for structural analysis to emerge from the shared meaning of the narratives.

To satisfy confirmability (the qualitative counterpart to objectivity), I used several strategies to reduce the risk that the findings were not confounded by researcher's bias and are the fruit of the research efforts. I established a detailed methodological description of the entire data collection process; referred to as an "audit trail," to illustrate how the codes and categories emerged. This data-oriented approach will eventually lead

to the formation of recommendations that were gathered and processed during the study (Shenton, 2004).

Ethical Procedures

I, as the researcher, ensured that ethics remained a top priority throughout the study. Following the methods as outlined in this chapter was paramount in ensuring the validity and reliability of the study. The informed consent form was read to each participant before the interview (see Appendix C). The informed consent follows U.S. federal guidelines, as articulated by Paasche-Orlow et al. (2003), and Frankfort-Nachmias and Nachmias (2008), such that I provide a thorough and reasonable explanation of procedures, description of risks, expectation, and benefits to be expected. I extended an offer of inquiry regarding the procedures along with the instruction that the person is free to withdraw from any portion of the research process at any time and point. It was anticipated that the risks to human subjects associated with this study were minimal.

The age range for participants will be over 21 who do not have any mental disabilities. The above-mentioned age range and mental capacity coupled with the research criteria of formerly incarcerated African Americans who have participated in RJ programs qualified them to participate in this study. Keeping with the IRBs ethical procedures and standards all recorded materials will be safeguarded up to 5 years, following the final approval of the research committee, which minimizes unreasonable risk to participant's confidentiality.

Being in this type of study involves some risk of the minor discomforts that can be encountered in daily life, such as fatigue, stress, or becoming upset. As the researcher,

I reiterated to the participants the right to withdraw from the research project should the process become overwhelming. Each participant was assigned a pseudonym for identity protection and all files will be secured in a locked file cabinet behind a closed door.

In keeping with the ethical spirit and protection of the participants' rights, the researcher I explained to the participant the rules and limits of confidentiality. Elger et al. (2015) articulated the purpose and rules encompassing confidentiality and the reason for its limits. Keeping in mind the sensitive nature of the directly impacted target group participants, and the possible harm that could result, I was clear about the topic and purpose of this research, notwithstanding a reasonable explanation of the mandatory reporting laws that could occur during the interview process. I worked tirelessly to maintain the integrity and consistency of the results of the participant's stories as captured by the recording transcript.

Summary

This chapter describes the approach and procedures for collecting and analyzing data to answer research questions. A narrative analysis was proposed to explore the narratives of participation in RJ programs in formerly incarcerated African American men. The principle of non-domination was used as the conceptual framework (Braithwaite, 2002). Braithwaite's framework creates opportunity and spaces to be heard for RJ stakeholders. The procedures for recruitment, data collection, analysis, and ethical procedures are also described.

Chapter 4: Results

Introduction

The purpose and intent of this study is to obtain the narratives of formerly incarcerated African American men who have participated in restorative RJ programs. The objective is to approach this exploratory process from a narrative perspective. This process will delve into how the participants chose to participate in the selected RJ programs and how access and personal meaning played a role in their choice to participate. Chapter 4 begins with the research questions and purpose of the study followed by a description of the setting for the data collection. The interviews were guided by semi structured open-ended questions. The transcripts were analyzed using Saldana's two cycle coding method and Reisman's (2008) structural analysis and evaluated for evidence of trustworthiness. At the completion of this chapter, I will give a summary of the results.

RQ: What are the narratives of participation in RJ programs in formerly incarcerated African American men?

SQ1: What is the experience of punitive justice?

SQ2: What is the experience of restorative justice?

SQ3: What is the experience of having space to speak and be heard?

SQ4: What is the process of social re-integration?

SQ5: How has this experience shaped the present moment?

Setting

This study was restricted to phone calls using the NoNotes application. All the interviews were consistent. Detailed, rich data was collected in all interviews up until the point that no new themes, ideas, opinions, or patterns were found. The evidence of saturation was apparent as the themes, ideas, opinions, or patterns begin to repeat themselves repeatedly. Participants were attentive and responsive to interview questions. At no time did the participants request a break or express emotional or psychological stress during the interview. Each participant expressed gratitude for the opportunity to tell their story. I was assured by each participant that they were not emotionally triggered or harmed or needed outside medical or psychological support.

Data Collection

I collected data using NoNotes Call Recording and Transcription Service. A one-time interview process was conducted for each participant. Each interview took between 45 to 60 minutes. I reviewed and edited the results of the transcription service for accuracy. I manually transcribed the NoNotes Call Recording as the transcription process failed to operate. I began the process of manual coding using Microsoft Excel and Word.

I used a homogenous sampling strategy to maximize the selection of participants with similar backgrounds and experiences. This is consistent with a narrative approach. According to Reisman (2008) narrative approaches six to 12 cases is thought to be sufficient for saturation.

An invitation was distributed to national and local RJ organizations for distribution to clients/workers in the organization on bulletin boards and social media

(see Appendix A). My prior work relationship in the RJ field enabled me to contact colleagues who acted as key informants and I asked them to distribute invitations directly to individuals known to meet the study criteria for inclusion. They were admonished from acting as recruiters and instructed to clarify that they were only passing the invitation on, and that interested individuals would have to reach out via contact information on the invitation to opt in. Fifteen candidates responded to the invitation but only six participated in the study. Four potential candidates opted out while others did not respond to emails and phone calls. Some reasons as to why potential participants chose not to be part of my study included treasuring their anonymity, putting their prison experience behind them, being stigmatized for the risk of the exposure of being formerly incarcerated (rehousing, employment,), and lack of time.

Demographics

A total of six men were interviewed. They each described coming from similar impoverished childhood conditions, and all were young when they encountered the CJS for the first time. A brief narrative of each participant's story follows. Pseudonyms TR, MR, ER, GR, KR, and GSR were adopted in place of participants names to protect the confidentiality of each participant.

All participants were sentenced to long-term sentences and three of them were sentenced to life in prison, of which they served a minimum of 14 and maximum of 32 years of their sentences. Four of the six participants reported a traumatic experience prior to initial contact with the CJS and two of those were direct contact with law enforcement and or the criminal court system. Lastly, all participants reported to be free of all

obligations to parole, probation, or the CJS authorities and living productive lives in the community in which they reside.

Narrative Summaries

TR first encountered the CJS at the age of 5 or 6 years old for trespassing on a closed, public-school playground. He reported that this experience left him feeling like a social outcast and ostracized from positive preadolescent associations. This internal trauma, he reported, instilled in him a serious dislike and distrust for the authority of the police. He also reported that this experience marked his initial entry into the criminal underworld. He reported that he became aware of restorative justice from fellow prisoners. He attributed his ability to listen, seek, and become a better person from participating in RJ programs. He stated that he is, “committed to change,” and uses his learned experiences to help others to change.

