

Chapter 12

Cyberbullying and Restorative Justice

Susan Hanley Duncan

12.1 Introduction

Hardly a day goes by without another cyberbullying incident and its devastating effects reported to the public. The following stories during the last year poignantly illustrate the magnitude of the problem.

- Parents file suit against the San Diego Unified School District after their high school-going son committed suicide following a video that went viral allegedly showing him masturbating in the bathroom (Snider 2014).
- A former Michigan high school student brought a Title IX claim against the school district for failing to investigate her claims of sexual assault and ignoring incidents of cyberbullying, forcing her to leave school (National Women's Law Center 2013).
- A Canadian teenager hung herself after explicit pictures of her were distributed by boys that allegedly raped her while she was intoxicated. The police did not press charges citing they did not have enough evidence of a crime (Bazon 2014).

Parents, school officials, and policy-makers all seek to find solutions; however, nothing seems to adequately address the issue. Many states continue to revise their statutes criminalizing the behavior, while school districts implement policies prohibiting cyberbullying. Despite the good intentions behind these efforts, courts often strike down these laws or prohibit schools from disciplining students on constitutional grounds, leaving legislators and school administrators unsure how best to approach the problem. This chapter offers an alternative approach to use when addressing cyberbullying that focuses on restorative justice, principles, and practices.

S. H. Duncan (✉)

University of Louisville, Room 201 Wyatt Hall, Louisville, KY 40292, USA

e-mail: susan.duncan@louisville.edu

The original version of this chapter was revised. An erratum can be found at DOI 10.1007/978-3-319-25552-1_14

Certainly not a silver bullet, restorative practices, however, offer hope to curb the cyberbullying epidemic currently existing in the lives of our young people. Restorative practices, unlike criminal justice sanctions or traditional school punishments, work better for this age group because it focuses on repairing harm and moving forward by teaching all involved powerful lessons of empathy and personal discovery.

This chapter will begin with a very brief overview of what cyberbullying is and how often it occurs since other chapters in this book will explore this in more detail. The chapter will then describe the current approaches to addressing the problem including laws and school discipline measures while also exploring the limitations inherent in these approaches. The third section will introduce the reader to the basic principles underlying restorative justice. Finally, the chapter will conclude by providing examples of restorative techniques being used in schools and other settings which appear to make a positive contribution to addressing cyberbullying despite their implementation challenges.

12.2 Part 1: What Is Cyberbullying?

Bullying typically involves a power imbalance with an intent to harass and intimidate over a repeated period of time (U.S. Department of Health & Human Services [n.d.](#), [a](#)). Cyberbullying is defined as bullying that utilizes technological devices (Cyberbullying [n.d.](#)). Because cyberbullying can be done 24 h a day, 7 days a week, and often times is anonymous, it differs significantly from traditional bullying (U.S. Department of Health & Human Services [n.d.](#), [b](#)). In addition, the permanency of cyberbullying distinguishes it from traditional bullying since posts may be difficult to delete (U.S. Department of Health & Human Services [n.d.](#), [b](#)). Despite these differences, cyberbullying produces some of the same harmful effects as traditional bullying. These effects manifest themselves in both physical symptoms such as stomachaches, headaches, and other health problems as well as more psychological issues including depression, anxiety, low self-esteem, and suicidal thoughts (Drake et al. [2003](#), p. 174). Victims of bullying often suffer academically in school or drop out of school, and some may even engage in violence themselves (Nakamoto and Schwartz [2010](#), p. 221, 234; Townsend et al. [2008](#), p. 29). Bullying also has detrimental effects on the bully and the bystanders (Copeland et al. [2013](#)). Finally, cyberbullying many times negatively impacts school environments, disrupting the educational mission.

