

FORUM

Restorative Practices and The Children's Aid Society: A New Start for Disconnected Youth in New York City

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Ana Bermudez, director of juvenile justice programs for The Children's Aid Society of New York City, works with youth from some of the city's most disadvantaged neighborhoods. When she started with Children's Aid in 2007, Bermudez knew that a restorative approach would be critical, and she has infused the practices throughout the initiatives she oversees, saying, "I was not going to run any of the programs here without a restorative focus."

Each year, Children's Aid serves 150,000 children and families at locations throughout the city, providing services ranging from job training and academic support to health care and family counseling. Bermudez heads the agency's Lasting Investments in Neighborhood Connections (LINC) program, which helps formerly incarcerated youth transition back to their community. She also supervises the Next Generation Center in the South Bronx, a LINC site that provides recreational and educational programs — and a haven in a neighborhood plagued by poverty and violence.

LINC clients are mostly 14- to 17-year-old lower-income black or Latino males with what Bermudez calls a "fragmented education history" and low literacy levels. Their offenses vary; many have been incarcerated for misdemeanors such as vandalism.

"What they share is disappointment in adults; people have let them down," said Bermudez. "They're 'attachment deprived,' parental or otherwise. Forming bonds with adults has been very difficult." Therefore, LINC ensures that each youth develops a "transformational

relationship" with an adult staff member who serves as a coach, facilitating personal growth.

LINC staff members endeavor to change the teens' outlook on education so they begin to see themselves as learners and prepare themselves for the job market. Perhaps most fundamental, they seek to develop the young people's social and emotional skills, and restorative practices are at the heart of that effort.

"Really, the business we're in is behavior change," said Bermudez. "So much has happened in these kids' lives that in order to thrive and not just survive, which is what they've been doing, they need to change."

Restorative conferences address conflicts that bubble up. These conferences bring victims and offenders together to discuss negative incidents and attempt to repair harm that has resulted.

Yet in many conflicts there are no clear-cut victims or offenders. Bermudez convened a circle after a group altercation involving gang "flags" started inside the community center and erupted into a full-blown fight outside. Everyone involved was both victim and offender; the boy who started the conflict was beaten up, too.

"Everybody in the conflict answered the questions meant for offenders — even the kids who thought of themselves as victims," said Bermudez. (The restorative questions include: What happened? What were you thinking about at the time? What have you thought about since the incident? Who do you think has been affected by your actions? and How have they been affected? See: www.realjustice.org/Pages/script.html.) Staff members who broke

up the fight — one of whom was slightly injured — took the victim role.

Such processes enable the teens to reflect on the role they play in conflicts and learn how their actions affect others. Said Bermudez, "There's never a black-and-white view of what happened."

Restorative practices are also used proactively. Meetings are held in circles, each program starts with a check-in circle, and the teens participate in groups regularly. "It's become part of the culture of Children's Aid," said Bermudez.

After graduating from Yale Law School, Bermudez represented children in family court for the New York Legal Aid Society. Her goal was to help teens involved in delinquency cases, but she grew frustrated with the criminal justice system. "When you take teens into court for criminal activity, the system itself is adversarial, and there's no incentive for a young person to take it as a learning moment. There's a lot of incentive in the system to deny culpability." Bermudez knew there had to be another way.

She discovered restorative practices when she met IIRP training and consulting director Bob Costello at a training in Rochester, New York, in 1998. Bermudez was then involved with the Center for Alternative Sentencing and Employment Services (CASES), a nonprofit that later founded Community Prep High School, for youth transitioning out of incarceration. (See: "Restorative Practices at Community Prep High School in New York City": www.iirp.org/article_detail.php?article_id=Mzk3.) Bermudez hired the IIRP to train CASES' staff in restorative practices.

Long interested in mediation, Bermudez came to understand the added benefits of restorative conferences, which are designed to involve more stakeholders than mediation. "This struck me as a significant difference from traditional mediation," she said.

