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# Youth Justice Arbitrators' Experiences with Restorative Justice in Rural American Areas

Leigh Dezuraye Hicks  
*Walden University*

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# Walden University

College of Social and Behavioral Sciences

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Leigh Dezuraye Hicks

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Walden University

2017

Abstract

Youth Justice Arbitrators' Experiences with Restorative Justice in Rural American Areas

by

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MSW, University of South Carolina, 2003

BS, Benedict College, 2001

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Human Services

Walden University

May 2017

## Abstract

The rise in the number of Black, male, incarcerated, rural youth and the retributive juvenile justice system is a prominent problem in the United States, creating a revolving door for youth in conflict with the law. Restorative justice is an alternative approach that diverts youth from court and focus on rehabilitation, but lacks sufficient experiential evidence from those involved in the process to support broader implementation. The purpose of this study was to explore the experiences of restorative justice arbitrators and the role they play in facilitating resolution of youth criminal charges in a rural setting in a southern U.S. state. The research question asked how restorative justice arbitrators perceive and explain their roles, and successes and failures of a restorative justice process with Black male rural youth. The theoretical framework for the study was Braithwaite's reintegrative shaming, which posits the significance of the immediate family and community in rehabilitation. In this multicase study, research data were collected from semistructured interviews of 4 rural restorative justice arbitrators and analyzed using content analysis. Themes that emerged from the analysis were: the key role of rural community involvement in holding youths accountable to victims for their actions, preventing youths from developing a criminal record, and redirecting youth away from incarceration and more toward the community wellbeing. These findings contribute to social change by informing those working with youth crime about implications for the field of restorative justice specifically related to the opportunity for communities to provide benefits not only for juvenile offenders but also for victims and the community as a whole.

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## Dedication

I would like to dedicate this to my grandmother, the late Kay Frances Bennett; my grandfather, Frank Bennett; my beautiful mother, Janet Rhodes, to my son, Kamauri Jameel Hunter and my sweet little Karson Hunter. This dissertation is also dedicated to my Chairperson, Dr. Castleberry. Thank you for not giving up on me even when I could not see through my depression at times. When I lost sight at the end of the tunnel, you assured me there was light! It was then, when I learned to walk by faith and not by sight. Even when it was suggested that I settle for a second Masters, you encouraged me to keep striving towards my goal and that you would never give up on me. Dr. Castleberry gave me hope that no other person could provide. I prayed nightly for progress to be made in my life. Dr. Castleberry would always say, “we are in this together until the finish line”. Lastly, I want to dedicate my dissertation to anyone that has ever gone through a storm. Remember that you can overcome your storm. I am so glad my storm is over. May God continue to bless my family.

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## Table of Contents

List of Tables .....	iv
List of Figures .....	v
Chapter 1: Introduction to the Study.....	1
Introduction.....	1
Background .....	2
Problem Statement .....	4
Purpose of the Study .....	5
Research Question .....	6
Theoretical Framework.....	6
Nature of the Study .....	7
Definitions.....	8
Assumptions.....	9
Scope and Delimitations .....	9
Limitations .....	9
Significance.....	10
Summary.....	11
Chapter Two: Literature of Review .....	12
Introduction.....	12
Literature Search Strategy.....	14
Theoretical Framework.....	14
History of Arbitration .....	15



Consensus Arbitration Versus Standard Arbitration.....	17
Retributive Justice.....	18
Restorative Justice .....	18
Department of Juvenile Justice .....	23
Restorative Justice and Juveniles.....	25
Restorative Justice Approaches .....	28
Reintegrative Shaming.....	29
The Youth Arbitration Program.....	30
Summary.....	32
Chapter Three: Research Method .....	34
Introduction.....	34
Research Design and Rationale .....	34
Research Question .....	35
Role of the Researcher .....	35
Methodology.....	36
Case Study Selection.....	36
Procedures for Recruitment, Participation, and Data Collection.....	37
Instrumentation .....	40
Data Analysis .....	41
Issues of Trustworthiness.....	43
Ethical Procedures .....	43
Summary.....	44

Chapter 4: Data Collection and Analysis.....	45
Introduction.....	45
Data Analysis .....	46
Presentation of Findings .....	47
Theme 1 .....	48
Theme 2 .....	50
Theme 3 .....	52
Theme 4 .....	53
Summary and Conclusion.....	55
Chapter 5: Summary, Conclusions, and Recommendations.....	57
Overview of the Study .....	57
The Findings and the Relevant Literature.....	57
Interpretation of Findings .....	59
Limitations of the Study.....	61
Recommendation for Future Research.....	62
Reflection of the Researcher .....	62
Implication for Social Change .....	63
Conclusion of Study.....	63
References.....	64

List of Tables

Table 1. Research Questions and Depicted Themes.....48

## List of Figures

Figure 1. Restorative practices typology .....	22
Figure 2. Social discipline window.....	27
Figure 3. Iterative analysis strategy .....	42

## Chapter 1: Introduction to the Study

### **Introduction**

Restorative justice is a broad label for a variety of models with the common belief that the traditional system of American criminal justice disregards a vital step in rebuilding justice because of its biased focus on punishing offenders (Tsui, 2014). Tsui (2014) suggested that restorative justice techniques typically focus on relationships while repairing the harm done to the victims and community. Goulding and Steels (2013) stated that restorative justice involves active participation from the victim while the offender takes responsibility for the harm caused by making amends to the victim. In one southern county in the United States, arbitration is an alternative to incarceration.

The specific focus of this study was to examine the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures of the restorative justice process. The restorative justice program I examined in this study was the Youth Arbitration Program (YAP) in one county in a southern U.S. state. The YAP promoted a method of restorative justice that involved peacemaking or sentencing circles known as *restorative circles* (Tsui, 2014). Tsui (2014) stated the goal of restorative circles was to reach an agreement between the victim, the offender, the community, arbitrators, police officers, and others on a reasonable punishment for the crime committed. Restorative circles helped in a variety of ways, including sentencing, addressing internal conflicts in juvenile facilities, and aiding a juvenile's reintegration back into society (Tsui, 2014). The restorative circle approach had a greater advantage because it promoted a higher degree of community involvement (Tsui, 2014).

Restorative efforts for juveniles in the YAP program were overseen by arbitrators whose involvement included the juvenile, the family, the victim, law enforcement, and other community stakeholders to determine sanctions to be fulfilled in a 90-day time period (Hazen, 2012; Richland County Sheriff's Department [RCSD], 2015). The arbitrator's role was to conduct arbitration hearings, impose sanctions on youths, and follow-up to assure compliance (RCSD, 2015). The arbitrators were volunteers who received 24 hours of training prior to accepting their role to avert youth from the formal justice system (RCSD, 2015). Arbitrators did not have a supervisory function during the term of the process (Hazen, 2012; RCSD, 2015). The critical role they played did not intermingle with the formal judiciary system and was supervised by the local sheriff's department with support from the schools and other educational officials (RCSD, 2015). Sanctions included viewing court proceedings, touring the coroner's office, writing an apology letter, paying restitution, and doing community service (RCSD, 2015). Douglas and Coburn (2014) suggested that few empirical studies had focused on the roles and skills of arbitrators in negotiating restorative justice.

### **Background**

Tsui (2014) suggested that restorative justice is a broad label for a number of restorative models. The traditional American criminal justice system has a myopic focus on punishing offenders and disregards a vital step in rebuilding a sense of justice (Tsui, 2014). Restorative justice programs typically focus on relationships among parties affected by crime and healing through a deliberative process (Tsui, 2014). Becker, Kerig, Lim, and Ezechukwu (2012) emphasized the importance of a restorative framework in

juvenile justice. Because the justice system lacked a framework that incorporated nonpunitive objectives, juvenile justice policymakers adopted a one-dimensional approach to sanctioning (Zehr, 2015). Most jurisdictions focused solely on nonviolent first-time offenders. Becker et al. proposed that restorative justice programs increased the status of reparative programs. Restorative justice allowed offenders to recognize their mistakes, make amends for their wrongdoings, and avoid further involvement with the criminal justice system (Becker et al., 2012). Goulding and Steels (2013) suggested that restorative justice brings all parties together to achieve reconciliation through a mutual outcome.

Arbitration allowed first-time offenders who committed nonviolent offenses to avoid incarceration through community service, restitution, completing educational components, and other alternatives using core restorative justice principles (RCSD, 2015). Administrators of the YAP program believed restorative justice offered a solution to the problem by making offenders accountable for their actions while providing a sense of restoration to the victims (RCSD, 2015). This promoted active participation from the victim and the arbitrator (RCSD, 2015). The arbitrators tailored sanctions to fit the crime committed (RCSD, 2015). The absence of salient information regarding the roles and responsibilities of arbitrators highlighted the importance of conducting further research on the topic.

Tsui (2014) suggested that a major issue of incarceration relative to crime was the inability to deter youth from reoffending. Studies proved that restorative justice practices reduced reoffending at higher rates than court processes (Tsui, 2014). Researchers have

found that once juveniles departed the juvenile justice departments in various states, they were likely to be incarcerated into adult institutions in the same states (Tsui, 2014). The United States has the highest rate of incarceration in the world (Tsui, 2014). Brooks (2014) suggested that implementing restorative justice programs for juveniles was a vital component in decreasing delinquency. The racial breakdown for admission to detention was 61% Black, 34% White, and 5% other (South Carolina Department of Juvenile Justice [SCDJJ], 2013). Based on my research, restorative justice programs such as YAP decreased incarceration rates. Nevertheless, researchers thus far had fallen short on examining how restorative justice programs could decrease incarceration and recidivism in Black males ages 12 to 16 years (Brooks, 2014).

### **Problem Statement**

Brooks (2014) stated that juvenile delinquency continues to be a significant social problem in the United States. One of the more salient problems in the United States with the juvenile justice system was a high incarceration rate, which in return created a problem for juveniles exposed to the possibility of jail (Brooks, 2014). In 2013, the SCDJJ processed 16,754 new juvenile cases (SCDJJ, 2013). Sixty percent of all juvenile cases heard in family court received dispositions of probation (SCDJJ, 2013). Seventy-nine percent were males (SCDJJ, 2013). Brooks suggested that the goal of restorative justice was to influence future behavior toward offenders by not inflicting punishment for their misdeed.