Grasping the true extent of the problem becomes difficult because bullying and cyberbullying remain underreported. In a recent study in Canada, researchers found that teens do not report cyberbullying to their parents for fear of losing their technological devices (MonoNews [2014](#)). Research in other countries likewise shows an underreporting of cyberbullying by children (Kowalski and Limber [2007](#); Chadwick [2014](#)). Even with underreporting, the cyberbullying statistics cause alarm. The National Crime Victimization Survey conducted in 2009 reported that 6% of the children surveyed or about 1,521,000 experienced cyberbullying (U.S. Department

of Education 2011). In a survey 2 years later, 9% of the respondents answered positively to the question concerning cyberbullying, which translates to 2,198,000 children (U.S. Department of Education 2013). Other surveys report even higher numbers, with the Centers for Disease Control and Prevention reporting 14.8% children being cyberbullied in the last year (Centers for Disease Control and Prevention 2014).

These statistics should not be surprising as more and more children and teens use technological devices on a regular basis. Teens more than ever are technologically savvy and active users of technology. Recent surveys show:

- Ninety-five percent use the Internet (Pew Research Internet Project 2012)
- Ninety-three percent have a computer or access to a computer (Madden et al. 2013)
- Seventy-eight percent have a cell phone (Madden et al. 2013)
- Forty-seven percent have smartphones, up from 23% in 2011 (Madden et al. 2013)
- Seventy-five percent text (Pew Research Internet Project 2012)
- Eighty-one percent use some form of social media (Pew Research Internet Project 2012)

As fast as these statistics increase, so too do the types of platforms available for cyberbullying. Teens today often use more than traditional social media sites such as Facebook and gravitate to newer platforms including texting, Twitter, Snapchat, and Instagram. With the technological landscaping changing so quickly, no doubt new formats will be arriving soon providing additional platforms for cyberbullying.

12.3 Part 2: Responses to Cyberbullying

This explosion in types of technology and increased use of it by today's children and teens forces legislators, educators, and parents to play catch up. A review of state cyberbullying and sexting laws and policies show a wide range of approaches (Hinduja and Patchin 2013a, b). Bullying laws now exist in 49 states, with Montana being the sole state with a policy only. The laws vary greatly, with 20 of them specifically including cyberbullying. In addition to state laws, cities and counties impatient with the progress of their states now are passing ordinances aimed at criminalizing cyberbullying (Lueders 2012). Some of these laws require schools to develop anti-bullying policies, often with educational penalties (e.g., suspension), and impose a duty to report bullying incidents to governmental agencies (Hinduja and Patchin 2013a). The policies also may or may not include off-campus behaviors (Hinduja and Patchin 2013a).

The applicability of these laws and policies to off-campus behaviors makes dealing with cyberbullying particularly tricky under the law. Courts usually begin their analysis by discussing the famous Tinker–Fraser–Hazelwood trilogy of student speech cases, which all stand for the proposition that students' freedom of expres-

sion rights differ from those same rights for adults. The student First Amendment rights cases show the court's desire to more narrowly interpret what constitutes freedom of expression for students. In large part, whether a student's speech is protected depends on how it is classified. A brief background of three pivotal Supreme Court cases concerning student speech illustrates this point.

In 1969, in the midst of the Vietnam War protest era, the Supreme Court considered the case of *Tinker v. Des Moines Independent Community School District* (Tinker 1969). One junior high and two high school students filed a Section 1983 action after they were sent home and suspended from school until they removed black armbands they were wearing to protest the war (p. 504). No acts of violence or any other disruption in the school occurred because of the students' attire (pp. 509, 514).

In holding for the students, the court formulated a test to be used to determine the constitutionality of an attempt by a school to regulate student speech (p. 509). Restrictions on speech were constitutional only if the school administrators showed that the conduct somehow "materially and substantially interfere[d] with the requirements of appropriate discipline in the operation of the school" (Tinker quoting Burnside 1966, p. 749). The court specifically acknowledged that students had the same rights as other persons under the constitution and were entitled to free expression of their views in the absence of any disorder in the school (p. 511). From this case comes the oft-quoted language of Justice Fortas: "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (p. 506).