For the youth Bermudez works with, the restorative approach — which avoids blame — is unfamiliar. "They've never had someone not judge them when they make mistakes," she said. The approach was foreign to her staff, as well, and in the beginning, some wondered whether it would be tough enough to deal with the issues they faced.

This perception has changed, said Bermudez. "The kids become invested once they start seeing that it works, and they have taken on more responsibility than the staff expected." Engaging in restorative processes also gives staff members "a whole different perspective on the kids and lets them make connections they didn't think they would make."

Bermudez talked about an incident that occurred during LINC's employment program last summer. Program participants receive job training via work-crew experience, mentoring and involvement in restorative processes, e.g., check-in circles every day to share their expectations for the day.

The incident in question involved three young men Bermudez referred to as "D," "M" and "W."

D spoke disrespectfully to his supervisor. M disapproved but didn't say anything. Then during lunch, D jokingly grabbed one of M's two allotted sandwiches out of his hand. M grabbed it back, and the two exchanged angry words.

"We should have had a circle right then," said Bermudez. "That was our mistake."

D's misbehavior escalated, and he was demoted to pre-work crew status and told he had to undertake some self-reflection

and speak to his supervisor to be allowed back on his crew.

"That's OK, we don't want him back anyway," muttered M, provoking D to curse at him and storm off.

Fanning the flames, W told M that D was on the phone to "his people," ordering them to go after M. (D was really calling a family member.) Egged on by W, D threatened to come back with a gun to get M and left with W.

"We thought D wouldn't come back," said Bermudez. "But he showed up a week later, acting like nothing had happened, like he'd learned to do when he returned to school after being suspended. In school there was nothing to hold him accountable or help him change."

(While D was away, the staff went over the restorative questions with M to address his part in the conflict.)

When D returned, after ensuring that he wasn't carrying a weapon, the staff explained the restorative conference process to him. At first D insisted he couldn't be helped because he was from the "hood." "I'm bad," he said, "Why do you think I can do this?" The staff assured him that they believed in him, then asked, "Who do you think has been affected by your actions?" "I'm not doing this!" yelled D. "Transfer me out of here!"

Bermudez explained D's options to him: 1. You leave the program, and we tell your parole officer that you're no longer in compliance with your aftercare, which could lead to more severe consequences. 2. You come back later today, and we continue working on the questions. 3. You come back tomorrow, and we continue working on the questions. 4. You try to transfer to another program, a prospect that's highly unlikely. Bermudez wrote out the questions for D to think about, assuring him that everyone wanted him back and that they believed in him. D left, restorative questions in hand.

D returned the next day, ready to participate in the restorative process. He had thought about the questions. Bermudez, D, M and another staff member met and explored the restorative questions together.

The trouble had begun, said M, when D disrespected their supervisor and then grabbed his sandwich. M then caught D off guard by apologizing for bad-mouthing him, owning his part in the conflict. Engaged in the restorative process in spite of himself, D told M he was the only person who'd ever had the guts to be straight with him, saying, "We should have had a circle before. None of this would have happened."

Bermudez ended by asking both boys what they could do to avoid fighting again. M agreed to be D's mentor to help him deal with his anger. She then gave D a choice: He could change work crews or stay and repair the harm with his supervisor. He chose to stay. (He also broke off contact with W. LINC staff tried repeatedly to engage W in restorative processes, but he refused and ended up back on the streets, where he was rearrested.)

The experience was transformative for D, said Bermudez. He learned that even people from the "hood" could resolve conflicts in a nonviolent way. D was never demoted from his work crew again. He finished his juvenile justice supervision and has been talking to LINC staff about working on his GED (high school equivalency diploma).

Bermudez has no doubt that restorative practices makes a difference in her work. "Having restorative practices creates a continuity, a predictability — the structure that teens crave." As a result, she believes, more teens and adults are building relationships that can lead to a better future for kids who have had few second chances. ☉