MR did not become acquainted with the CJS until he was 18 years old. He reported that at 18 he began to rebel against the family and social system because he felt that he was missing out on something. He stated that, “I turned to the streets, joined a gang, and began participating in criminal activities.” The subsequent years were marked by repeated encounters with the CJS until he finally received a life-term conviction. During his life-term sentence he had the opportunity, while assigned as a building clerk, to witness sessions of RJ programs. MR reported that he was moved by the RJ teachings that he began changing his experience of the people, places, and things that set at the root of his problematic life. MR reported that it was not until RJ experience, “showed me that they give a damn, [and] that I was able to cultivate the real sense of empathy.” He

reported that due to his RJ experience, he learned to hold himself accountable for his actions. He also stated that, “the hardest part about being imprisoned was being away from my family, my mother, my father, and not being able to raise my children.” After spending over 30 years on a life sentence in prison, he was granted parole and credits his RJ experience for his successful reentry into society.

ER chose not to reveal his exact age at the time of his first encounter with the CJS but he did share that he was young and wild. He stated, “I grew up as a gang member at an early age. It was very difficult. I had to really prove myself... I was chasing death.” He admitted to living a dual life which he explained as, “One in which I showed to my parents and another which I acted out in the community of my peers.” ER further described it as, “Selling narcotics and causing havoc in the neighborhood. Getting arrested was no surprise.” He reported that he knew he would eventually encounter the CJS and talked about how going to jail was a rite of passage for gang members. While serving a 37-year to life sentence, ER reported that despite the violence he witnessed and experienced while incarcerated, the most punishing part was losing his loved ones. He stated, “I lost my grandmother on my 31st birthday, 4 years later I lost my sister, and then my mom, and then I realized homies ain't homies.” He also reported that he knew at that point, he must change his attitude to change his situation and circumstances, but he had no idea of where to begin. ER spoke with fellow inmates about his need to change and they suggested he come check out the RJ class. Initially, he reported that “I thought RJ was a bunch of BS,” but the more he participated the more it began to impact him. The more he participated the more he learned about himself and his actions. Even more

importantly, he stated, “I learned about empathy and the suffering of other... I learned from actual victims; people who were victims.” ER credits his RJ experience with helping him to change his mind set and vowed that he would never return to his old lifestyle, and now shows respect to everyone.

GR did not become acquainted with the criminal justice system until his early 20's when he was arrested for a crime he did not commit. He reported, “I lost all respect for the criminal justice system after that.” The frequency and degree of contact with CJS increased over the coming years. He explains this phenomenon as a need for survival within the subculture of a criminal environment. The most difficult experience of being involved with the CJS was being away from his family and not being able to take care of his children. It was after serving more than 12 years of a 14-year sentence that GR was invited by fellow prisoners to participate in an RJ program. He stated, “It changed the trajectory of my life.” The most valuable thing he learned from the RJ program was to empathize with all people despite their race, culture, or creed.

KR initially encountered the CJS at the tender age of 9 years old. He explained, “I got caught stealing out of a Thrifty's store.” He reported that this incident was not particularly impactful for him. The most impactful event that led him down the road of violence and criminal activity was the witnessing of his mother being raped. KR shared that he, “... felt so powerless, ... could not do anything about it.” He reported that, “months later, I returned home from school to find my mother sitting in a puddle of blood and the fetus was in the toilet.” He explained that, “Abortions at this time were illegal.” KR stated that he chose the criminal lifestyle as a response to victimization he

experienced. The RJ experience was a painful and internal struggle for him. He said he had to come to terms with his pain. He stated, “What hurt me so bad that I was willing to hurt others and still hurt myself?” This was a question RJ said he had to answer for himself. The most punishing consequence of his choices that led to incarceration, he admitted was, “The lack of empathy I experienced for officers throughout the criminal justice system. I was unable to feel like a human being.” KR reported that he became aware of RJ through multiple sources. The most notable one was a television program about the Hutus and the Tootsies practicing RJ to heal from genocide. He later enrolled in a RJ program which he described as, “My voyage to my healing and making me feel like a part of the human race.” He attributed the motivation of his aggressive and violent nature to a statement he learned in RJ, ‘hurting people hurt people.’ In taking full accountability for the things that he had done, he stated, “It helped me reach an understanding of having empathy for others, along with myself.” He gives RJ the credit for shaping him into a more loving man.

GSRs initial contact with the CJS happened when he was 15 and started participating in petty crimes. In the span of only 2 years, he had become embedded in the criminal lifestyle. He shared that his experience with the CJS increased as the frequency and sophistication of his crimes increased. He went from simple interrogation by different law enforcement entities such as street cops and juvenile authorities to serious felony investigators which finally brought him face-to-face with the adult CJS. He participated in criminal activities that eventually paved the way to the adult prison system. GSR stated, “I remember the judge telling me that I do not have no remorse.” He

also reported that at 17 years old he was charged and sentenced as an adult to a life term. GSR reported that he heard about RJ from an inmate in a work assignment. He believed that participating in an RJ program could lead to his parole. He also reported that his participation in RJ made him come to terms with his own victimization. He stated that up until then, “I called it discipline rather than abuse.” GSR equated his courage to open and be vulnerable to the support of expertise of the facilitators and the other group members. He explained, “They allowed me to be kind enough to myself.... I never had the opportunity to look back at it and see that I also was someone who was victimized until my experience with RJ.” He reported that the hardest thing was talking about the worst thing that ever happened to him and realizing that his own victimization numbed him to the pain or consideration of others. He further stated, “My criminal activities were a process of acting out the guilt and shame of my own victimization.”

Data Analysis

I began the process of manual coding using Excel and MS Word. Saldana’s (2016) method of In Vivo coding was instrumental. This form of coding proved to be ideal for focusing on the spoken words of the participants while using literal phrases to create codes. As noted, the adoption of Reisman’s (2009) structural analysis plan was ideal for data analysis. The data analysis allowed me to take key elements of the story line (i.e., turning points, resolution, the present moment) to code and compare within and across all cases. No discrepant cases were noted.

Structural Analysis

The structure was represented by the key elements of the interview guide questions, (i.e.: starting point, arrest, being in prison, discovering RJ, choosing RJ, realizations, and the present moment). Table 2 presents the first two turning points of the narrative. The structure of the narratives is represented in the columns, and the codes for each participant for each stage of the structure are presented. Table 3 below presents the next two turning points: (1) being in prison, and (2) discovering RJ.