The county on which the study focused committed more juveniles to SCDJJ than any other county in South Carolina (SCDJJ, 2013). This prompted concerns about the



effectiveness of restorative justice, as rates of incarceration continued to rise for juveniles. Gavrielides (2011) noted that restorative justice focuses on alternatives to juvenile offenders residing in jail and offers options to remain with their families. Zehr (2015) suggested a restorative justice model is less punitive, costly, and stigmatizing, as sanctions methods involve the victims and the communities. Arbitrators played a role in reducing criminal charges while successfully transitioning the youth into the community (RCSD, 2015). Brooks (2014) noted restorative justice programs accommodate the community with an elevated probability for self-healing and regulation.

Historically, juvenile justice practitioners were inconclusive in their approach for developing the obligations of juveniles, specifically, juveniles of color (Brooks, 2014). In my study, I focused on examining the necessity to understand the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures of the restorative justice process as an alternative for decreasing incarceration of Black males ages 12 to 16 years in one county in a southern U.S. state. Brooks (2014) stated although current literature on restorative justice does not provide factual solutions for effective restoration for juveniles, it does provide support addressing the concern. Future research regarding restorative justice programs should concentrate on evidence-based programs that decrease juvenile involvement in the juvenile justice system (Brooks, 2014).

### **Purpose of the Study**

The purpose of the study was to examine the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures of the

restorative justice process in decreasing incarceration for Black males ages 12 to 16 years in one county in a southern U.S. state. I chose this county because of its demographics, which consisted of a large number of Black males ages 12 to 16 years. Brooks (2014) identified problems with the juvenile justice system, especially with the incarceration of Black males. During the review of relevant literature on this topic, I was unable to locate qualitative studies related to restorative justice in relationship to juveniles, specifically Black males, nor did I identify previous research regarding the views of arbitrators.

### **Research Question**

The central research question that guided my study was: How did the experiences of arbitrators play a significant role in contributing to understanding the successes and failures of restorative justice? Subquestions included: (a) What are the roles of arbitrators in the YAP program?; (b) How do evidence-based restorative justice programs for Black males ages 12 to 16 years, such as YAP, affect the involvement of youth in the juvenile justice system?; and (c) What are the perceptions of arbitrators in the YAP about experiences of Black males ages 12 to 16 years in the YAP?

### **Theoretical Framework**

The theoretical framework shaping this dissertation was reintegrative shaming. Theoretically, reintegrative shaming is perceived as an integrative theory (Mongold & Edwards, 2014). Mongold and Edwards (2014) proposed restorative justice as a process and reintegrative shaming as a theory that addresses delinquency. Hazen (2012) suggested effective restorative justice used formal sanctions and therefore, reduces incarceration, especially among Black males ages 12 to 16 years. Restorative justice

provides alternatives for sentencing of juvenile offenders, specifically Black males (Brooks, 2014). Furthermore, Brooks (2014) suggested further implementation of evidence-based restorative justice practices would decrease incarceration rates amongst youth throughout the U.S. juvenile justice system.

### **Nature of the Study**

I used a qualitative case study approach to examine the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures of the restorative justice process. A naturalistic qualitative case study approach provided an opportunity to understand the experiences of participants (Choi, Green, & Gilbert, 2010). This qualitative research design allowed me to secure multiple perspectives of involved parties. My study relied on a restorative justice program, particularly addressing Black males ages 12 to 16 years from the perspective of arbitrators. Choi et al. (2010) suggested qualitative research designed after the paradigm of naturalistic inquiry allowed the researcher to explore experiences of participants of restorative justice in natural life settings, adopting a research methodology that was naturalist constructivist. My study presented an opportunity to research a restorative justice program from the arbitrator's perspective as an alternative for retributive programs in one county in a southern U. S. state.

Case studies cover contextual conditions believed to be relevant to the phenomenon under study (Yin, 2013). Corbin and Strauss (2014) and Creswell (2013) suggested the case study method enhances the usefulness of purposeful sampling to research a bounded system or multiple bounded systems over a specific period.

Naturalistic case study is emergent rather than prefigured; thus, unexpected but vital issues emerge, including new research questions, changes in sampling size, and alteration of data collection processes (Yin, 2013). The case study method supported an environment where the researcher collected a variety of data through observations, interviews and or mediations (Yin, 2013).

For my study, a naturalistic qualitative case study approach provided an opportunity to understand the experiences of arbitrators who played a significant role in the YAP because, as Yin (2013) stated, multiple perspectives of involved parties are obtained in natural life settings. My study focused on Black males ages 12 to 16 years living in one county in a southern U.S. state. I used a case study methodology and conducted semistructured interviews with arbitrators. I examined the necessity to understand the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures of the restorative justice process during the data analysis phase of the study using qualitative data gathered. Choi et al. (2011) suggested wider application of effective restorative justice programs helps juveniles get their life back on track, repairs harm done to victims, and creates safer environments.

### **Definitions**

I used the following terms as definitions for this study:

*Arbitration:* A mediation to settle a criminal dispute involving a crime committed between the victim and the offender (RCSD, 2015).

*Arbitrators:* Volunteers from the community who want to put restorative sanctions in place within a 90-day period (RCSD, 2015).

*Recidivism*: Criminal acts resulting in rearrests or return to juvenile detention facilities (Becker et al., 2012).

*Reintegrative shaming*: The central focus of the theory is on shaming as a tool for decreasing recidivism (Murphy & Helmer, 2013).

*Restorative justice*: A philosophy of justice with set of interventions addressing harm caused to the victim and the community (Ness & Strong, 2015).

*Retributive justice*: An approach whereby punishment meted out in direct proportion to the offense committed (Van Prooijen & Coffeng, 2013).

### **Assumptions**

I assumed the arbitrators who participated in this study were truthful and answered the interview questions and responded honestly and candidly. I also assumed the arbitrators were fully certified and met the criteria to intervene with juveniles referred to the program. I assumed the study participants answered my questions to the best of their ability and as honestly as possible.

### **Scope and Delimitations**

The incarceration rates of Black males ages 12 to 16 years are higher than other ethnic groups (Brooks, 2014). Therefore, the scope of this study is restorative justice practices and alternatives to incarceration used by arbitrators for Black males ages 12 to 16 years in one county in a southern U.S. state

### **Limitations**

This study had several limitations. I used four specific cases to explore arbitrators' broad perspectives of the YAP and on Black males ages 12 to 16 years.

Another limitation was that I work at the sheriff's department in the county where this study was conducted, which created a potential of bias of the study. However, I worked to create transparency and minimized biases by designing the study in a manner to disconnect my personal opinions from the data by not being prejudiced and or using unreasonable judgment.

### **Significance**

A deeper level of understanding of the views of arbitrators benefits offenders, families, community stakeholders, and justice system policymakers is valuable as restorative methods increase in popularity and usage. Through this study, I will provide advocates for addressing the overrepresentation of Black males, especially juveniles in the justice system, with additional data to assist their efforts to discontinue maladaptive behaviors.

Brooks (2014) stated that effective restorative justice programs benefited the victim and built trust in relationships that created a positive situation for all stakeholders in their respective communities. Researchers agreed that restorative justice programming decreases the chances of youth deteriorating in detention centers throughout the United States, restores the harm done, and helps juveniles become productive citizens in their communities (Brooks, 2014).

### **Social Change**

The goal of effective restorative justice programs is to repair the harm done to the victims and to the community. Restorative justice aims to restore a sense of closure and balance in the community (Goulding & Steels, 2013). Goulding and Steels (2013) stated

that restorative justice is emotional in nature. The results of my study may create healthy relationships in the community and with stakeholders that will increase the usage of restorative justice programs. The findings of my study may also assist in creating and using effective restorative justice practices.

### **Summary**

In Chapter 1, I presented an examination of the history of restorative practices and programs, such as the YAP. I identified a gap in literature related to the problem statement this qualitative study addressed, introduced the theoretical framework, and stated the research questions. The theoretical framework directed the effects of restorative justice on incarceration and using formal sanctions for Black males ages 12 to 16 years. In Chapter 2, I include information on the restorative process, the role of arbitrators in conducting and interacting with the various involved parties, and theoretical frameworks that assisted with grounding the data and its analysis.

## Chapter 2: Literature Review

### **Introduction**

In the past two decades, researchers attempted to expand literature on restorative justice programs that include the juvenile population, an expansion strongly influenced by a significant increase in incarceration and juvenile delinquency (Brooks, 2014). Brooks (2014) defined retributive justice as a crime against the state, with heavy emphasis on punishing the offender, not rehabilitation. Such emphasis increases the risk of incarceration (Brooks, 2014).

Brooks (2014) stated that programs built on restorative justice principles instead of retributive principles represent a viable alternative to traditional paradigms. Restorative justice practices were aligned with psychological-based interventions in addressing defiant behaviors of adolescents (Schwalbe, Gearing, MacKenzie, Brewer, & Ibrahim, 2012). Brooks suggested that in many states the increase in juvenile crime led to policies imposing harsher penalties on juveniles, including recommendations to the adult criminal justice system. Managing and preventing youth crime was a major concern in both the national and the international judicial systems. As in the case of criminal violations committed by adults, retribution and restitution were imposed on the juvenile (Hallevy, 2012). However, because of the justifying circumstance of minority—juvenile offenders cannot be fully held responsible for their actions due to their lack of discernment—corresponding consideration was extended to spare them the harshness of retributive justice. Likewise, the benefit of reformation was evident in the healing process



for the victims (Miller, 2011). Instead, efforts at reformation and restitution became the subject of legal proceedings (McCord, McCord, & Bailey, 2012).

Brooks (2014) stated reforming the juvenile justice system is challenging but worthy. Researchers tended to neglect the study of restorative justice programs and their influence on Black males. The primary aim of the literature review provided background research on the use of restorative justice. Specifically, the research and the literature cited in this chapter addressed factors related to the perceptions of arbitrators of restorative justice with an emphasis on Black males ages 12 to 16 years. The following review provided research findings that (a) established restorative justice as a means to satisfy the victim's and the community needs, (b) supported the relationship between the importance of early formation of restorative justice programs to reduce recidivism and juvenile delinquency, and (c) described dynamics of arbitration and research attempts to increase restorative practices.

The juvenile justice system in its current condition presents a practical dilemma for youth as well as for stakeholders in the community (Brooks, 2014). Maloney (2007) stated that the current American justice system is failing to meet the needs of delinquent youth and stakeholders in the community. Researchers established that successful restorative justice programs reduce youth involvement in the juvenile justice system; however, researchers have yet to examine how restorative justice programs could reduce incarceration. Thus, I examined restorative justice in rural areas for Black males ages 12 to 16 years.

