NOTES FROM THE FIELD

Whole school restorative justice as a racial justice and liberatory practice: Oakland’s journey

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I want to begin by acknowledging the Mik’maq, the ancestors of the land. In doing so we affirm this is a post-genocidal land upon which we stand. At the same time, we recognise that Canada acknowledges responsibility for this unspeakable harm and is taking first steps to address it through the historic settlement and Truth and Reconciliation process around Indian Residential Schools.

I also honour the historic Africans of Nova Scotia and recognise the state-sanctioned harms of institutional and structural racism they have endured, while also recognising that Nova Scotia is taking first steps toward repair through the settlement and Restorative Inquiry around the Nova Scotia home for coloured children.

1. Oakland’s restorative justice story

Please allow me to share a bit about Oakland’s restorative justice journey. I co-founded Restorative Justice for Oakland Youth (RJOY) in 2005 and became its director in 2008. RJOY’s mission is to create a cultural shift from punitive to restorative responses to youthful wrongdoing by promoting restorative justice practices and policies in the schools, communities and juvenile justice system. We began with a middle school pilot at a small, mostly black school, in one of the most under-resourced and high-crime areas of Oakland. After two years, an academic study conducted by University of California’s Berkeley Law School showed we achieved an 87% reduction in suspension rates while eliminating violence and teacher attrition. Through developing the new habit of sitting in circle, students learned to talk through instead of fight through their differences. We also saw increased academic outcomes (Sumner, Silverman & Frampton, 2010). These results got the attention of a number of schools in the district who began to request training and technical assistance to get programmes started at their sites.

The successful pilot, coupled with youth organising, led the Oakland School District to adopt restorative justice as official policy system-wide in 2010. In 2008 there was only one restorative justice school; today, eight years later, there are approximately 40 with a significant budget and full-time staff district-wide.

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Following the response to intervention (RTI) framework customarily used in schools to guide delivery of services and interventions to students who struggle with learning and behaviour at differing levels of intensity (RTI Action Network, n.d.), we utilise a three-tiered whole school approach to structure delivery of restorative justice services and interventions (Restorative justice implementation guide: a whole school approach, 2015).

Tier 1 engages the entire school community, entailing training, coaching and facilitation of one-on-one Restorative Conversations and Community-Building Circles to proactively create a culture of healing and connectivity that transforms school climate. Tier 2 involves training, coaching and facilitation of Conflict Circles and Restorative Conferencing to address conflict after it has erupted. In most instances, Tier 2 processes serve as alternatives to out-of-school suspension. Tier 3 entails Circles to welcome or reintegrate a youth after a period of absence due to incarceration or other cause.

One of the first steps in whole school implementation is training and post-training coaching of adult members of the entire school community to the degree possible in Tier 1 processes. More specialised training and coaching is normally required for the much narrower group of vice-principals, discipline deans, counsellors or others who are tasked with facilitating Tier 2 or Conflict Circles.

2. Outcomes

An Oakland School District implementation study released in 2015 compared restorative justice schools with non-restorative justice schools after 3 years of implementation (Jain, 2014). Controlling for confounding factors, the study found graduation rates in restorative justice schools (RJS) increased by 60% compared to an increase of only 7% in non-restorative justice schools (nRJS). For increases in reading scores the comparison was 128% (RJS) versus 11% (nRJS). Chronic absence decreased 24% (RJS) compared to an increase of 62% (nRJS). Four-year drop-out rate decreased 56% (RJS) as contrasted with 17% (nRJS). Additionally, suspensions decreased by more than 50% in restorative justice schools. From 2012 to 2017, overall suspension rates in OUSD dropped by nearly 55%, from 7.4% to 3.3%. Though disparities remain, the black/white discipline gap narrowed from 12.1% to 6.4% or a 47% decrease (Wing, 2017).

3. Oakland’s approach: practicing school-based restorative justice through a racial and social justice lens

To begin with, we have been intentional about implementing a parallel strategy of providing restorative services at school sites while simultaneously ‘restorganising’ to achieve systems change affecting all schools. This has entailed both a bottom-up and top-down organising approach, meaning we do on-the-ground work with students, their families, educators and others while also engaging in advocacy for systems change with policy makers.
Of course a strategy that intentionally seeks to institutionalise restorative justice brings its own challenges, particularly the risk of co-optation. Making it a point of building and maintaining, over the long-run, close relationships between school districts and community-based groups is essential to mitigate the risk. In Oakland, the school district maintains a strong relationship with RJOY and other community-based groups that work to empower youth of colour through mentoring and teaching them about their culture and history, particularly their history of resistance. Always centring racial and restorative justice values – for example, elevating historically marginalised voices, respect, inclusivity, responsibility, community self-determination and a strong equity consciousness – in all aspects of our work is another important strategy to lower the risk of co-optation and professionalisation. The essence of restorative justice involves shifting the locus of power from systems and professionals to communities and ordinary people. We can never lose sight of this fundamental guiding principle.