Table 2

Structural Analysis Coding, Turning Points 1 and 2

Starting Point	The Arrest
<i>Innocence</i>	
TR: 5-6 years old; did not realize he was committing a crime	Trespassing on school property, and developed a dislike for the police
GR: Early 20's; was a witness to a crime	Arrested for a crime he didn't commit
<i>Rebellion</i>	
MR: 18 years old; rebelled against family structure and discipline. Turned to the streets for support and camaraderie (subculture family)	In a gang and arrested for selling drugs to an officer
GSR: 15 yrs. old: rebelled against family abuse / discipline.	Already committing petty crimes and got caught
<i>Young and Wild</i>	
ER: 12 yrs. old; wanted the criminal lifestyle.	Got arrested for selling drugs to prove himself part of the gang
<i>Powerless over Trauma</i>	
KR: 9 yrs. Old; significant trauma at a young age	Stealing from a department store

Table 3*Structural Analysis Coding, Turning Points 3 and 4*

Being in Prison	Discovering RJ
TR: Befriended other social outcasts, Anti-social Risk Behavior KR: To hurt people, being a gang member GSR: as a youth being transferred into the adult court system.	TR, KR, GSR: Heard about it; Tremendous Resistance, Manipulative, Tired of the prison life
MR: Being away from family and children; lost brother. ER: Being away from family, lost grandmother, mother, sister GR: Not being around to raise his children	Was asked to come by an inmate. ER, GR (by many different inmates)
	On TV: KR: Hutus and the Tootsies practicing restorative just to heal that genocide

In turning point 3, the experience of being in prison was described from the perspective of self-reflection and recognition, rather than the daily life of prison itself (see Table 3). A common thread appeared several stories that described a “gang structure mentality” that defined how to be in the prison world, e.g., “to hurt people, being a gang member.” GSR described his experience in prison as punitive, “as a youth being transferred into the adult court system.” Many participants reported the, “loss of connection to family,” as being a profound part of the prison experience. Participants reported that relatives and friends often had no money to travel for prison visits. ER reported the loss of his grandmother, mother, and sister while he was in prison. MR also experienced the loss of family members while he was imprisoned.

The data reflects participants' shared experiences about what motivated their need for a drastic, "change in mindset." This shift in mindset was a self-reflective stage that emerged after tremendous resistance, manipulation, and exhaustion experienced in maintaining the tolerance for the prison lifestyle. Thus, the discovery of RJ (Turning Point 4) came about as a combination of exhaustion and the "manipulation" of circumstances to get out of prison. As KR said, "now it was not about my healing that I went into RJ. It was about getting out of this life sentence...that's all it was about." It was noted that most heard about RJ by word of mouth from fellow prisoner rather than through a formal announcement. KR reported that he learned of RJ from watching a television segment.

TR also shared the story of his RJ experience as a change in mindset (*Discovering RJ*). When asked why he chose to participate in an RJ program, he stated, "Initially to gain my freedom and later to do an internal process of self-accountability." He also reported that he heard of RJ from fellow prisoners (*Being in Prison*). TR stated, "[he] gained the insight to listen, seek, and become, a better person that is committed to change and help other to change (*Realizations*)."

The next turning point that emerged was "Choosing RJ" as a path and the realizations that came from participation. These are summarized below in Table 4. Examples are included.

Table 4

Structural Analysis Coding, Turning Points 5 and 6

Choosing RJ	Realizations
TR: Initially to gain my freedom; To do an internal process of self-accountability.	Went from being victim to being accountable. Gained the insight to listen, seek, and become a better person. Taking responsibility for hurting others.
MR: To gain my freedom: Didn't think no one cared	Empathy and accountability
ER: Thought it was BS, and a way to get out.	Learn about myself and my actions. understanding the victim's empathy
GR: the conversation they help you change your life.	Learned empathize with all people despite race, culture, or creed
KR: We were trying to come home	A part of the humanity; of humans
GSR: To set myself up for my parole hearing	It's spiritual me right now. Because I honor myself and the people, I harmed but also, I honor the people who came before me.

These turning points were identified as *Choosing to Participate* and *Realization* which described how the participants' choice to become involved came in two phases (see Table 4). All other participants recalled the lack of access to programs before arriving at a prison that offered access to self-help programs except for TR. This access served primarily as a motivation to be released from prison or as some participants stated, "really, to gain my freedom." Participants original motivations lacked an authentic incentive to change their mindsets or become better human beings. ER reported, "I thought it was BS, but I kept going to class.... and I started understanding the cognitive thinking and empathy of the victim." GSR reported it was good time, "to set myself up

for my parole hearing I didn't think no one cared.” However, GRs response stood out from the rest. He regretted missing out on raising his children and sought change. He reported that, “through the conversation they help you change your life.”

After participating in the RJ programs, the data revealed a *Realization Phase*, (Turning Point 6) a common pattern of reflection and growth (“To do an internal process of self-accountability”). “Empathy” and “empathize” were words used often to describe what was changing. GSR said:

I went from being victim to being accountable and gained the insight to listen, seek, and become, a better person... It’s spiritual for me right now. Because I honor myself and the people, I harmed but also, I honor the people who came before me.

ER reported that he, “learned to empathize with all people in spite of race, culture, or creed.” A change in the mindset away from, as some participants stated, “[I] didn’t think people cared,” to a renewed faith in humanity, helped them to have a contrite heart and be, “vulnerable.” GSR stated, “I was able to talk about things I never thought I would tell anyone.” This state of having a contrite heart helped them to learn, experience, and have “empathy” for others or in the words of MR, “I am my brother’s keeper.”

Table 5 below presents the ending of the narrative with a cumulative reflection of what brought participants to the present moment, and the meaning they created regarding their present lives. These are summarized here. The profound transformations are revealed.

Table 5*Structural Analysis Coding, Turning Points 7 and 8*

	Present Moment	Present Meaning (about what are they doing now)
TR	Committed to change and help other to change.	I am not this sum-total of my worst mistakes. (Works in Soc. Justice field)
MR	Learned to hold me and my other accountable.	I understand what restorative justice is. And I'm practicing it and that's how I live my life today. (Workforce development)
ER	I give every man every woman respect	I'm a citizen I don't look in my rearview mirror for no problems no more (working and paying his bills)
GR	There is a lack of independence in prison.	They helped me realize that if I wanted to stay out of jail, I would have to change my mindset. (Security Officer)
KR	restorative justice shaped me into a more loving man of self-first.	And when you are a better human being, you are on the healing side.
GSR	its spiritual for me now	I'm truly like, carrying it forward because I truly believe in this practice (Restorative Justice organization)

This is the final set of turning points that focused on the present moment and present meaning, and participants described what they were doing now. The common themes included, "I learned accountability," and cultivated a high regard for humanity. GSR reported that the RJ experience is, "spiritual for me now."

The present meaning as presented in the data revealed that the participants are "Not this sum-total of my worst mistakes" (TR) and most of them work in one way or

another in the field of RJ or social justice. ER reported that he is a, “citizen,” now. He said, “I don't look in my rearview mirror for no problems no more.” GSR shared that he is paying his RJ experience forward by presently working as a RJ practitioner. He stated, “I truly believe in this practice.”

Themes

The grouping of categories by the structures of the narrative revealed specific themes that emerged for each structural turning point of the story, and each element of the structure is discussed in detail below. The themes associated with each turning point are presented in Table 6.