### **Literature Search Strategy**

The literature presented in this review was drawn from the following EBSCO databases: Academic Search Premier, Thoreau Database, ProQuest Criminal Justice, Criminal Justice Review, and PsycARTICLES. Keywords used individually or in conjunction included: *disparities, interventions, restorative justice, retributive, sentencing, circles, arbitrators, mediators, victim-offender mediation, sanctions, reintegration shaming, African Americans, Blacks, disparities, practices, programs, youth arbitration, judges, juvenile offender, qualitative case studies, naturalistic qualitative case studies, and qualitative research.*

### **Theoretical Framework**

The theoretical framework of this study was restorative justice and reintegrative shaming. Restorative justice is a broad label that encompasses a plethora of different models, roughly bound together by the belief that the traditional America criminal justice system ignores a key step in rebuilding a sense of justice because of its somewhat myopic focus on punishing offenders (Tsui, 2014). Restorative justice practices strived to restore victims and the community (Bouffard, Cooper, & Bergseth, 2016). Restorative justice initially aimed to concentrate on relationships between the affected parties to bring about a sense of healing or closure (Tsui, 2014). Vaandering (2011) argued that an expansion of the notion of justice to include fairness and rights of individuals is necessary to contribute to a stronger theoretical foundation.

Shaped from the social environment of a loving family, reintegrative shaming incorporates clear standards of conduct and behavior focused on punishing the criminal

act and not the offender (Mongold & Edwards, 2014). Braithwaite (1989), a seminal figure in reintegrative shaming, proposed that society's structure and culture should affect individual irregular acts by a process of shaming. The program adopted by Braithwaite was restorative justice. Braithwaite linked his knowledge of communitarian societies and the achievement of both formal and informal restorative practices to describe his theory of reintegrative shaming (Mongold & Edwards, 2014). The majority of punishments are composed of some type of shaming from friends, family, and the community (Mongold & Edwards, 2014). Braithwaite argued that resulting guilt aids both the social process, which builds people's consciences and informal social control when wrongdoing occurs (Mongold & Edwards, 2014).

### **History of Arbitration**

During the time of the American colonies, arbitration proved to be more efficient and effective than the courts. Merchants commonly turned to arbitration when disputes arose (Noussia, 2010). President George Washington served as an arbiter before the American Revolution on private disputes (Noussia, 2010). During the late 19th and 20th centuries, arbitration had an unfavorable position because people mistrusted the legal establishment and the ability of arbitrators to accomplish fair outcomes (Noussia, 2010). Oldham and Kim (2013) discovered centuries later that court systems in the United States held arbitration in a negative light and therefore consistently refused to grant enforcement of arbitration agreements. The Federal Arbitration Act was first passed in 1925 and was later reenacted in 1947. The purpose of this act was to reverse longstanding judicial

hostility to agreements in arbitration that existed in English common laws (Oldham & Kim, 2013).

Animosity toward arbitration begun to wane in the United States when modern state and federal arbitration acts were enacted, leading to the American Arbitration Association (Noussia, 2010). New York reformed its arbitration law in 1920 to enforce agreements to arbitrate disputes in the future (Noussia, 2010). In the state of Maryland, arbitration was in existence since the 1600s (Oldham & Kim, 2013). Arbitration was viewed as a practicable alternative to litigating disputes (Noussia, 2010). In addition, arbitration agreements adopted by U.S. courts regarded these agreements as being the same as other contracts (Oldham & Kim, 2013). *Tobey v. Bristol* suggested that when arbitration is compulsively pursuant to legislation, equipping arbitration with necessary power allows effective decisions, with the safeguards of arbitrators' decisions being appealed to courts (Oldham & Kim, 2013). Judges make decisive rulings to enforce the law. Arbitrators are neutral persons empowered and chosen by the parties involved to handle disputes or govern continuing relationships (Witkin, 2010). Arbitrators have a role to act like judges by listening to both parties and withdrawing to write a final decision (Witkin, 2010). Arbitrators have the capacity to solicit input from parties as they construct the award. Under a new model of arbitration, referred to as consensus arbitration, arbitrators would coordinate negotiation between parties but keep the power to overturn incomplete decisions, acting more like facilitators than judges (Witkin, 2010). Witkin (2010) argued that because of differences in the roles of each, arbitrators and judges should exercise different styles of decision-making.

### **Consensus Arbitration Versus Standard Arbitration**

Consensus arbitration consists of decision-making negotiations instead of judge-like decisions. Consensus arbitration allowed arbitrators to make decisions and guide processes while letting parties shape the final award. Arbitrators used their decision-making capacity to render completed preliminary decisions to facilitate negotiations amongst the parties (Witkin, 2010). Standard arbitration allowed the arbitrator to facilitate and guide the process of negotiation between parties (Witkin, 2010). Researchers shed knowledge on how consensus arbitration offered parties a powerful voice in the process, with more control over outcomes (Witkin, 2010). Arbitration played a significant role in decreasing criminal charges while transitioning juveniles into the community to be productive citizens (RCSD, 2015). Arbitrators are neutral persons empowered and chosen by the parties involved to handle disputes or govern continuing relationships (Witkin, 2010).

Arbitration was specifically applied when parties committed to the arbitration process, following disputes coming from contractual agreements (Latha & Thilagaraj, 2013). Latha and Thilagaraj (2013) suggested that the contract either should accommodate an arbitration clause or must mention a separate document signed by the parties holding the arbitration agreement. Latha and Thilagaraj (2013) stated there are four dominant features of restorative justice: repairing, restoring, reconciling, and reintegrating the victims and the offenders to their respected community.

### **Retributive Justice**

Zehr's (1995) seminal work suggested that reform efforts had been used for intentions differently than initially anticipated. Prisons were originally advocated as a human alternative to both corporal and capital punishment (Zehr, 1995). Zehr stated that incarceration was supposed to meet society's need for punishment and protection while supporting transformation of offenders. Zehr indicated that within a couple of years, prisons became places of horror, leading to the prison reform movement. Awareness of the misuse and ineffectiveness of prison officials began a new search for alternatives to prison. Zehr further stated that prisons deprived offenders to take charge of their own lives in a lawful way. Furthermore, those who adapted to prison rules were not those who made a successful transition into the community after release from prison (Zehr, 1995).

Many have suggested that retributive justice is best defended by focusing on the institutional justification rather than moral desert (Holroyd, 2015). Holroyd (2015) suggested that retributive justice was an important way of communicating to the offender that their actions were unreasonable. Relative to punishment, it is labeled as a harsh treatment and can be justified by consideration of what the offender deserves (Holroyd, 2015).

### **Restorative Justice**

Historically, the restorative process was rooted in African countries, dating back to 1834 (Gade, 2013). Restorative justice was an alternative sanction for those who violated apartheid restrictions (Gade, 2013). The violators would pay a fee, explain to the court their version of the infraction charged against them, and restore their freedom by

agreeing to certain terms and restrictions (Gade, 2013). The court systems treated juveniles similarly to adults until 1899, when a separate juvenile system begun in Illinois (Hazen, 2012). Allen (1981) noted that the recovery of offenders through imprisonment or punishment was an older practice in the 18th or 19th century but changed in the 20th century. Gade (2013) argued that a new post-Apartheid restorative process began in the early 1990s was contrary to the restorative process's original focus and approaches.

Brooks (2014) discovered restorative justice arose in New Zealand in response to an overrepresentation of Maori youth in the justice system. Further research suggested a broad issue in the United States was the disproportionate representation of Blacks in the juvenile justice system (Brooks, 2014). The courts determined that intermingling juveniles, who were still in the latter stages of adolescent developmental processes, contributed to long-term criminal behaviors (Hazen, 2012). Thus, consideration was extended to juveniles to spare them the harshness of retributive justice. As a replacement for retributive justice, many initiatives based on renovation and restoration were considered as the basis for legal proceedings (McCord et al., 2012).

Roffey (2011) argued detention of juveniles, especially in correctional facilities, has proven to be counterproductive. Keeping delinquent youth with other delinquents merely reinforces their antisocial behaviors and deprives them of the advantages of restorative programs (Roffey, 2011). Miller (2011) provided evidence of the benefit of restoration in the healing process for the victims. Bouffard et al. (2016) suggested restorative justice practices could be integrated with existing community or restitution services. By doing so, restorative justice programmers focused on the development of

sanctions that attempted to improve the community's ability to prevent crime in the future. This process used nonadversarial and generally informal processes and incorporated decision making by group consensus rather than by a single justice system authority (Bazemore & Umbreit, 2001; Bergseth & Bouffard, 2007; Bouffard et al., 2016). Restorative justice programs had a huge impact on providing the community with a dignified probability for healing and closure (Brooks, 2014).

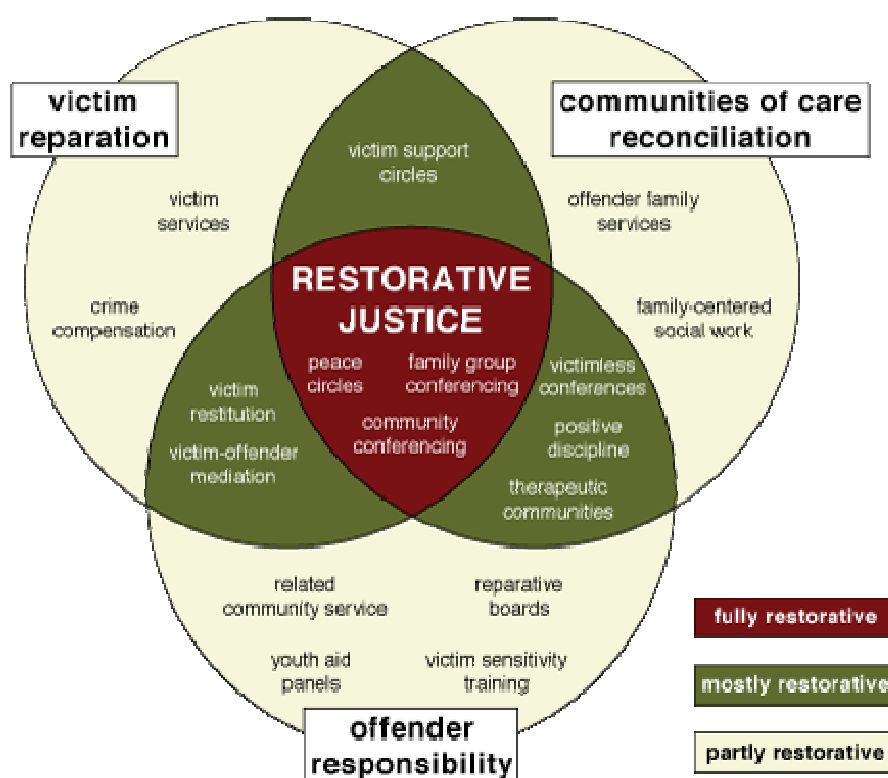
Pelan's (2015) study documented racial disparities existed in the criminal justice system from arrest to incarceration, which was even more disputable because races are treated differently for the same crime. Pelan further noted that one study of youth ages 12 to 17 years found that Black youth were 1.6 times likely to be arrested one time and 2.5 times as likely to be arrested multiple times, compared with White youth. Pelan stated that Blacks are less likely to receive alternative sanctions that keep them in restorative programs in the community instead of incarceration. Further, racial disparity within the criminal justice system raised public mistrust in the system, thus preventing public safety (Pelan, 2015). Pelan suggested when people perceive that the justice system is not impartial, they have no confidence in the system.

