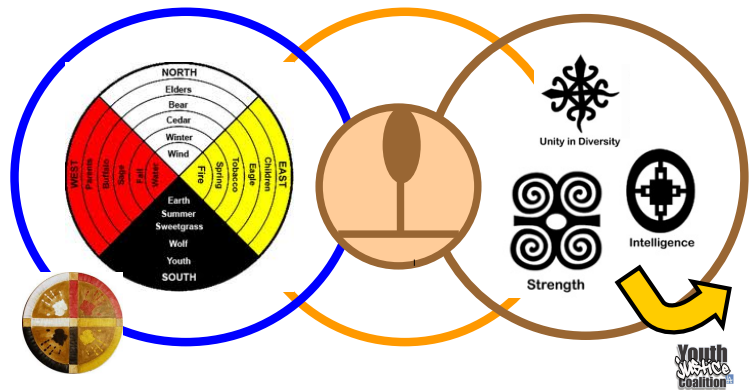


From the Youth Justice Coalition's start we practiced what we now call *Transformative Justice* (TJ). We started by telling stories in circles and small groups. As we told our stories began to heal from the shame and isolation that convicted people and our families experience. We realized that we weren't alone. We were - each of us - one of millions. Some of us started to take responsibility for things we had done and tried to repair relationships and make things right. We described harm that had been done to us, and tried to find a way to forgive and heal. We found that holding on to the hurt was killing us and pushing away everyone we cared about. And we always used circles to make decisions. Eventually, I also developed a circle process and shared it with people to hold ourselves accountable.

One of LA's spiritual indigenous leaders at that time – Manny Lares with Santa Monica Barrios Unidos - observed the way our group was organizing itself. He reminded us that indigenous communities throughout the world are always organized in circles, and that this is a key reason why the modern court, government and corporate structures are so isolating for poor communities and communities of color. Peacebuilding is part of our human nature and collective memory. As one of the YJC's youth leaders, Henry Sandoval said, "We just have to de-earn to re-learn."

We used the Lakota Medicine Wheel, the Zulu symbol for tribes/community and Adinkra symbols for strength, intelligence and unity as the inspiration for our organizational structure.



At the time in the mid 2000s, I knew of the term *Restorative Justice* (RJ) and was seeing some of those practices emerge locally and nationally. But, I had a lot of concerns with how that played out in the United States. In addition, I couldn't figure out how we could restore something that most U.S. communities had never had. So, I suggested that we call what we were doing "Transformative Justice" with an emphasis on transforming not only individuals and the relationships that they had with each other, but also the community and societal conditions that cause or contribute to harm, violence and injustice.

A few years later, I heard of another group using the term "Transformative Justice" – Generation 5 working to end child sexual abuse. Eventually the term became more common. But I am unclear on the origins, definitions or processes in use by other groups who use TJ. Therefore, this definition reflects only YJC's practices.

The Youth Justice Coalition **defines Transformative Justice as** an alternative to "street justice" – violence, intimidation, revenge, retaliation and/or rule by might over right; as well as an alternative to "school and court justice" that focuses on punishment, isolation, and removal through suspension/expulsion, incarceration, deportation or death. TJ is rooted in ancient traditions that arguably existed in all indigenous communities - where disputes are handled and/or decisions made through community circles. Circles are sacred because they provide for the most safety for individuals and the group, are non-hierarchical, and – if facilitated well – allow for equal opportunities for everyone to speak and provide solutions.

The goals of Criminal and Juvenile Court are to determine:

1. What law was broken?
2. Who broke it?
3. What punishment is warranted?
4. It's an adversarial system – a competition between lawyers - assumes two opposing sides resulting in a winner and loser.
5. Assumes guilty and innocent parties – victim(s) and perpetrator(s) or offender(s).

6. Not responsible for determining or addressing root causes of conflict.

The YJC's transformative justice process has some of the same goals as RJ, but also focuses on addressing root causes of harm and conflict, as well as on community and system accountability and change, including dismantling oppressive and discriminatory system practices.

The YJC's TJ process goals are to determine:

1. Who was harmed?
2. What are the needs and responsibilities of those involved?
3. How do all affected parties together address needs and repair harm?
4. Is non-adversarial. Seeks an outcome all parties can agree to.
5. What are the root causes of the conflict?
6. What community and/or societal change is needed to change relationships, conditions and power?