Table 6

Themes Associated with the Structure of the Narrative

	Starting point	The arrest	What happened next (prison)	Discovering RJ	Choice	What happened next?	Present moment
Theme	Innocent beginning		The journey ahead.			I am my brother's keeper	Love begets love
	Youthful rebellion	Testing boundaries.	Troubled waters	Discovery of humanity	Redemption and wholeness	Each one teaches one	The harvest of social justice
		Treading Water					

Starting Point

A common thread that runs among the narratives is that each journey into the CJS began when these participants were young (18 to 25 years) or very young (less than 7 years). Two themes that represent this beginning were: *Innocent Beginnings* and *Youthful*

Rebellion. Innocent Beginnings refer to the participants who as young children became entangled with the CJS for unknowingly participating in an event that was unlawful. For example, When TR and his friends unlawfully scaled the fence of a playground to play on the exercise bars it was naïve act. TR was around 5 years old and did not have the mental capacity to conceptualize the sophistication of closed playgrounds and trespassing laws. KR who explained, “My innocence was lost,” upon witnessing the traumatizing event of his mother’s rape.

The second theme that emerged at the beginning of the story was *Youthful Rebellion*. Take GR for example who was arrested for a crime he did not commit, but declared that becoming part of the madness was the choice he had made. He later admitted, “if I had been thinking I would have backed away from the madness.” GSR rebellious/criminal behavior was triggered by abuse in the home. Conversely, ER was motivated by gaining the notoriety of his fellow gang members even in the face of, “chasing death.” MR attributed his rebellious nature on the disillusion that life had more to offer than the protection his parents provided. He later realized he, “wasn’t missing nothing.”

The Arrest

The next theme in the narrative was identified as *Testing Boundaries*. GSR recalled the experience of being handcuffed, put in the back of the police car, sitting down with an attorney, and getting his Miranda rights read as, “ a ritual.” The description of these events GSR shared sounded like a game, he stated, “until I stood before the judge and was tried and sentenced to a life term as an adult, at the prime age of 17.”

One thing that sticks out for me is when I was transferred from the juvenile court process to the adult courts. I remember the judge telling me that I did not have no remorse... I did not anticipate that the frequency and growing seriousness of my criminal behavior would result in dire consequences... I was shocked that the sentencing judge described me like that.

For MR, testing boundaries was different. He described how he came to adopt a life of crimes despite coming from a very supportive, two-parent household. MR stated, "I thought I was missing something," because of sheltered upbringing. He was able to bypass the juvenile justice system and did not have contact with the CJS until he was a young adult. He resented the strict upbringing of his parents and treasured his adult independence but lacked the discipline to stay out of trouble. He admittedly confessed that his venture down the wrong side of the law was an act of rebellion, and the result of being enticed by the lure of street life, becoming involved in gang activity, and selling drugs.

What Happened Next (Prison)

The two themes in this part of the narrative were *The Journey Ahead* and *Troubled Water*. LR reported that at the time of his introduction to the CJS, "my street, my neighborhood was my God." LR learned at a young age how to manipulate the situation to gain reputable recognition within his gang. He also learned to live a dual life: One being the obedient son in his mother's home, and the other that bolstered the ruthlessness of a street tuff. LR shared that his belief system was, "Gang banging ... get your stripes up for fist fighting and all kinds of recklessness." The idea of going to jail for

LR was not unlike many of his peers who welcomed and saw it as a rite of passage until he became incarcerated. He warned that the glamorous stories of going to jail is a falsehood and that, "Once a person ends up in jail... we realize that ahh, it's like a cake and the cake wasn't as sweet as it looks. It looks good but it gives you cavities." LR's pivotal point for change came after many losses. First, there was his grandmother, he stated she passed away on his 31st birthday, next was his sister, and then his mom. He described how RJ gave him a chance to tell his story and for the first time the experience of being heard was liberating. This helped him to listen and empathize with the stories of the volunteers who came to share their stories with prisoners. Choosing to participate in RJ for LR created the realization that the gang criminal lifestyle was a false hood that he could never participate in again.

The participants entered the judicial system for various crimes at different levels of severity. For GR, the whole world was turned upside down when he was arrested for a crime he did not commit. He stated, "When you first get caught up in the court system, it separates the men from the boys, in a sense," when providing a rationale for his initiation into the CJS. He reported jail as being a place of abuse of authority laden with racial tension. KR believed that custody staff attitudes convinced him that he, "needed to be pretty violent to survive in this environment." TR recollected the humiliation he experienced when he was stripped searched, he shared that it was, "very impactful," and something he would never forget. LR equated his jail experience with being highly racialized. LR warned about the loss of his decision-making power. He stated, "Another man's actions will cause you to get in trouble to defend him even if you don't know

him.” TR intensified his experience with a continual series of criminal proceedings and negative consequences while in custody. He stated that, “I’m gonna be with everything whatever is going on in here I’m gonna do it and I’m gonna do it at the highest level.”

Each of the participants at some point spoke of the impact of incarceration as a difficult place; missing their loved ones and being trapped in a cold world devoid of authentic concerns or emotions. This theme of being in prison was best represented by GR who stated, “if you really think about it, being incarcerated is degrading.” Each participant mentioned being involved in some form of the inmate prison labor system. Compensation for these assignments ranges from \$0 to \$0.35 an hour; and inmates have little say as to what or where they are assigned. Little is taken into consideration with the inmate in mind. GRs described the desperate state as, “either you will accept it and deal with it or you gonna fall and become a victim,” to one or the other. LR described the situation from the gang point of view, and the unwritten language of the gang contract illuminating all the desirable traits and hiding the curse in small writing such as, “you may go to jail, you may lose your life, you may lose your family, you may lose a child or a loved one, or you can go to a funeral.”

Discovering RJ

MR recalled the void of having no one to, “to lean on,” during that period of loss and realization. KR reported that, “The most punishing part of that was the lack of empathy throughout the system.” The introduction to change came from other prisoners who carried the innovative concept of RJ as a way out of “the madness” as referred to by GR. Word of mouth known as the prison grapevine was a vital mean for disseminating

the intent and experience of RJ as tool for change and liberation. RJs recruitment and outreach activities were the glue for connection to this prison program. Not one of the prisoners attributed any credit to prison authorities for their participation in the RJ experience. They each reported being unaware or having difficulty accessing RJ programs throughout their time of incarceration.

A Board of Parole Hearing (BPH) commission endorsed RJ, and this motivated GSRs choice to participate. KR and TR reported that upon hearing about the availability of access to the world outside, it spoke to their, “need to go home.” Many saw RJ as a vehicle to freedom. The participants’ initial choice to participate appears to have been motivated by a desire to be free. However, RJ was able to teach them that the true source of their freedom is the ability to move beyond the traumatic events in their lives; and that the inability to move past traumatic events has stagnated the healing process.

Choice

The theme of redemption and wholeness illuminated the RJ practices and workshops. This theme also enabled the participants to comprehend the lack of accountability and empathy insidiously, permeate into cycles of violence and criminal behavior. This recognition also helped the participants to decide how they wanted to view themselves and be viewed by others. According to the participants, the initial incentive to participate in RJ programs may have been selfish and shallow but after choosing to participate it became a psychological, emotional, and physical process, and for some involved, it began a spiritual process of genuine healing, liberation, and restoration. This shared view was best articulated by KR who reported, “I feel human.”