Choi, Green, and Gilbert (2012) noted that studies reported significant interaction among participation in restorative justice programs and decreased offending behavior compared to incarceration. Restorative justice is an alternative to incarceration for juvenile offenders. Effective restorative justice used formal sanctions and reduced incarceration, especially among Black males ages 12 to 16 years (Hazen, 2012). Restorative justice provided alternatives for sentencing of juvenile offenders, specifically



Black males (Brooks, 2014). Furthermore, Brooks (2014) suggested the implementation of effective evidence-based restorative justice practices decreased juveniles in the justice system. Brooks suggested programs built on restorative justice principles are an important alternative to traditional paradigms, and there is rising evidence of their effectiveness.

The restorative approach did not approve wrongdoing but did support and value the wrongdoer's intrinsic worth (McCold & Wachtel, 2003). A shift of context took place regarding the word *control* as penalties and sanctions were previously imposed as forms of punishment under the former linear paradigm. Figure 1 illustrates a theoretical framework advanced by the International Institute for Restorative Practices (IIRP) to provide a viable context by which restorative justice could be perceived.



*Figure 1.* A theoretical framework for the restorative approach. Adapted from *Defining Restorative* (p. 4) by T. Wachtel, 2013, International Institute for Restorative Practices. Copyright 2013 by IIRP Graduate School. Reprinted with permission.

The framework recognized three primary stakeholders: the victims, the offenders, and their communities of care. The victim sought reparation, the offender was required to take responsibility, and the community achieved reconciliation. According to the theory, there are certain levels, shown in the adjacent compartments of the diagram depicted in Figure 1, by which these goals were achieved. Ideally, the highest level of restorative justice was attained in the overlap among the three spheres corresponding to the three primary stakeholders. The involvement of all three parties in a truly meaningful emotional exchange and the subsequent decision-making process is the degree to which

the process was restorative. However, to attain this level, all three participants had to be fully engaged in the restorative justice (McCold & Wachtel, 2003).

There are three types of reparation: partly restorative, mostly restorative, and fully restorative. Partly restorative is the most superficial level because these reparation activities pertain to the victims alone and do not involve the other two primary stakeholders. At the partly restorative level, the victim is able to secure crime compensation and access to victim services provided by the state. At the mostly restorative level, two types of restorative justice activities involve only the participation of victims and either the offender or the communities of care (McCold & Wachtel, 2003). In cooperating with the communities of care, victims are able to obtain the benefits of victim support circles; this does not involve offenders. When the offender and victim cooperate with each other even without the participation of the communities, there are then activities such as victim restitution and victim-offender mediation. Finally, at the fully restorative level, all three stakeholders collaborate and full commitment can be brought about through such activities as peace circles, family group conferencing, and community conferencing. Through such activities, the long-term results could be substantial (McCold & Wachtel, 2003).

### **Department of Juvenile Justice**

Over the years, a crime that was once considered superficial and one that parents and schools could easily handle informally has now been turned over to law enforcement and the justice system for prosecution (Hazen, 2012). Hazen (2012) further stated because of the tragedies in the past, such as the Columbine shooting, schools have refined

numerous forms of zero-tolerance policies, which placed a large number of juveniles in the legal system rather than using in-school suspensions or punishments. Hazen noted that solicitors prosecuting cases for juveniles were pressured to prosecute offenders before the court, regardless if the Department of Juvenile Justice (DJJ) struggled to provide adequate supervision for the juveniles.

The SCDJJ has poorly trained juvenile correctional officers and outdated security procedures (Ellis & Roldan, 2017). Staffers are not prepared to respond to riots, have ineffective policies, and do not follow standards to prevent rape (Ellis & Roldan, 2017).

The SCDJJ failed to report the death of two juveniles. Other findings included:

- Police force is ineffective and unnecessary.
- Case managers do not meet standards for supervising juveniles.
- Two deaths at the DJJ wilderness camp were not properly reported.
- The agency does not comply with Federal Prison Rape Elimination Act.
- One death was a suicide.
- The other death was from natural causes, but DJJ did not properly investigate claims the death was the result of foul play.
- Suicide took place in the detention center in 2014, while a death happened at Camp Sand Hills, a wilderness camp.
- After legislators learned of death, they now require DJJ to report all deaths to the State Law Enforcement Division (SLED)
- DJJ could not prove counselors at wilderness camps had proper credentials required by state law.

- Only 23 out of 81 officers had been certified by South Carolina Criminal Justice Department.
- DJJ training curriculum has not been approved by the Criminal Justice Academy.
- Turnover rate in 2014-2015 numerous employees left the agency (Ellis & Roldan, 2017, p. 1A).

According to the State Legislative Audit Council, “We are just failing these kids. We had a kid die. We’re failing. These are lives. These are children. Do you really need an internal team to tell you that there are issues? (Ellis & Roldan, 2017, p. 1A)

### **Restorative Justice and Juveniles**

A significant concern related to juvenile crime and incarceration was the lack of effectively deterring juveniles from reoffending (Tsui, 2014). The U.S. Department of Justice stated that almost two thirds of released prisoners recidivate within 3 years of being reintroduced into society, a fact that further calls into question the specific deterrent effect of detention (Tsui, 2014). Illinois officials in particular noted that over half of the juveniles departing the Department of Juvenile Justice were incarcerated (Tsui, 2014). Bergseth and Bouffard (2012) suggested restorative justice programs strived to develop nonadversarial dialogue with the victims, offenders, and the community to repair the harm linked to crime and support offender accountability.

Schept, Wall, and Brisman (2015) suggested that deeply structured forces catalyze the criminalization and collection of youth and usher them toward incarceration. After an era of rising punitive responses to juvenile delinquency, researchers marked a desirable return to a more balanced approach and rehabilitative approach (Mongold & Edwards,

2014). Many states, including South Carolina, Vermont, and Washington, shifted from punitive to restorative approaches (Mongold & Edwards, 2014). Mongold and Edwards (2014) proposed that these states are not only focusing on public safety but also on accountability and skill building to build productive citizens in the community. To make the restorative justice model important to the juvenile justice system, the U.S. Department of Juvenile Justice and Delinquency Prevention used the term *balance and restorative justice* (Ashley & Stevenson, 2006). Balance and restorative justice seeks to hold offenders accountable for their actions while using more prosocial skills of each offender and protecting the community from possibly further offenses (Ashley & Stevenson, 2006).

Figure 2 provides a model to view the treatment of juvenile offenders and how restorative justice fits among permissive and punitive alternatives. In this model, the continuum from punitive to permissive illustrates the view that the only thing that matters as a possible alternative is the decision to punish or not to punish, and if so, the severity of the punishment.

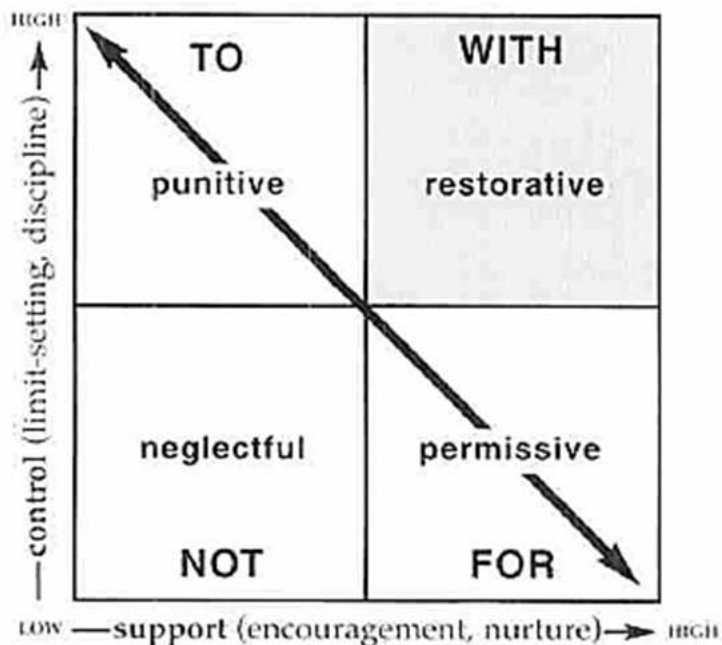


Figure 2. Social discipline window. Adapted from *Defining Restorative* (p. 3), by T. Wachtel, 2013, International Institute for Restorative Practices. Copyright 2013 by the IIRP Graduate School. Reprinted with permission.

McCold and Wachtel (2003) defined control in terms of discipline or the setting of limits and support in terms of encouragement or nurturing. When these two parameters are introduced, the former two-dimensional continuum is expanded into a 2 x 2 matrix that allows for combinations of high or low level of control and the high or low level of support. The matrix shows four possible general approaches to implementing social control: (a) neglectful, (b) permissive, (c) punitive or retributive, and (d) restorative (McCold & Wachtel, 2003).

In this matrix, the punitive-permissive continuum is situated by the double-headed arrow running diagonally across the window. In the lower right of the figure, the permissive approach is situated. It consists of low control and high support, with minimal

limit setting and a generous amount of nurturing. On the diagonal opposite in the upper left square is the punitive or retributive approach. Under this approach, high on control and low on support, the maximum level of constraints on freedoms is placed while nurturing is relegated to the mandatory minimum. This is the model followed by most schools and judicial institutions around the world, as evidenced by the types of sanctions given. For students in institutions these sanctions include suspension or expulsion, and in courts include incarceration.

The social discipline window expands choices of decision-making to include neglectful and restorative. Because neglectful is the part of the diagram, with neither adequate control measures nor sufficient support, this option is not even a serious alternative because it presents no advantages. However, on the diagonal opposite in the upper right hand square, the restorative option represents the highest level of control and the highest level of support. In the social discipline window, the restorative approach would be the most effective (McCold & Wachtel, 2003).