Further, school-based practitioners must develop skilful understandings of how, as a matter of course, schools and school actors produce and perpetuate such systemic inequities as racial disparities in academic outcomes, suspensions and school-based arrests. Maintaining a high level of self-awareness, it is essential, especially for white restorative justice practitioners interacting with youth of colour, to constantly ask themselves: ‘In the way I practice restorative justice and interact with students and educators, am I perpetuating or challenging structural inequities?’

To be intentional about eliminating racial and gender disparities requires us all to regularly monitor suspension, expulsion and school-based arrest data, identify trends and be nimble enough to modify our approaches as indicated. For us, cultivating a good relationship with the research and data division of Oakland’s school district has been essential. Also, developing a research-practice partnership consisting of the school district, a university research group and a restorative justice community-based group to track and analyse this data is suggested.

African-American students are nearly four times as likely as their white classmates to be suspended from school for similar infractions. Black girls are suspended at a rate eight times that of white female peers. Behavioural differences do not explain the disparities. Black boys, no matter their size or age, are perceived as more dangerous. Eighty per cent of public school teachers in the USA are white while more than half of public school students are of colour. Consequently, implicit or unconscious bias is more likely to occur. Subjected to intersectional forms of stereotyping based on their race and gender, such as being ‘loud’ and ‘ghetto’, black girls are penalised for deviating from gender norms and expectations of ‘feminine’ behaviour, based on models of white womanhood (Morris, 2015).

Children of colour are clearly punished more severely than white children for subjective offenses. The more subjective the category of offense (e.g. insubordination, disobedience or defiance) the greater the risk that either explicit or implicit bias will seep into the discretionary process. In the wake of public protest and community organising, the Los Angeles, San Francisco and Oakland school dis-
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Districts have banned suspensions for defiance, while the California state legislature banned suspensions for defiance for K-3 students statewide.

For us, an essential part of implementing whole school restorative justice with fidelity is to integrate rigorous equity and anti-bias themes and modules into our standard restorative justice Tier 1, Tier 2 and Tier 3 trainings. This remains an area of growth for us and for the entire restorative justice movement in the U.S.

The school-to-prison pipeline bears mention here. Parallel with the rise of the prison industrial complex over the last decades, U.S. schools have been criminalising children instead of educating them. Use of exclusionary school discipline has doubled during this period, and for youth of colour, the use of suspensions has grown eleven times faster than for their white counterparts. With the growing presence of metal detectors, wand searches, police and wider use of suspensions and school-based arrests, our schools have been ‘prisonised’. Zero tolerance has since grown to the point that today, school architecture increasingly mimics prison architecture, and, more and more, schools, especially in low-income communities of colour, have begun to look and behave like prisons, with a growing police presence, increased surveillance, metal detectors, security cameras and wand searches along with policies mandating wider use of suspensions, expulsions, arrests and misdemeanour ticketing for minor incidents (Davis, 2015).

One suspension by the 9th grade triples a black student’s chance of incarceration and doubles the likelihood of drop-out (Losen & Martinez, 2013). Keeping a child in school is perhaps the strongest protective factor against violence and incarceration (Kearney & Harris, 2014). As we design whole school implementation along with training and coaching strategies, consciousness of the need to interrupt the school-to-prison pipeline throughout our practice is paramount.

4. School-based restorative justice practice across the nation

Oakland’s approach to whole school restorative justice implementation, described above, is a home-grown process. We were the first urban school-based restorative justice programme in California. In light of Oakland’s history of activism, particularly given it is the birthplace of the iconic Black Panther Party, it is not surprising that the restorative justice approach arising from this region of the country would centre racial equity.

Though acclaimed and studied, our approach is not necessarily the norm across the nation. Indeed the U.S. restorative justice movement in its first 35 years had no meaningful racial justice consciousness. After learning about restorative justice in 2002, I googled ‘race’ and ‘restorative justice’ and found less than a handful of articles. No conferences or convenings had occurred addressing the subject. This was shocking, especially given that restorative justice seeks to transform criminal justice, a justice that, since its beginning in this nation, grievously harms and targets people of colour disproportionately. Due in large part to Oakland’s impact, however, the national restorative justice movement is transforming. Far more writings on the subject are being published, restorative justice con-
venings and conferences addressing equity issues are occurring and we are seeing more initiatives led by people of colour and initiatives intentionally designed to reduce racial disparities. A dramatic embodiment of this transformation underway since 2013 was the June 2017 national conference co-hosted by RJOY and taking place in Oakland, themed *Moving restorative justice from margins to center: we are the ones we’ve been waiting for*, centring historically marginalised voices in the areas of race, gender, gender expression, age, class, religion and incarcerated and immigration status.

5. Closing

A very new and important frontier for us is to explore how we might use restorative justice to transform historical harm against people of colour in the USA. We are looking closely at Canada’s experience relating to the historic settlement and Truth and Reconciliation process addressing abuses of Indian Residential Schools and relating to the Restorative Inquiry addressing abuses of the Nova Scotia home for coloured children. It is lighting the way.

References


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