The theme of *What Happened Next* chronicles the aftermath of having participants in the RJ practices and workshops. MR explained, “I was my brother’s keeper is being personally accountable.... responsibility and accountability go hand in hand.” It was during this phase in which maturity and less altruistic characteristics became more apparent. GSR reported, “[I] Opened up my heart to empathy and I knew, I can’t do this to nobody again,” after becoming aware how people may have been impacted by his crime. The pattern of proclamation of accountability within what happened next phase inspires the theme of my brother’s keeper, while the empathetic resolution of being the change illuminates the theme of *Each One Teaches One* the healing of positive social change.

Last, but not least, the theme of *Present Moment* encapsulates the fruit of the labor. Each participant, having participated in the restorative process, claims to have experienced a process of healing and accountability. The participants give similar accounts of emotional, and in some cases spiritual, liberated feeling. This experience of emotional and/or spiritual feeling of liberation signaled is evidenced by the internal work performed by participating in acquired through the RJ experience.

The theme *love begets love* represents the creation of a new narrative about the present moment, and how the participants recognized their own transformation. GSR’s stated that “restorative justice gave me that sense of wellbeing, that I was somebody. That I was a human, that I deserve to be loved and I deserve to love others.” This is reflective of results of this study found in the narrative stories of each of the participants. TR stated,

“I am not the sum-total of my worst mistakes,” and, “When you know better you can do better.” This perspective represents

The theme of the harvest of social justice was inspired by the participant’s reported transformation and insight. TR, who initially saw his crime as harmless before he participated in RJ stated, “Rather they were physically harmed or not. Having gun pointed at you is extremely traumatizing.” Consider KR who once believed that, “my choices were to become real violent,” but later to use love as transformative language, “I deserved to be loved and I deserve to love others.” Each of the participants spoke of these 360 transitions from the person they once were, and they accredited RJ with helping to reach that optimum change in their lives.

Discrepant Findings

There were no discrepant cases or findings, but it was noted that three participants TR, KR, and GSR became involved with the CRJ at a very young age (5 yrs.- 9 yrs.). The reason for this contact stemmed around personal traumatic experiences, the consequences of which were exacerbated by interactions with law enforcement or other adult /familial authority figures. For MR, ER, and GR, initial contact with the CJS happened after they were already young adults in their 20s. Their initial contact with the CJS was motivated by a choice to rebel against social and familial structures. MR rebelled against his family teachings and began to explore the alluring of gang and drug lifestyle. He reported “I can honestly say that it was because I thought I was missing something in my home, but I wasn't missing anything,” GR was under the impression that jail was a rite of passage of boy to manhood. He shared, “When you first get caught up in the court system that

separates the men from the boys, in a sense. It is like either you are bred for it or not, and I guess, you know, I was kind of bred for it.”

Evidence of Trustworthiness

Strategies to enhance trustworthiness were established to ensure rigor of qualitative research. The following areas were addressed: credibility, transferability, dependability, confirmability, and inter-and intra- and intercoder reliability. Guba’s suggestions for strategies were sources for the proposed steps (Shenton, 2004).

Credibility (internal validity) is the degree to which the research process and results presented an authentic picture of the phenomenon. In the effort to display this authentic picture I interview individuals who have directly experienced restorative justice. I used time-tested and rigorous methods to collect and analyze the data, including homogenous sampling to maximize the opportunity for thematic saturation.

Transferability (external validity) calls for sufficient detail to be presented about the fieldwork and research procedures to allow a reader to ascertain whether research environment was amenable to extrapolate to a familiar situation, and whether the results can be practically applied to other settings. To demonstrate transferability, I kept a journal of data collection and analysis activities so I could accurately summarize and present the data collection and analysis process as part of the results.

The dependability (the qualitative counterpart to reliability) factor encourages the researcher to take measures to assure the study satisfies the standards of replication for future studies. I took the steps to establish reliability by adapting Labov’s (Sheldon, 2007) in pinpointing similarities across groups through the use of codes that stand out in

the narratives of the participants' stories. The coding process within this analytic strategy allowed for structural analysis to become more apparent within the shared meaning of the narratives.

I used several strategies to satisfy confirmability, to reduce the risk that the findings were not confounded by researcher's bias, or the fruit of the research efforts. I established an audit trail which detailed a methodological description of the data collection process. This process was used to illustrate how the codes and categories emerged. This data-oriented approach also led to the formation of recommendations that were gathered and processed during the study (Shenton, 2004).

Results

The primary research question explored was: What are the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men? This question will be addressed in terms of the sub-questions that informed the study.

Sub-Question 1: What is the Experience of Punitive Justice?

The initial contact with the CJS occurred due to a lack of knowledge of the law as a result anti-social behavior which exasperated the frequency and level of severity of the impact with the CJS. TR who reported after being cited and released for trespassing on a school, closed campus at age five, "I found myself getting arrested for several different felony charges being carted off to Juvenile Hall." There was also GR who was arrested for a crime he did not do, he stated, "When something like that happens to you gonna have to make a choice. Ya know, either you can deal with this madness or are you going

to get out of their lifestyle.” Both TR and GR, not unlike the other participants, decided to, “deal with the madness.” As a result of their choice(s) they spent many years caught up in a cycle of negative encounters with CJS.

Some of those choices came at the expense of a psychological or physical traumatic experience as in the case of KR at the tender age of 9 witnessed his mother being raped. He stated, “And my whole world changed from that point on; my whole attitude, you know, because, it was traumatic, it was traumatic.” GSR recounted the misconception between abuse and discipline when he confessed, “I never had the opportunity to look back at it and see that I also was someone who was victimized.” These early abuses of trauma led to bad choices which landed them at the center of a repeated cycle of negative encounters with the CJS.

A third category of initial contact with the CJS a lack of self-identity or peer influence. Whereas a lack of self-identity or peer influence may have played a peripheral role in the behavior and repeated contact with the CJS of the other participants they were more predominate in the cases of MR and LR. MR who joined a gang because as he stated, “I thought I was missing something in my home.” LR openly admitted that his encounter with the CJS was motivated by peer pressure and, “being very impressionable being like a follower, gang banging, selling narcotics, and causing havoc in the neighborhood.”

Sub-Question 2: What is the Experience of Restorative Justice?

The experience of RJ was, as reported by most of the participants, a route to “freedom” from prison and which later became a transformation of their pre-criminal

mindset. All the other participants were serving under the independent sentences law (ISL)/life sentences with the exception of GR who was serving under the dependent sentencing law (DSL). This means he was not serving a life sentence and had a set date to be released. ISL mandated that parole dates be determined by the Board of Parole Hearing (BPH) which means a person could spend the rest of their life in prison until they are deemed suitable for parole (Bailey, 2008).