### **Restorative Justice Approaches**

Bergseth and Bouffard (2012) stated that there are a wide range of restorative justice programs that included victim-offender mediation (VOM), community reparative boards, family group conferencing (FGC), and circle sentencing. These programs helped repair the harm done to the victims as well as the community. The different approaches allow the victim to have a more active role in the punishment for the offender (Bergseth & Bouffard, 2012). FGC and VOM strive to bring together distressed individuals, victims, the community, and the offender, in a calm process that addresses offender



accountability and repairs the harm (Bergseth & Bouffard, 2012). Victim-offender mediation provides face-to-face mediation between the victim and the offender, in hopes of repairing harm done and some type of closure (Bergseth & Bouffard, 2012). Circle sentencing and reparative boards both help with the development of sanctions and a consensus decision-making process (Bergseth & Bouffard, 2012).

### **Reintegrative Shaming**

Braithwaite (1989) distinguished between two types of shaming: stigmatization and reintegrative. Mongold and Edwards (2014) stated reintegrative shaming includes punishment accompanied by efforts to reintegrate the offender back into the community through forgiveness. Brooks (2014) indicated according to reintegrative shaming theory, the offender is treated with respect and dignity, with emphasis on the bad behavior and not on the person. Stigmatization transpires when the community confines the offender with punishments such as incarceration (Mongold & Edwards, 2014). An example of stigmatization is increasing the number of juveniles waived to adult court (Mongold & Edwards, 2014).

The American justice system has ratified some of the approaches to delinquencies sustained by reintegrative shaming theory (Mongold & Edwards, 2014). Mongold and Edwards (2014) suggested the practice of restorative justice was a way to bring humanity back into the criminal justice system. Restorative justice created the opportunity for victims and offenders to engage fully in the justice process and created needed change for all parties (Mongold & Edwards, 2014). A possible problem with restorative justice was that it could end up net widening, which refers to an increase in the number of juveniles

exposed to the criminal justice system (Brooks, 2014). Brooks (2014) suggested that net widening would potentially worsen existing discrimination linked to race, ethnicity, gender, or social class even if net widening was intended to prevent the problem.

### **The Youth Arbitration Program**

A new paradigm of restorative juvenile justice was initiated in South Carolina in 1981, and the YAP was initiated in 2007. This led the way in implementing alternatives to incarceration solutions for juveniles (Hazen, 2012), the focus of this study. Blacks make up a significant percentage (61%) of the South Carolina population while Black males make up 79% of the jailed population (SCDJJ, 2013). Applegate (2014) stated that Blacks make up a substantially larger portion of prison populations than the general population. Restorative justice appears to be ineffective, as indicated by rising rates of juvenile incarceration. Obtaining a concise understanding of arbitrators' perceptions of current retributive practices helped develop proper training for arbitrators and increased their cultural awareness of this particular population.

A deputy sheriff directs the YAP. The YAP provides voluntary trained arbitrators who give out sanctions to the juveniles to keep them from going through the court system. These juveniles never see a judge unless they are unsuccessful in completing their sanctions. Sanctions include apology letters to the victims or communities affected; the Next Step program, which consists of mediation between the parent and the child; a coroner's tour, which consists of viewing the coroner's office; viewing court, which consists of watching other juvenile cases in court; a department of juvenile justice tour, which is a tour of where juveniles are housed once incarcerated; and community service.

These practices must abide by the principles of restorative justice and maintain a balanced approach that addresses the needs of the victims, offenders, and community (Ashley & Stevenson, 2006). The arbitrators decide the sanctions, and the juveniles have 90 days to complete the sanctions required (SCDJJ, 2013).

### **Advantages and Disadvantages of the YAP**

While the YAP is beneficial to juveniles as a restorative justice effort, there are also some downfalls to the YAP. In the YAP, a juvenile can only go through one time. There are no second chances. Misdemeanor charges are only accepted in the YAP. If sanctions are not completed in 90 days, the case is forwarded to family court for prosecution. Being in the YAP requires the juvenile to having to balance between school, home, and/or work, along with the requirements given by arbitrators to complete the program. Juveniles will not have a record if the program is completed. There is no charge to the YAP. Both parties have to be comfortable with sanctions by arbitrators (RCSD, 2013). The burden falls upon the parents to ensure the juvenile completes community service (RCSD, 2013). Cases involving weapons, burglaries, sexual assaults, and drugs of any kind are not permitted in the YAP (RCSD, 2013). Offenses heard in arbitration hearings include assault & battery 3<sup>rd</sup>, larcenies, disturbing schools, affray, disorderly conduct, minor in possession of alcohol, malicious injury to real or personal property, receiving stolen goods, trespassing, harassment, and shoplifting.

Juveniles aged 17 could not get into the YAP, as they are considered adults and would get adult charges. Juveniles over the age of 16 can look at other diversionary programs such as pre-trial intervention, family solutions, adult drug court, probation, or

jail time. Accessible programs to handle the amount of juvenile referrals are vitally needed (Hazen, 2012).

### **Summary**

Restorative justice has been practiced in the United States for years and continues to evolve. The goal of restorative justice is to repair the harm caused to the victim and the community. Focusing more on a restorative practice rather than a retributive practice reduces incarceration. Although restorative justice takes into consideration the needs of the victims, the offenders, and the community, justice remains the main feature of restorative justice (Brooks, 2014). Balance and restorative justice are used in many states and are based on the principles of restorative justice. Comprehending the use of incarceration to address juvenile delinquency is vital because of the victims and offenders involved and the community. Research on juvenile justice incarceration shows the complex issues of treating the needs of juveniles as well as providing necessary treatment. Juvenile incarceration increases incarceration and delinquent behaviors without restorative practices in place.

In Chapter 2, I present an examination on the history of arbitration and information on restorative justice practices. I also identify a gap in literature related to the problem statement this qualitative study addressed, acknowledge the theoretical framework, and restate the research questions. The theoretical framework, reintegrative shaming, addresses the effects of restorative justice on incarceration and using formal sanctions for Black males ages 12 to 16 years. In Chapter 3, I present the research design

and rationale and the methodology, my role as the researcher, case study selection, and procedures for recruitment, participation, data collection, and instrumentation.

## Chapter 3: Research Method

### **Introduction**

The purpose of the qualitative study was to examine the experiences of arbitrators and the role they play in contributing to knowledge about the successes and failures of the restorative justice process in decreasing incarceration for Black males ages 12 to 16 years in one county in a southern U.S. state. I chose this county because of its demographics, which consisted of a large number of Black males ages 12 to 16 years. Brooks (2014) identified evidence that suggested problems with the juvenile justice system, especially for decreasing incarceration for Black males. Choi et al. (2011) emphasized how the criminal justice system is normally under retributive justice and has essentially focused on the punishment of offenders, including juveniles. Chapter 3 includes details on the research design and rationale for this study of restorative justice. Included is information on my role as the researcher and the methodology, including the rationale for case study selection. Also included are descriptions of the data collection instruments and strategies for preserving study trustworthiness.

### **Research Design and Rationale**

Qualitative research design provided an opportunity for the researcher to examine and explore experiences of restorative justice participants in their natural life setting by observing or interviewing participants (Choi et al., 2011). Different types of restorative techniques are used as an alternative to incarceration. Restorative circles are used for a variety of different ends, including sentencing, addressing internal conflicts in juvenile facilities, and aiding a juvenile's transition and reintegration upon leaving a facility to

reenter society (Tsui, 2014). The goal in circle sentencing or restorative circles is to reach an agreement between the victim, offender, and the community (Tsui, 2014). Choi et al. (2012) suggested restorative processes tend to be more effective for restoring the needs of the offender and the community. Moreover, important outcomes are decreased in recidivism among restorative justice participants (Choi et al., 2012). In my study, four arbitrators were the participants.

### **Research Question**

The central research question that guided my study was: How do the experiences of arbitrators played a significant role in contributing to understanding the successes and failures of restorative justice? Subquestions included: (a) What are the roles of arbitrators in the YAP program?; (b) How do evidence-based restorative justice programs for Black males ages 12 to 16 years, such as YAP, affect the involvement of youth in the juvenile justice system?; and (c) What are the perceptions of arbitrators in the YAP about experiences of Black males ages 12 to 16 years in the YAP?

### **Role of the Researcher**

I considered several research topics before deciding to examine the necessity to understand the experiences of arbitrators and the role they played in the successes and failures of the restorative justice process in Black males ages 12 to 16 years in one county in a southern U.S. state. I was the main research instrument, gathering and analyzing a variety of data from the arbitrators in the YAP program. Yin (2013) suggested the researcher collects detailed information using a variety of data collection procedures over a certain period. My role as the researcher was to conduct the interviews of the

arbitrators. I provided arbitrators with free access to answer the interview questions. I did not show any bias during data collection and analysis.

### **Methodology**

Choi et al. (2010) suggested qualitative research reflects the paradigm of naturalistic inquiry if researchers explore experiences of restorative justice participants in their natural life settings. In my research, I explored experiences of restorative justice participants (arbitrators) in natural life settings. I selected a naturalistic case study design to examine the necessity to understand the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures for Black males ages 12 to 16 years in one county in a southern U.S. state. I employed multiple case studies or collective case studies because I studied several cases together to investigate a population or phenomenon, as suggested by Choi et al. (2010).

### **Case Study Selection**

Polkinghorne (2005) stated qualitative researchers often used a small amount of participants in their study. Polkinghorne suggested the use of multiple participants to give accounts from different perspectives. During the data collection phase of this study, I interviewed four arbitrators. I studied a single restorative justice program at a designated site. The sample population I used in the case study was arbitrators who had worked with Black males ages 12 to 16 years in a specific restorative justice program in a southern U. S. state. The purposive selection of data sources included using people or documents so the researcher learns about the experience, as suggested by Polkinghorne (2005). Brooks (2014) suggested the case study method offered great potential for embracing the



researcher's capability to study the social phenomenon linked to restorative justice programs. Case studies allow the researcher to use information gathered through interviews (Brooks, 2014).

Case studies are a more open-ended method of data collection, which allows the participants to speak freely (Brooks, 2014). The qualitative case study approach is the most logical approach for examining the necessity to understand the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures. Other qualitative designs considered for the study, but not selected, included a narrative research, phenomenology, and grounded theory. The use of narrative research was not useful to the study because firsthand information from the arbitrators' interviews was imperative; I did not use letters, stories, or journals. Phenomenology was not appropriate for the study because the purpose of phenomenological studies is to describe a live experience regarding a phenomenon, which did not fit with the purpose of my study. Grounded theory did not fit because I was not seeking to provide alternative explanations.