For the YJC, our implementation of TJ requires that we are trained in peacebuilding (intervention), invest in and rely on peacebuilders instead of police or security, that we build alternatives to 911 in our building, homes and communities, and that we engage in direct action organizing to dismantle juvenile and criminal injustice systems.

The Differences Between Community Intervention Workers and Law Enforcement Officers

VIEW OF L.A.: Police are trained to see youth, families and neighborhoods based on what's broken, what needs to be fixed, what is lacking, and what makes people either potential victims or perpetrators. Profiling is a key aspect of police training.

EAR TO COMMAND: Working within a military hierarchy, listening to superiors and following orders are the most essential skills of an officer, in order to maintain strict discipline and ensure advancement on the job.

ON THE CLOCK: LAPD Officers (and other police in L.A. County) receive overtime for hours above a 40-hour workweek. The 40-hour week includes paid lunch, sick leave and vacation time. They also have the option of longer shifts, working 4 days on, 3 days off, or 3 days on 4 days off.

TOOLS: A loaded gun – which is carried at all times on and off duty - (LAPD rookies are issued a semi-automatic Glock 22.40 caliber), Oleoresin Capsicum (OC) spray, a X26 Taser, a baton, a bullet proof vest, a radio, and handcuffs, all the equipment necessary to "subdue and detain any threat." Even the best-known officers are seen by the community as "armed and potentially dangerous."

TOOLS: A cell phone with access to e-mail and texts to be notified immediately of all shootings and emergencies. Despite the fact that many interventionists have been killed or severely injured, they choose *not* to wear bulletproof vests, because this could reduce the street credibility and respect they need to build trust and save lives.

SUCCESS: Is measured by drops in crime and increases in arrests.

UNIFORM: The maintenance of a crisp uniform, a badge and boots establish an officer's demeanor as strict, in control, and separate from the civilian world/community.

VIEW OF L.A.: Interventionists see youth, families and neighborhoods according to their strengths and potential, and as a key asset to L.A.'s future. The work focuses on linking people to what they need to succeed.

EAR TO THE STREET: Listening to the community is the most essential skill of an interventionist, including controlling rumors, preventing retaliations, hearing and addressing youth and families' concerns, mediating conflicts, and building truces and cease fires between enemy neighborhoods and individuals.

FADED TATOOS: Tattoos removed indicate that an interventionist is from the streets, but no longer ruled by the streets. Because an interventionist is rooted in community, they have the trust and relationships – both in the neighborhood and in jails and prisons – needed to solve conflicts and prevent future violence. This is known in the field as a "license to operate."

NO CLOCK: The City and County of L.A.'s paid interventionists are required to be on call, 24-7, 365 days a year, but are paid for only 40 hours or less a week. In addition, 100% of both the paid and volunteer peace workers surveyed reported that they are on call 24-7, every day of the year.

SUCCESS: is measured by the number of lives saved, the number of conflicts solved, and the fights, shootings and wars prevented.

UNIFORM: Comfortable and casual, the interventionist is most often seen in a polo, hoodie or windbreaker with a logo and/or positive message aimed at stopping the violence. Comfortable sneakers enable them to chase a youth down and get them into school, out of a fight or safely home. Their look communicates that they are accessible and friendly.

Cost to tax payers of a First Year LAPD Officer: Salary (without overtime), benefits, uniform, equipment, training and car: **\$150,000**. This does not include supervision, life insurance and retirement/pension costs, all of which are also paid from local tax revenues.

Cost to tax payers of an experienced Community Intervention/Peace Worker: Approximately 85% of L.A. County's Community Intervention/Peace Workers are volunteers. 10% work part-time for \$8-\$13 an hour. The YJC estimates that approximately 5% of interventionists – about 50 people in the County – receive full-time salaries through City or County funds at an average* annual cost of **\$50,000 or less** per person, including FT salaries ranging from \$18,000 - \$35,000, minimum benefits, one-time equipment costs consisting of a phone, and minimal training costs. Even salaried intervention workers report that they pay for their monthly phone charges, travel (gas and maintenance on *their own* car), and uniform. Interventionists do not receive life insurance or government retirement/pensions. A minute number of peace workers earn more than \$35,000 a year. Most have been doing the work for years, some for decades. The YJC will be doing a more thorough report on the field of intervention in future reports.