GRs response was discrepant in that his initial choice to participate was “to stay out of jail ... and these programs helped me change my criminal mindset.” It was a two-way phase for the other participants, initially a way to gain their “freedom” from the BPH. However, after participating their motivation became less self-serving and goal-centered and more centered on becoming better human beings. LR reported, “What we started to understand is that our so-called victims got families and at the end of the day we are all human beings.” The other participants echoed these sentiments. KR explained, “Restorative justice gave me, I’m using the ‘I’ statement, gave me that sense of wellbeing, that I was somebody. That I was a human.” TR reported that the experience gave him the opportunity to, “figure out how to make that transformation is necessary to really atone for the things that I’ve done and accept that they were wrong.”

Sub-Question 3: What is the Experience of having Space to Speak and be Heard?

LR discussed his feelings about being heard and what it meant to him. He stated, “that finally someone understands my trauma, you know understands my trauma.” GR expressed that, “I got a chance to explain my story, my book, about my case, and more

than one person understood my understanding. 'cause I got locked up behind something I didn't do." KR said:

That was very liberating. Be able to be heard, understood, you know?
 Being able to tell, ya know Jerry, it took me, what was I uh 38 uhm I think I was somewhere between 38 and 43. It took me 30 plus years to be able to tell you the story about my mother. 30 plus years I held that anger in that felt that pain. And when I felt comfortable enough. When I felt appreciated enough, when I felt this wasn't no game. And that people really wanted me to feel love, understood and to feel like a human; I was able to tell my story.

Sub-Question 4: What is the Process of Social Re-integration?

The issue of social re-integration revealed more than the details of work and family. When posed with the question about the contrast between then and now, or before and after RJ, GSR stated, "I keep pushing it forward. Like I said, its spiritual for me now." LR responded to the same question with "I pay taxes and when the police roll by me, they wave and I wave back." Each participant responded in a positive manner. KR reported that, "I must say that this is the first time that I really felt like a human." LR stated that, "I have empathy and sympathy towards their pain cause when I can't accept theirs, they can't accept mine and vice versa."

Sub-Question 5: How has this Experience Shaped the Present Moment?

The changes from the beginning of the story to the present moment are reflected in what these individuals are doing now. TR works in the philanthropic arena around at

the state level on social justice issues. MR is a supervisor at an agency that focuses on employment development of formerly incarcerated people. ER monitors the smooth operation of transportation scooters. GR works in the field of security and protection. KR is a RJ Practitioner and works on environmental social justice. GSR is a social activist and RJ practitioner that is leading the movement for RJ from a broad geographic and demographic perspective. The statement made by GSR epitomizes the sentiment of the group when discussing how the experience shaped the present moment, he said, “Not only personal healing, I do feel it can grow on a macro since of healing if we keep pushing it forward. Like I said, its spiritual for me now.”

Summary

In sum, the purpose of this study was to explore the narratives of participation in RJ programs. Six interviews were conducted and the participants shared compelling stories of what brought them to the opportunity to change themselves and their relationship to family, friends, community, and the victims of their crimes. The results of the structural analysis of the narratives revealed 12 themes that occurred across the major turning points of the story. The results revealed that participation was not simply a choice of a program, but rather an accumulation of the consequences of adverse life experiences (childhood and adult), interactions with the CJS, and attempts to resolve family and psychological issues through criminal activities and negative behaviors. Interestingly, what led up to the opportunity to choose to participate was circuitous and often accidental. Further, the motives to participate were often pointed towards getting out of prison, rather than looking inward to see the source of all problems. The illuminative

moments that transformed these individuals into actual “participants” occurred because of connecting with RJs message of humanity, compassion, recognition of victims, and self-restoration. These issues are discussed further in Chapter 5, along with a discussion of future recommendations and opportunities for social change.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this study was to gain a better understanding of why formerly incarcerated African American men chose to participate in RJ prison programs. I utilized Riessman's (2008) narrative method to learn and understand the experience of formerly incarcerated African American men who had lived experienced in choosing to participate in prison programs while incarcerated.

In the role of the researcher, I gained broad knowledge of why formerly incarcerated African American men chose to participate RJ programs, how access and personal meaning played a role in their choice to participate, and how their choice to participate later contributed to their successful re-entry back into society. The findings were based on the interviews of six participants.

The key findings of the study were organized around the key turning points that the six narratives shared. These were: the starting point (when most were young), the arrest (which served as the turning point towards crime), what happened next (life in prison), discovering RJ (by accident or self-interest), the choice (to accept responsibility and change), what happened next (putting RJ principles into practice), and the present moment (the productive lives lived now).

Within each of the turning points, one to two consistent themes emerged. These were: Starting point and innocent beginning and youthful rebellion (tender age of initial contact and rebellion against familial and social structure), testing boundaries (antisocial activities), arrest treading water (caught between the expectations of the dominant culture and urban subculture), being in prison and the journey ahead (differentiating between

social discourse and cognizant dissonance), being in prison and treading water (surviving the consequences of choices), discovering and discovery of humanity (conceptualizing empathy), choosing RJ, redemption, and wholeness (Self-accountability and forgiveness), realization, I am my brother's keeper, and each one teaches one (the moral accountability to each other), the present moment and love begets love (empathy and loving yourself allows you to love others), and the harvest of social justice (a genuine concern for self and others).

Interpretation of Findings

Interpretation Based on Previous Literature

The US Criminal Justice System (US-CJS), as described in Slobogin (2015) hinges on five primary objectives: retribution, deterrence, incapacitation, rehabilitation, and restoration with a heavy reliance on punitive measures for retribution, deterrence, and incapacitation. Recent studies have found that the focus on retribution, deterrence, and incapacitation are not useful in understanding how imprisonment serves prisoners or the community the CJS is designed to protect (Motlalekgosi, 2022). However, each of the participants spoke of the choice to participate in restorative justice as motivated by a hope for freedom which had been dashed by long-term/life sentences. As such, the results of this affirmed that the process of arrest and imprisonment left prisoners cynical and resigned, with few opportunities for rehabilitation and restoration but that participation in restorative justice reignited their sense of hope.

In Chapter 2, I also discussed the historical systemic biases in the CJS from the perspective of CRT. Many studies described how the laws were changed and resulted in

an increase of the number of Blacks in prison. This increase is a contributing factor of the mass incarceration of prisoners in California. Locking massive number of people in cages has proven to be ineffective as a tool of deterrence for future criminality (Brewer & Hietzeg, 2008; deOliveira Marsch, 2019). This growth in incarceration is directly related to the shift from rehabilitation to incapacitation/punishment. The participants involved in this research study are a direct result of this incapacitation/punishment shift.

RJ is thought to be an ideal alternative to the punitive remedies adopted by the conventional CJS (Zehr, 2002). The line of thinking goes that, instead of focusing on punitive measures alone, RJ incorporates programs aimed at educating offenders of the full impact of their crimes and helping them to become accountable for their crimes. RJ also focuses on creating opportunities and spaces of empowerment through obtaining closure and healing for everyone impacted by crime. RJ recognizes survivors and victims, along with authentic opportunities for forgiveness and healing. Results from my study appear to support the claim RJ offers an opportunity to be heard and become accountable. Participants were able to bear “the embodied burden of shame” evidenced by a “contrite heart.” Many started the RJ program because, as KR reported that “it was about getting out of this life sentence. That’s what was about.” KR further stated that “to be able to go to a program and to be able to let that hurt out release it and let it out was exhilarating and relieving.” He later reported that “it really has made me a better human being.”