### **Procedures for Recruitment, Participation, and Data Collection**

Researchers rely on a number of data collection methods depending on the research approach and strategy. These include secondary data, interviews, observations, and questionnaires. In my study, the bulk of the data consisted of perceptions articulated by the arbitrators who participated in the YAP's restorative justice process. Their perceptions were crucial to the analysis because the entire scope of the research problem and questions focused on the advantages and disadvantages of Black males in YAP, the

satisfaction the arbitrators have achieved, and the YAP's shortcomings. For this reason, I gathered data with in-depth, face-to-face interviews of the arbitrators who had experience with restorative justice procedures. I kept case notes on each specific case. Specifically, the data gathered included: (a) summary of the facts of each case from files stored in a secure location to which the designated arbitrators have access; (b) description of each juvenile identifying only generic demographic data. The cases were assigned by case numbers to protect the arbitrators' identity. Arbitrators also signed a written confidentiality form. I used only the arbitrators' race and age; (c) assessment by arbitrators of the crime committed to determine if the crime was a first time offense and categorized as a misdemeanor; (d) description of the sanctions set aside as a restorative process; and (e) activities required of the offender as a result of arbitration.

Janesick (2011) suggested while conducting qualitative interviews, researchers facilitate a peaceful environment. Moreover, she stated showing authentic verbal and body language during the interview is important in facilitating feedback from the interview and proposed the interviewer provide the interviewee an opportunity to add further discourse to the interview once it is completed. Janesick suggested that observation, a large instrument used in qualitative research, should be recorded by using a reflective journal as a data set in the dissertation process. As the researcher, I understood the importance of creating a comfortable environment where the participants would feel free to give their thoughts and ideas about the topic studied. I conducted all interviews in a secure area and at a time and place feasible for both the participants and

me. All interviews were written observations and took approximately 25 minutes to finish.

Polkinghorne (2005) stated because the focus of qualitative research is different from statistical research, it requires a set of principles for the selection of data sources. Because qualitative research focuses on describing, understanding, and clarifying a human experience, it requires collecting a series of intense descriptions of the experience under investigation (Polkinghorne, 2005). The selection process in this study included purposive selection of participants and documents that provided significant accounts of the experience under investigation. As the researcher, I generated an expanded list of possible arbitrators who had the experience under investigation and were available for interviews through snowball sampling. The list created served as a participant pool.

Killawi et al. (2014) stated very few researchers have reported procedures for recruiting, how to obtain informed consent, and compensation of participants. In this study, the participants volunteered their time. While the study was on Black males, the arbitrators were of either gender, various ages, and came from different backgrounds. I purposively selected the arbitrators, who were at least 21 years old and had at least 1 year training as an arbitrator. The arbitrators completed the mandatory training. Arbitrators were given an opportunity to verify the information they supplied. I selected arbitrators involving the different races, gender, and age, and thoroughly examined them for any observation on the procedure, the participants' cases and the nature of the crime committed, and other relevant factors. Baxter and Jack (2008) suggested using a database improves the reliability of the case study, while enabling the researcher to track and

organize different data sources, including notes, key documents, and audio files that can be stored for easy retrieval when needed. I recorded all interviews, which I estimated to take approximately 25 minutes to conduct. As the interviews were ongoing, I recorded the participants. After the interviews, I coded the data generated to produce emerging themes upon which the conclusions of this study were based.

### **Instrumentation**

The significance of using appropriate instrumentation strategies for gathering and collecting data is important for qualitative researchers (Brooks, 2014). I used semistructured interviews and necessary documents connected to the cases that were studied. To increase the opportunity to learn from each case, I examined four cases. Circle sentencing provided a suitable design for interpreting the arbitrators' personal experiences with Black males ages 12 to 16 years in their case environments. The Juvenile Justice Bulletin [JJB] (2001) defined circle sentencing as a holistic reintegrative strategy used not only to address the delinquent behavior of the offender but also to consider the victims and the community. The goals of sentencing circles or restorative circles are: (a) promote healing to all parties involved, (b) provide the offender the opportunity to make amends, (c) empower all stakeholders involved, (d) address what the underlying cause of criminal behavior may be, and (e) build a sense of community and its ability for resolving effort (JJB, 2001).

Choi et al. (2011) recommended making observations and conducting interviews, using a qualitative case study approach to capture a collective nature of the participants' experiences. Choi et al. (2010) suggested focusing on gaining an in-depth understanding

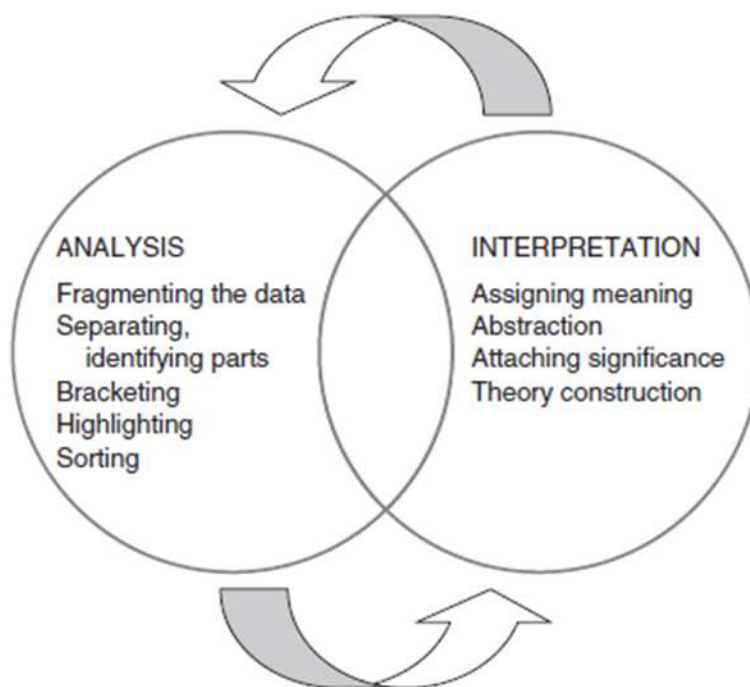
of arbitration and restorative justice. Qualitative research design presented multiple perspectives from different arbitrators. Choi et al. (2011) proposed broader usage of effective restorative justice programs would help juveniles get back on track, restore victims, and enhance safer communities.

I employed the qualitative case study to facilitate exploration of a phenomenon within its context using a variety of data sources. This ensured the issue was not explored through one lens, but rather a variety of lenses, which allowed for multiple facets of the phenomenon to be revealed and understood. Using a case study approach allowed me to examine the perceptions of arbitrators regarding the outcomes of Black males in restorative justice programs in a bounded system. I believe case studies were most appropriate for my study because case studies extracted themes from interviews with open-ended questions for data collection. This allowed me to gather data for the study in the arbitrator's own words. This method also allowed me to use data collected through interviews for creating themes via content analysis.

### **Data Analysis**

The intent of this research was to gather data regarding the examination of restorative justice for Black males ages 12 to 16 years. Brooks (2014) suggested the case study approach is used as a guide to facilitate content analysis of data and interviews through the research process. I used content analysis to determine the emergent themes from data collected from the arbitrators. Figure 3 illustrates the analytical process I followed, which was the interplay between analysis and interpretation (Boeje, 2010). The diagram shows a process that was iterative rather than linear, a repetitive cycle of

analysis and interpretation. The process did not specify a beginning and end, indicating that it may end and begin among any of the enumerated activities. However, with each iteration, I expected the findings would become more specific and more accurate with each new data item and confirmed by succeeding information.



*Figure 3.* Iterative analysis strategy. Adapted from *Analysis in Qualitative Research* (p. 215) by H. R. Boeje, 2010, Thousand Oaks, CA: Sage. Copyright 2010. Reprinted with permission.

Baxter and Jack (2008) stated that with all qualitative studies, the data collection and analysis occurs concurrently. Baxter and Jack also suggested the researcher must ensure data are converged to understand the overall case, not various parts of the case, or factors that influenced the case. Therefore, I used coding to look for common themes or words that the different participants repeatedly used.

### **Issues of Trustworthiness**

A primary issue of the study was sustaining reliability and trustworthiness during the research. Measuring the same readings, even if measured at different times, suggested that the study was reliable (Jain, Sharma, & Jain, 2015). To ensure the trustworthiness of the study, I conducted member checks after each interview to ensure my interpretation of the interviews was the same as the arbitrators' interpretation. Credibility was vital for the internal validation of data provided and the analysis of such information was unbiased. Brooks (2014) emphasized the objective of qualitative research is to present an overview of the issues and disclose the researcher's ability to describe the phenomena of interest. Using appropriate instrumentation strategies for gathering and collecting data is important for qualitative researchers (Brooks, 2014). I triangulated data by using interviews, surveys, and necessary documents connected to the cases studied.

### **Ethical Procedures**

Before conducting the study, I obtained permission from Walden University's Institutional Review Board (IRB) approval number 10-11-16-0057470. I protected the privacy of the youths whose cases were discussed by keeping their files confidential, assigning and referring to them as participants one through four only. I foresaw no problem with access to arbitrators who met the criteria (i.e., provided sanctions to Black males) because I did not interview juveniles. Parental concerns were not an issue because the arbitrators were over the age of consent. I did not release information about arbitrators that would give away their identity. Thus, no vulnerable population was exposed. The interview process was voluntary to the arbitrators wanting to participate. I

did not force anyone to participate. The participants were arbitrators who have worked with cases in the past year. I stored information in a secure file at the sheriff's department up to five years, and I will shred all documents afterwards.

### **Summary**

Chapter 3 included the research design and rationale and the role of the researcher pursuing this study. Also included in Chapter 3 was a discussion on the methodology I employed in this naturalistic qualitative study, which followed a case study design. I also discussed the instrumentation, procedures for data collection and data analysis. Finally, I examined issues of trustworthiness and the reliability and validity of the study. In the following chapters, I present the results of the study.



## Chapter 4: Data Collection and Analysis

### **Introduction**

The purpose of the qualitative study was to examine the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures in decreasing incarceration for Black males ages 12 to 16 years in one county in a southern U.S. state. The central research question that guided my study was: How did the experiences of arbitrators play a significant role in contributing to understanding the successes and failures of restorative justice? Subquestions included: (a) What are the roles of arbitrators in the YAP program?; (b) How do evidence-based restorative justice programs for Black males ages 12 to 16 years, such as YAP, affect the involvement of youth in the juvenile justice system?; and (c) What are the perceptions of arbitrators in the YAP about experiences of Black males ages 12 to 16 years in the YAP?