Job and Cost Comparisons Between Law Enforcement and Intervention



Everyone in the YJC's membership and in the larger community using Chuco's Justice Center is able to use and subject to being called into a TJ circle. It is not implemented as in a growing number of US schools where students are subject to accountability through restorative justice but teachers and other staff are not. (Chuco's Justice

Center is the YJC's collective movement space that includes the YJC's community organizing and high school, about 30 groups that operate out of the building, and numerous events and activities that bring about 15,000 people a year into the center).

Finally, the goal of TJ should be to transform the culture and relationships within groups and communities from control, intimidation and inequality toward safety, equity and justice. Therefore, TJ practices should only focus a fraction of the time on addressing/repairing harm or resolving conflicts. TJ – including infinite circle practices – builds community and empathy through relationship building, teambuilding, sharing of stories and oral histories, games, theater and other experiential learning, even the way that seats are positioned to encourage participation and multiple learning styles over lecture-style teaching and preaching.

For example, TJ practices that we are working to integrate into the YJC's high school include:

TRANSFORM RELATIONSHIPS

- Discussion Circles (after lessons, films, etc.)
- Identity Circles
- Community Solutions Circles (Theater of the Oppressed)
- Story Telling Circles
- Appreciation/Recognition Circles
- Temperature Circles (Check-ins)
- Cyphers / Poetry – Rhyming Circles
- Speeches / Reporting / Student Teaching
- Team Building Circles
- Silly Circles
- Harm / Conflict Circles



ORGANIZE WITH CIRCLES



TRANSFORM INSTRUCTION

FUN
Games,
Drama,
Art

TROUBLEMAKERS
Study
Movements/
Engage in
Community/
School
Transformation
and Organizing



ACTION
Teach
to All
Learning
Styles

F.A.T. BURGER



TRANSFORM CONTROL

1. Physical Position and Movement
2. Dictator/Disciplinarian to Facilitator of Respect (Agreements)
3. Recognize and Reward Positive Actions and Growth
4. Bring In Parents, Students, as co-teachers / mentors
5. Intervention / Peace Builders
6. Clear, Constant & Fair Accountability
7. Create Culture for Peer Support, Mentoring and Accountability



Concerns with How Restorative Justice is Often Practiced in the United States:

From Chiapas, Canada and the United Kingdom, to the South Pacific and Africa, communities and entire nations are using Restorative Justice practices to divert people from expensive, inhumane and ineffective court and incarceration systems. Internationally, Restorative Justice transforms relationships between individuals, but also *radically* transforms the roles of police, court and prisons.

But, in the U.S., Restorative Justice usually does not seek to significantly challenge or dismantle juvenile and criminal injustice systems, including the traditional structures and roles of law enforcement (police, sheriffs, Probation, school police, school resource officers), courts and prosecutors.

RJ models in the U.S.:

1. Are usually tied to, directly supervised by, accountable to and/or a project of law enforcement or the traditional court system. In most cases the “stick” for someone who “fails to comply” with program is return to court and/or custody.
2. Studies indicate that the majority of U.S. RJ models as well as other “diversions” actually “widen the net.” In other words they bring people into the system who wouldn’t normally be in court or custody rather than pulling people out of the system or diverting people from arrest, court or custody.
3. Many programs mirror the traditional court process in language and practice - from using terms such as “victim” and “offender,” “juvenile,” etc., and assuming that there is a party who has caused harm or committed a crime and a party who is innocent.
4. Many programs require a guilty plea in order to participate. People who believe themselves to be wrongfully accused or only partly responsible have no recourse but the traditional court process.
5. Nearly all are run or funded by and/or rely on referrals from court and/or law enforcement. Files and information are often shared. In most cases, people have even less due process rights - and no right to legal representation - as they have in a traditional court or school expulsion hearing.
6. Increasingly, programs are designed and operated by system players - judges, Prosecutors, Probation officers, or other law enforcement officers and do not seek out or reflect the problem solving and/or justice approach envisioned by youth and other community members.
7. Because RJ programs in the U.S. are primarily non-profit or government-run, most require background checks and fingerprinting of volunteers and staff, eliminating most people with a conviction history that are often in the best position to reach people in trouble, as well as to use street-based relationships and trust to solve community-based conflict.
8. Indigenous practices, language/song, materials and rituals are often co-opted by people that are not from that culture without permission, mentorship, significant knowledge and skill, or adequate or accurate credit given.
9. Given all these factors, accountability is arguably not to the community, but to the system and funders. Increasingly, programs are not actually community-based, owned or operated. More and more, courts or law enforcement agencies run RJ programs.