These findings are also consistent with the studies and policy analysis that the reliance on punitive resolutions perpetuates the historical systemic role of implicit bias against the Black community. For example, Simon (2019) reported that the intensity of

implicit bias is manifested in the culture of the US social system and reflects a subconscious cognitive association between race and attitudes. The results from my study pointed to a myriad of issues illuminating implicit bias within the CJS. For example, TR spoke of the experience of being driven home by the police for trespassing and the social ramification as “ostracism... that kind of news race through your community.” He asserted that this led him down a path from youth to adult criminality which he equated to his “distrust for the police.”

Each participant's experience with the CJS was laced with racial undertones and perpetuated a sense of distrust for the system. This broad-based experience contributed to the hesitance to volunteer to participate in a restorative justice program. The motivating factor that appeared to outweigh the distrust factor was the desire to be parole from prison one day. As GSR said, “I heard that you can get home through this program”, signifying that they knew the Board of Prison Terms would consider program participation as a valid contribution to release from prison. GSR’s hope for freedom, not unlike the countless of other, African American prisoners serving a life sentence. Their desires for freedom hinged on the choice to participate and the CJS’s acceptance as evidence of rehabilitative steps toward freedom. Such a choice was tantamount to trusting the same racially biased CJS that had let them down so many times before.

Other participants in the study were motivated to participate because they were ready to change their lives to return to their families, but this decision was complicated. This theme is referred to as the realization phase. The realization phase is an internalized evaluation process which triggers psychological and emotional dissonance (Bhimani et

al., 2023). However, choosing to participate is to choose to trust the very system that had betrayed them in the past. Choosing not to participate would be to give into the idea that they may never gain their freedom. MR going through a realization process chose to participate, stating “It’s time for me to start getting my stuff together, so that I can prepare to come home.”

This realization phase is characterized by the cultivation of empathy, self-accountability, and self-worth. LR “I figured nobody cared.” learned through the RJ process. Ross and Muro (2020) focused on the relationship of restorative and criminal justice to explore the potential of prison programs to reduce recidivism rates. They concluded that if the focus were centered on rehabilitation RJ and the CJS could combine their efforts to create spaces as well as opportunities to increase the possibility of prisoners participation.

Interpretation Based on Conceptual Framework

As described in Chapter 2, Braithwaite’s framework of nondomination is a practice that is evaluated in terms of its success in reducing an internal drive for nondomination while increasing a desire for freedom, such as being allowed to speak and be heard in one’s own voice (Braithwaite, 2004). The following is MRs description of what it meant to be heard:

It wasn’t until someone outside of my family, some outsiders, showed me that they gave a damn, that I was able to cultivate the real sense of empathy, to give a damn about some other people and that’s what it is all about and that’s all a part of being accountable.

With this statement, MR exemplifies how being heard is connected to accepting accountability. Throughout the entire judicial process this is probably the first time the participants were able to speak and be heard absent of judgment or self-incrimination. MR's statements are reflective of Braithwaite's republican of freedom. RJ spaces fulfill the need to be heard while at the same to protecting rights and securing freedom as non-domination (Braithwaite, 2008).

The framework of nondomination is utilized in RJ programs because of its ability to provoke empathy, by focusing the offender to hear the fullness of the victims' loss and pain. For example, the participants reported self-reflection, empathy, and renewing of the heart and mindset. This whole transformation process closely falls in alignment with the expectations of the conceptual framework described in Braithwaite (2016). Repeating reports of gaining insight and accountability were given by all the participants. TR for example, spoke of the importance of RJs principle of self-accountability in the following:

In the restorative justice phase the individual who is responsible for committing a particular act has to accept accountability that what they did extended a degree of harm into someone's life that was not deserving of that. In that you must process and understand that no matter what I was going through I did not have the right to perpetrate a particular act against another person just because I thought it was OK to do.

Each of the participants reported having a similar new feeling of self-accountability and empathy for others.

Having contrite heart, according to Braithwaite's non-denominational theory, usually evidences a willingness to be accountable and/or make amends /compensation (Braithwaite, 2016). During this process of the theory the participant becomes willing to be held accountable and committed toward authentic change. Following a similar pattern of commitment, MR reported that he became his "brother's keeper," MR now works in a social services job where he teaches others to be "accountable" for their actions.

Limitations

The issues of credibility, transferability, dependability, and confirmability were addressed in detail in Chapter 4. In sum, all efforts to make the data collection, analysis, and interpretation transparent and true to the text were executed successfully. The primary limitation was having to settle for only six interviews rather than the 12 proposed in Chapter 3. Many formerly incarcerated people answered the request but for one reason or another either did not meet the qualifications of the study or chose to discontinue their participation before the selection process was complete. I hypothesize that these individuals, once they are past their incarceration experience, want to put their experience behind them thus choosing not to participate. The concern about a sample size of six may be that the turning points and themes were not fully saturated (i.e., I could have found more turning points and more themes), or that I could have found more clearly discrepant cases (i.e., persons who dropped out of RJ; or did not benefit).

It should be noted that this study was limited to formerly incarcerated African American men who no longer have justice system restraints and/or obligations (being on probation or parole). This limitation was instituted due to my inability to assure this type

of participant anonymity. Plus, individuals who had not met their parole probation or obligations responsibilities or were outside the qualification of the target population for this study.

Recommendations

Current research focuses on reduction of crime and maintaining public safety which aligns with the CJS's five primary objectives (retribution, deterrence, incapacitation, rehabilitation, and restoration). This conventional approach is limited to prison programs, conventional basic education (K-9th grade), Education, re-entry classes, and self-help groups might make for an operational and safer prison environment. This conventional approach has not worked when it comes to re-entry and recidivism. . .

Given that the results of my study revealed how RJ programs can transform African American men, who perpetrated violent crimes, into compassionate, empathic adults who want to make a difference. More research needs to be done on how RJ reaches those who want to participate, even if participation is for selfish or manipulative reasons. This includes populations of prisoners of other racial and gender identities, and other levels of incarceration, such as county jails, juvenile halls, women's prisons, and community supervisions.

It is also recommended that future researchers examine the quantitative relationship between demographics, crime, length of sentence, number of prior arrests, and the choice to participate in RJ programs. A better understanding of the demographic and contextual conditions that lead up to the choice to participate could inform policy makers of where to make RJ programs more available.

Implications

It is hoped that the results of the research will contribute to current social justice academic literature and the movement to recognize and respond to the racial disparities in CJS. My research clearly demonstrates how important it is for alternative programs like RJ to be more accessible to African American prisoners who have been marginalized and limited in resources to support, to heal, and to grow beyond the burden of their crimes. RJ gives these individuals the opportunity to experience a successful transition from incarceration back into the community.