During in-depth interviews, arbitrators expressed their perceptions and experiences, and I collected and analyzed data. They also discussed their use of findings to improve youth success in the YAP. The research findings in this chapter are based on analysis of the following data sources: semistructured, face-to-face interviews and open-ended questions.

### **The Participants**

The participants of the study were four arbitrators from a southern county within the U.S. They ranged in age from 44 to 58 years old; two were females, and two were males. On average, participants had nine years of arbitrator experience. One participant reported 4 years of experience, and three arbitrators had 7 to 15 years of experience. All

four arbitrators were trained arbitrators. In addition, two participants reported working in the school system, one participant reported being a pastor, and one participant reported being a cosmetologist. Interviewees contributed different amounts of knowledge to the four themes. Some arbitrators talked at length on one or two themes; some arbitrators expressed equal time across all four themes. Thus, all arbitrators' voices and views were represented in this study.

### **Data Analysis**

For the data analysis of this case study, I used a qualitative content analysis. I coded the collected data, identified themes, and manually analyzed the data. Contextual interpretation in text from the arbitrators helped with the development of emerging themes. Themes were reoccurring patterns from the arbitrators. I was able to identify important consistencies and meanings that continued to help emerge themes through keywords. The analysis of the data resulted in the identifications of the themes: (a) holding the youth accountable for their actions, (b) helping youth to avoid developing a record, (c) focusing on community involvement (d) reducing incarceration. At the level of both processes and phrases, themes can climb easily into categories as opposed to just one word (Miles et al., 2014). I recorded data to develop categories of phenomena as suggested by Miles and Huberman (1994). I employed qualitative content analysis using coding. Miles and Huberman emphasized how codes were created according to the interview and repeated phrases, thus being the researchers' way of starting to gather themes. Miles and Huberman suggested that data are coded descriptively or interpretively. I shaped my case study into the following:

1. The initial level coding was a specific analysis, in which I used phrases and sentences for whole sections, allowing multiple paragraphs to be decreased through content coding.

2. The next level coding provided more details. I began to explore concepts and indexed them according to the content.

3. The last process of coding involved the constant questioning of emerging themes. Data derived from the arbitrators helped to create substantiated sources of supported evidence.

### **Presentation of Findings**

Arbitrators' responses to interview questions often provided information for more than one theme. In this section, I discuss a wide range of knowledge, experiences, and perceptions of arbitrators, who are actively participating in a restorative justice program. The case study revealed four themes from the replies of the arbitrators, which I examined as main sources of data. The themes were central to the main research question and subquestions. Table 1 depicts the research questions and their advanced themes as stated by the feedback of the participants. I organized themes for each research question by obtaining the most responses from the four arbitrators.

Table 1

*Research Questions and Depicted Themes*

Research Questions	Themes
Central research question:  How did the experiences of arbitrators play a significant role in contributing to understanding the successes and failures of restorative justice?	Theme 1: “Holding the youth accountable for their actions.”
Subresearch question: What are the roles of arbitrators in the YAP Program?	Theme 2: “Helping youth from developing a record.”
Subresearch question: How do evidence-based restorative justice programs for Black males ages 12 to 16 years, such as YAP, in a rural environment, affect the involvement of youth in the juvenile justice system?	Theme 3: “Focusing on community involvement.”
Subresearch question: What are the perceptions of arbitrators in the YAP about incarceration rates of Black males ages 12 to 16 years in YAP?	Theme 4: “Reduce incarceration.”

**Theme 1**

The first theme emerged from the central research question, How did the experiences of arbitrators play a significant role in contributing to understanding the successes and failures of restorative justice? Overall, I considered the theme “holding the youth accountable for their actions.” This theme addressed repair of harm to the victims and the communities, thus decreasing incarceration rates. I considered this theme the

most important findings of the four themes, which surfaced from four out of four on the interviewed participants.

Participant # 1 stressed the importance of using more restorative justice programs in the community to continue to reduce incarceration:

Instead of only addressing the crime, the behavior that leads to the crime needs to be addressed. This population needs a lot of structure, young people need structure in general and boundaries put in place. When boundaries are in place, they do what they are supposed to do. Sanctions are more of the physical aspect to complete the program.

Participant # 2 emphasized the importance of being a role model in the juvenile's life:

Judges do not have time to talk to the family and get to know them the parents as well as the family dynamics. Restorative justice programs are very effective in decreasing recidivism and incarceration rates. I am glad to be a part of the YAP. I haven't had a reoccurrence and the success rate is beautiful, particularly when the juvenile does not return." The purpose of the program is not to fail any child but help them acknowledge and assist them with getting things on track and utilizing all resources provided by Richland County Sheriff's Department. This program has produced positive results as far as the outcome of recidivism and incarceration rates, particularly, with the age group identified.

Participant # 3 added that decision-making and family support play a big role:

"The restorative justice process enables the student to understand better the consequences

that go with the decisions they make. Most of the cases tend to have good family support, which is important.”

Participant # 4 also added the environment is vital when trying to decrease recidivism and incarceration rates for the juvenile:

The home life is very important for addressing the juvenile’s behavior but for also giving sanctions. Recognition of what has been done occurs in the restorative justice process with the youth. Sometimes there is remorse. The juvenile has to find a better way to handle situations and that is how the YAP helps.

## **Theme 2**

The second theme derived from the first research subquestion, what are the roles of arbitrators in the YAP Program, was “helping youth from developing a record at an early age.” All the participants felt it was important to be a mentor, while assisting the youths’ thought process of handling situations. By doing this, the arbitrators realized this introduced the youths to alternative actions. This theme was a significant finding because not only is it important to the four arbitrators that were interviewed, but it also revealed to me how to understand the exact roles of the arbitrators and how it affects restorative justice programs such as YAP.

Participant # 1 indicated that the roles of arbitrators are very important:

“The role of arbitrators is to bring about change. To manage a person for 90 days [the sanction period] that has committed a particular crime. The role is also to help them to understand the crime and how successful they can be by getting another chance. When giving sanctions to the youth I consider what can bring

about change. I research the case and spend some time thinking what I am going to do. Then I establish guidelines, so that I can try to get them to think about what they are doing. They still must understand there are consequences for their actions.”

Participant # 2 stated that arbitrators play a very different role than judges:

We are not judges. We do not have a jury or lawyer. We are here to assist Richland County Sheriff’s Department and the Solicitor’s office by volunteering to keep youth from developing a record. We help them find a job and try to keep them away from incarceration. We are the ears for the child that also helps parents get back on the right track. I take in consideration the seriousness of the charge. I give the youth opportunities to correct their behavior. Also with the sanctions, I consider grades, home demographics, education level, IQ, and peer pressure. I try not to judge or form an opinion until I meet with the child. I go by the school to speak with the teachers too.

Participant # 4 suggested that mentoring is important:

The roles of arbitrators are to be a mentor to the youth in the program. We assist them in their thought process of handling situations. We also introduce the youth to alternative ways to handle situations. When giving sanctions, I take into consideration the home life of the child, their accessibility to different venues, the community, and age appropriate sanctions.

Participant # 3 expressed the role is to help the youth be restorative:

The role of arbitrators in YAP is help the youth understand that their decision making can affect their family as well as the community. I try to provide different options for the child. In some ways, placing some fear in what can happen by them doing the wrong thing. When giving sanctions I take into consideration their age, accessibility, transportation issues, the crime committed, and what kind of support do they have from the family.

### **Theme 3**

The third theme surfaced from the second research subquestion, how do evidence-based restorative justice programs for Black males ages 12 to 16 years, such as YAP, in a rural environment, affect the involvement of youth in the juvenile justice system?

Overall, I considered the theme ““Focusing on community involvement.” I also considered this theme significant, as four out of four arbitrators interviewed spoke highly of how important this program is to Black males ages 12 to 16 years old. Participant # 1 shared a way in which the YAP program is effective:

Instead of only addressing the crime, the behavior that leads to the crime that needs to be addressed. Evidenced-based restorative justice programs for Black males ages 12 to 16 reduce the amount of youth that go to the Department of Juvenile Justice as far as incarceration. Because the age range is specific, it may not stop the behavior as an adult, but it corrects the behavior as a juvenile. Young people need structure, and when boundaries put in place, I believe they will do what they are supposed to do.



Participant # 2 responded from a percentage of cases he felt dealt with the population studied:

About 60% of Black males, ages 12 to 16 years were going to jail before restorative justice programs were used. I see positive results now as far as the outcome of Black males ages 12 to 16 being in the YAP program.

Participant # 3 believes the program has a positive impact on Black males ages 12 to 16:

I am hopeful that it decreases the admission of those committed to the Department of Juvenile Justice. The YAP allows them to understand that DJJ could be the place they end up. I believe this program has a positive affect Black males ages 12 to 16.

Participant # 4 emphasized the affect of peer pressure:

Some juveniles do realize they should be positive but their peers have a negative attitude towards law enforcement. I do see them as successful for completing the YAP, but when they become adults, I cannot say if they will not reoffend.

#### **Theme 4**

The fourth theme that surfaced from the third research subquestion, what are the perceptions of arbitrators in the YAP about incarceration rates of Black males ages 12 to 16 years in YAP, was “decreasing incarceration rates”. The arbitrators all suggested that YAP has done a great job at reducing incarceration rates for juveniles because it is a volunteer effort that people believe in doing. This finding was vital because four out four of the arbitrators interviewed agreed that the YAP program was greatly successful.

Participant # 1 indicated YAP reduces incarceration rates for juveniles:

Many young people that get in trouble do not think clearly and do not have positive parental guidance. I feel like YAP has done a great job at reducing incarceration rates for juveniles as well as the arbitrators have played a significant role because it is a volunteer effort that you are not paid to complete.

Participant # 2 also believed YAP is effective in decreasing incarceration rates: “The YAP is definitely helping Black males ages 12 to 16. We get them before they go to DJJ. Mostly that age bracket is what we deal with. The perception is medium to high.”

Participant # 3 suggested other restorative programs: “We think as a whole, it is high. In the community, there needs to be other restorative programs like YAP, to bring that number down.” Participant # 4 stated that YAP was a good program:

The perceptions of arbitrators in the YAP about incarceration rates of Black males ages 12 to 16 are likely high. YAP is a good program, however, when youth do not have the opportunity to participate in it, it opens up another side, and it introduces them to a relationship with law enforcement.