Current research still focuses on documenting the structures, processes, and consequences of punishment and rehabilitation in the CJS (Henry, 2020; Katsiyannis et al., 2018), however, examining more humane and socially conscious alternatives for rehabilitation is still limited (Thomas, 2017). The CJS' narrow focus on retribution, deterrence, and incapacitation impedes the authentic rehabilitation and social reintegration process. The CJS is also instrumental in creating space and opportunity for the development of a subculture of mistrust which is counterproductive to returning to the dominant culture. My study revealed that these individuals became criminals over time, through a sequence of interactions with the CJS, resulting in more severe crimes and punishment. The social change implication of this is to bring RJ into the CJS at the level of county jails, juvenile halls, women's prisons, and community supervisions.

RJ as an alternative to the conventional approaches can be a useful rehabilitative tool for both serious and lesser offense criminals. RJ programs have a way of tapping into the internal dissonances of their participants and resolving internal conflicts fester at the

root of the criminal mindset and draw out authentic human characteristics of accountability and empathy. The RJ process, if appropriately applied, could enhance the rehabilitative intent, and resolve the racial disparity within the CJS. Lastly RJ enables those who have committed harm an opportunity to take responsibility for their actions, understand the harm they caused, and create opportunities for forgiveness, redemption, and rehabilitation (Zehr, 2002).

Conclusion

The emphasis on reducing crime and maintaining public safety does not take into consideration how historical, social psychological, and personal experiences contribute to a mistrust and a lack of motivation for imprisoned African American men. They may well see that all prison programs are a byproduct of the CJS and may choose not to participate. RJ programs can help these men overcome the internal dissonance perpetuated by the endurance of historical race-based policies that target the symptoms rather than the root causes of poverty and oppression. Rebellious attitudes and actions are quests for survival which manifest as social ills that get codified in criminal activities. The impact of this cycle results in the generational trauma that is exploited and sensationalized by media outlets, while simultaneously being systemically perpetuated within the criminal justice system. The narratives of participation in RJ programs for formerly incarcerated African American men is reflective of growth opportunities for both prison environments and future community success. In sum, these are the narratives of participants who are committed to reforming the CJS and support the restoration and healing of human lives.

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Appendix A: Letter to Key Informants

Greetings,

My name is Jerry Elster, I am a PhD candidate who have chosen the Narratives of the above-mentioned population as the focus and subject of my dissertation. Please distribute this to people who you know who meet the above-mentioned criteria:

The interview takes around 45 minutes, and responses will be kept confidential

Participants will receive a \$25 gift card for participation regardless of whether they complete the entire interview or not.

Your assistance with distributing this invitation could lead to greater public understanding of Restorative Justice and its benefits to individuals in our community.

If you have any questions, please contact me here:

email: jerry.elster@waldenu.edu

phone #: 510-334-4333.

Thanks

Jerry

Appendix B: Invitation to Participants

Seeking:

Formerly Incarcerated, African American Men who has Participation in Restorative Justice Programs to participate in research project.

My name is Jerry Elster, I am a PhD candidate who have chosen the Narratives of the above-mentioned population as the focus and subject of my dissertation and screening for anyone that falls within the above-mentioned category.

Confidentiality will be held at the strictest levels. Each candidate will receive gift card at the end of the project. Participant's input will serve a valuable resource toward advancing the goal of moving discussion of restorative justice programs, for formerly incarcerated people from the margins to the center of the social and criminal justice agenda. I can be contacted at 1+(510) 334-4333, or Jerry. elster@waldenu.edu

I am eagerly awaiting your response.

Appendix C: Informed Consent Form

CONSENT FORM

You are invited to take part in a research study which is intended to explore the narratives of participation in restorative justice (RJ) programs in formerly incarcerated African American men. The researcher is inviting formerly incarcerated African American adult males who have participated in RJ programs to be in the study. This form is part of a process called “informed consent” to allow you to understand this study before deciding whether to take part.

This study is being conducted by a researcher named Jerry Elster, who is a doctoral student at Walden University.

Background Information:

The purpose of this study is to explore the narratives of formerly incarcerated African American men who have offended and have participated in restorative justice interventions.

Procedures:

If you agree to be in this study, you will be asked to:

Distribute invitations directly to individuals known to meet the study criteria for inclusion.

They will pass the invitation to interested individuals who will then reach out to opt in.

Here are some sample questions:

- Did you feel like your voice mattered during court process (Arrest, court proceedings, or sentencing)?
- What challenges did you encounter upon release from incarceration?

Voluntary Nature of the Study:

This study is voluntary. Everyone will respect your decision of whether or not you choose to be in the study. No one at Walden University will treat you differently if you decide not to be in the study. If you decide to join the study now, you can still change your mind later. You may stop at any time.

Risks and Benefits of Being in the Study:

Being in this type of study involves some risk of the minor discomforts that can be encountered in daily life, such as fatigue, stress or becoming upset. Being in this study would not pose risk to your safety or wellbeing. However, if you do feel any distress and need to seek help, you can contact SAMHSA’s National Helpline – [1-800-662-HELP](tel:1-800-662-HELP)

(4357). SAMHSA's National Helpline is a free, confidential, 24/7, 365-day-a-year treatment referral and information service (in English and Spanish) for individuals and families facing mental and/or substance use disorders.

While there is no direct benefit to you for participating, it is hoped that the results of this study will illuminate possible obstacles and benefits for participation in RJ programs. It is hoped that by sharing the results of this research, that scholars, RJ practitioners, and professionals in the criminal justice system will support more efforts and resources in this area.

Each participant will receive a \$25 gift card for participation regardless of whether you complete the entire interview process or not.

Privacy:

Any information you provide will be kept confidential. The researcher will not use your personal information for any purposes outside of this research project. Also, the researcher will not include your name or anything else that could identify you in the study reports. Data will be kept in a locked file cabinet which no one will have access to it but me. Data will be kept for a period of at least 5 years, as required by the university.

Contacts and Questions:

You may ask any questions you have now. Or if you have questions later, you may contact me via phone number and/or email address: (510) 334-4333, email: jerry.elster@waldenu.edu. If you want to talk privately about your rights as a participant, you can call Dr. Leilani Endicott. She is the Walden University representative who can discuss this with you. Her phone number is 612-312-1210. Walden University's approval number for this study is IRB will enter approval number here and it expires on IRB will enter expiration date.

The researcher will give you a copy of this form to keep at your request.

Please keep this consent form for your records.

Statement of Consent:

I have read the above information and I feel I understand the study well enough to make a decision about my involvement. I have indicated my consent by (1) replying to this email with the words, "I consent"; or (2) providing my recording consent after the form is read to me.

Curriculum Vitae

Include a copy of your curriculum vitae—your academic resume—here. The CV may be done in either basic outline form or full-sentence form. The CV must conform to the margin specifications of the rest of the document, be included in the pagination, and be listed in the TOC.