YAP works in the county in which this study took place because it is mostly a rural area and, therefore, everyone knows each other. The community played a major role in making sure the arbitrators had the right tools so the youth could transition back into the community to be productive citizens. The sanctions were looked at as a community project because so many churches and places within the rural area opened up their facilities for the youths to give back and repair the harm done they did to the community.

Participant #3 reflected on how the community is vital in addressing transportation and where the youth resides. Participant #4 agreed that the accessibility to

different venues and to the community was an important aspect when giving out sanctions. I concluded this is because not every child has transportation to get around; having the capability to use resources within the community also facilitated fulfillment of the sanctions. Participant #1 stated that youth in the YAP needed a lot of structure and boundaries set for them. For instance, youths call in to the arbitrators once a week. I concluded that by maintaining communication with someone on a weekly basis, youths had little time to think about getting into trouble. I also concluded that because the community served as a familiar background to the youths, they were more likely to stay out of trouble. Participant #2 believed the community was effective because they were able to assist the youths with getting all the resources they needed. Overall, I concluded the YAP worked because it involved the community within this rural area where individuals in churches, schools, and afterschool programs were familiar with the youths and worked hard to serve as mentors.

### **Summary and Conclusion**

In Chapter 4, I discussed and presented the data collected and the findings from the four interviews conducted for the case study. In addition, throughout the gathered interviews, I deeply studied and analyzed the knowledge, perceptions, and experiences of the arbitrators about examining restorative justice in rural areas for Black males ages 12 to 16 years in one southern county in the U. S. I summarized the results of the data, indicated who the participants of the study were, identified different themes that emerged to help understand the results of the interviews, and related the importance of the findings to other literature. I identified four main themes that connected to the research question

and subquestions established in the beginning of the study. In Chapter 5, I present additional discussion of the results and the conclusions of the study.

## Chapter 5: Summary, Conclusions, and Recommendations

### **Overview of the Study**

The rationale of the study was to examine roles and perceptions of arbitrators decreasing incarceration for Black males in the YAP. Brooks (2014) suggested that the body of knowledge for restorative justice is restricted to the effectiveness of restorative justice programs in decreasing the interaction of youths in the juvenile justice system.

The purpose of this qualitative case study was to examine the experiences of arbitrators and the role they played in contributing to knowledge about the successes and failures of the restorative justice process in decreasing incarceration for Black males ages 12 to 16 years in one county in a southern U.S. state. In this research, I used a naturalistic qualitative case study method to examine restorative justice in reducing incarceration of Black males. Furthermore, the present research assessed restorative justice compared to retributive justice and how the YAP would serve as another way of addressing delinquent juveniles. I used a case study approach to prompt reliable data.

### **The Findings and the Relevant Literature**

The findings that surfaced in the analysis section of the study correspond to the literature in Chapter 2. Brooks (2014) stated that retributive justice is defined as a crime against the state with heavy emphasis on punishing the offender, not rehabilitation. Such emphasis increases the risk of incarceration (Brooks, 2014). Restorative justice practices strive to restore victims and the community (Bouffard et al., 2016). Restorative justice initially aimed to concentrate on relationships between the affected parties to bring about a sense of healing or closure (Tsui, 2014).

Restorative justice, as opposed to the traditional punishment and treatment model, is hailed as an alternate model, and its intervention strategies are rapidly growing worldwide (Johnstone & VanNess, 2013). The restorative system views all parties involved as stakeholders with legitimate interest in the outcome of the restorative process. For the process to achieve its goals, the victim must receive reparation and restitution, the community must secure guarantees to public safety, and offenders have the opportunity to accept responsibility for their offense, to repair the damage caused by their acts, and have the chance to reintegrate into the community. Thus, the priorities of the restorative justice model are markedly different from those of the retributive justice system (Walgrave, 2013).

Restorative justice arbitration plays a significant role in decreasing criminal charges while transitioning juveniles into the community to be productive citizens (RCSD, 2015). Arbitrators are neutral persons empowered and chosen by the parties involved to handle disputes or govern continuing relationships (Witkin, 2010). Choi et al. (2012) noted that studies reported significant interaction among participants in restorative justice programs and decreased offending behavior compared to incarceration.

Restorative justice is an alternative to incarceration for juvenile offenders. Effective restorative justice uses formal sanctions and reduces incarceration, especially among Black males ages 12 to 16 years (Hazen, 2012). Restorative justice provides alternatives for sentencing of juvenile offenders, specifically Black males (Brooks, 2014).

My study addressed a gap in the literature about whether restorative justice programs are successful in decreasing incarceration rates of juveniles who participate in

such programs and who use the community as a positive reinforcement. Hazen (2012) stated that when juveniles have the chance to participate in discussions about their punishment, they have the opportunity to explain their actions and have a sense of accountability for their actions. The findings refined and supported that restorative justice is important for juveniles to be supervised and given another chance. The results of my study indicated that restorative justice programs such as the YAP are effective because they (a) hold youths accountable for their actions, (b) help youths to avoid developing a record at an early age, (c) focus on community involvement, and (d) reduce incarceration.

### **Interpretation of Findings**

The framework of this study was based on restorative justice and reintegrative shaming. Mongold and Edwards (2014) stated reintegrative shaming includes punishment accompanied by efforts to reintegrate the offender back into the community through forgiveness. Brooks (2014) indicated according to reintegrative shaming theory, the offender is treated with respect and dignity, with emphasis on the bad behavior and not on the person. Stigmatization transpires when the community confines the offender with punishments such as incarceration (Mongold & Edwards, 2014). Through forgiveness, restorative justice aims to concentrate on relationships between the effort of the parties to bring about healing and closure (Tsui, 2014). A successful restorative justice program such as YAP may decrease incarceration rates and recidivism within the DJJ.

Theme 1 surfaced from the research question, how do the experiences of arbitrators play a significant role in contributing to understanding the successes and failures of restorative justice? Through sentencing and circles, the effectiveness of

restorative justice programs lowers incarceration rates, therefore supporting the data coming from the four participants. Furthermore, the program adopted by Braithwaite (1989) was restorative justice and propose that society structure and culture would affect an individual irregular acts by a process of shaming. All four themes were considered significant.

Theme 2 derived from the first research subquestion, what are the roles of arbitrators in the YAP program. In this particular theme, all participants said that being a mentor and having family and community support were important roles of arbitrators. In particular, participant # 2 stated that arbitrators play a very different role than judges, which supports the literature review in Chapter 2 that distinguishes the difference between judges and arbitrators.

Theme 3 surfaced from the second research subquestion, how do evidence-based restorative justice programs for Black males ages 12 to 16 in a rural environment affect the involvement of youth in the juvenile justice system? According to the results of my study, evidence-based restorative justice programs allowed the victims to get a sense of healing and closure while continuing to focus on the youth behavior. All four arbitrators spoke highly of how important this program was for Black males ages 12 to 16. Participant # 1 further stated that young people need structure, and when boundaries are put in place, they will do what they are supposed to do. Participant # 2 believed that YAP is effective in decreasing incarceration rates because the arbitrators get the juveniles before they go to DJJ.



Although all participants agreed that the YAP is a good way to decrease incarceration for Black males ages 12 to 16 (theme 4, which emerged from the third research subquestion, what are the perceptions of arbitrators in the YAP about incarceration rates of Black males ages 12 to 16 years in YAP?), Participant # 4 stressed:

YAP is only good for that age group because arbitrators make sure they stay on the right track and closely monitor them. Unfortunately, once they leave the YAP and become adults, I have seen where they go back into the system as adults. Therefore, while I do believe YAP works for now, I do not feel it is a permanent fix.

### **Limitations of the Study**

The major limitations of this study involved the methodology. In this study, I used four specific cases to examine how the experiences of arbitrators played a significant role in contributing to understanding the successes and failures of restorative justice for Black males ages 12 to 16. Because the arbitrators had a variety of socioeconomic and cultural differences, I could not generalize the results of this study to the entire state in which the study took place. Another limitation was the number of participants in the study and the scope of the research. My study focused on the efficacy of one restorative justice program for Black males ages 12 to 16. The results were concrete; however, because I only looked at Black males, these findings may not generalize to males or females of other ethnicities. Nonetheless, the results may still be generally applicable and may help with restorative justice practices of the world.

### **Recommendation for Future Research**

The possibility of expanding the scope of this study may exist through a different methodological approach. The methodological purpose of this study was equal to the approach used to gather the data, examining the experiences of arbitrators and how they played a significant role in contributing to understanding the successes and failures of restorative justice. The findings supported insight into the arbitrators' experiences with Black males ages 12 to 16 in the YAP. The study also provided a more in-depth understanding of the experiences of the participants in the YAP. Further studies may examine the restorative justice process on juveniles of different races and gender concerning incarceration. In addition, victim offender mediation should be used more to promote a dialogue between the victim, the community, and the offender. Researchers, stakeholders, and policy makers can add the findings of this study to the existing knowledge on the subject of restorative justice and conduct continuous discussion. New or future research should focus on the role of stakeholders in understanding and appropriately addressing the issues of: (a) holding youth accountable for their actions, (b) helping youth to avoid developing a record at an early age, (c) focusing on community involvement, and (d) reducing incarceration. Future research concerning restorative justice should focus on evidence-based programs that reduce incarceration.

### **Reflection of the Researcher**

Restorative justice is not only beneficial to the juvenile offender but also to the victims and community. Past seminal researchers such as Bazemore and Umbreit (2001), Zehr (2015), and Braithwaite (1989) have indicated that restorative justice is effective if

used as opposed to retributive justice. Many researchers, such as Bazemore and Umbreit, have been inspired to come up with alternative ways to incarceration. Based on the research, Black males age 12 to 16 years tend to be incarcerated higher than other races.

### **Implication for Social Change**

The findings of this study provided insight into the roles and experiences of the arbitrators. Researchers, policy makers, and stakeholders can add these findings to the current body of knowledge on the subject of restorative justice and contribute to the ongoing discussion. The study also provided a more in-depth understanding of the experiences and perceptions of arbitrators with the YAP.

### **Conclusion of Study**

Considering measures or steps to eliminate the concerns that arbitrators have about incarceration is important. These measures or steps include: (a) holding youth accountable for their actions, (b) helping youth avoid developing a record at an early age, (c) focusing on community involvement, and (d) reducing incarceration. This study served as a stepping-stone to examining the experiences of arbitrators and how the community plays a part in reducing incarceration for Black males ages 12 to 16 in one county in a southern U.S. State. These findings are expected to organize policy enactment regarding the well-being of the studied population.

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