Less than two decades later, the court seemed to retreat from its earlier protection of student speech. In *Bethel School District v. Fraser*, the court expanded school administrators' authority to regulate student speech (Bethel 1986). A student was disciplined for giving a campaign speech for a fellow classmate that contained lewd language (pp. 677–678). There was no evidence that the speech, heard by 600 students, resulted in any substantial disruption (p. 677). Despite its holding in *Tinker*, the Supreme Court ruled that the First Amendment did not prevent the school administrators from disciplining the student for giving the speech (p. 685). The court carved out an exception to *Tinker* when the student's speech involves the use of vulgar or offensive language at a school-sponsored event (p. 685). Despite the fact that an adult's vulgar or offensive speech is more fully protected by the First Amendment, the court held that schools are not constitutionally required to give student speech the same latitude (p. 682).

In explaining its decision, the court noted that there must be a balance between students' right to advocate unpopular and controversial views and society's countervailing interest in teaching students the boundaries of socially appropriate behavior (p. 681). A school is not only obligated to teach its students academic subjects but also has a duty to teach "by example shared values of a civilized order" (p. 683). Thus, the court held that the school acted appropriately in disciplining the student for his lewd and indecent speech (p. 685).

The last case of the trilogy also conferred on school administrators more power to regulate student speech, even if similar speech could not be regulated outside of school. In *Hazelwood v. Kuhlmeier*, a high school principal prevented the printing

of two articles from a student-run newspaper (Hazelwood 1988, p. 264). The first article described students' experiences with pregnancy, and the second article discussed the impact of divorce on students at the school (p. 263). The principal was worried that the articles might identify and embarrass students. He also felt the topic matter was inappropriate (p. 263). In ruling that a First Amendment violation had not occurred, the court held that a school need not tolerate speech that is inconsistent with its educational mission (p. 266). The test, therefore, for regulations that censor student-run newspapers or yearbooks was whether or not the rules "reasonably related to legitimate pedagogical concerns" (p. 273). The court distinguished *Tinker*, indicating that the *Tinker* test was not the appropriate test when school-sponsored speech, such as a newspaper, was involved (p. 273).

In summary, *Tinker*–*Fraser*–*Hazelwood* establish three examples in which student speech can be regulated without violating the First Amendment. A school can prohibit speech if it: (1) will cause a material and substantial disruption to the school, (2) is lewd or offensive, or (3) is related to a legitimate pedagogical concern.

In its most recent student speech case, the US Supreme Court continued to allow schools fairly expansive authority to regulate student speech (*Morse* 2007). In a 5–4 decision, the court upheld an Alaskan school's suspension of a student for holding up a sign with the words, "Bong Hits 4 Jesus" across the street from the school during a school-sanctioned event to watch the Olympic torch relay pass the school (p. 410). The court reasoned that the school's interest in protecting children from drugs justified their regulation of the student's speech and did not violate his First Amendment rights (p. 408). Because the sign could be viewed as promoting illegal drug usage, the school had a legitimate interest in regulating it (pp. 401–402).

In his dissent, Justice Stevens refuses to accept the majority's position that the student's speech promoted illegal drug use instead characterizing it as a "nonsense banner," a "ridiculous sign," and a "silly, nonsensical banner" (pp. 435, 438, and 446). He scolded the majority for engaging in viewpoint discrimination prohibited by the First Amendment for a message that did not advocate drug use (pp. 437–438). He also questioned how speech about drug use could be equated with other speech not protected by the First Amendment including fighting words, obscenity, and commercial speech (p. 446). Instead, he suggests that the better approach is to allow debate and dialogue about "the costs and benefits of the attempt to prohibit the use of marijuana" (p. 448).

Courts struggle when applying these cases to cyberbullying cases because often the speech is occurring off-campus and is not school-sponsored, distinguishing them from the trilogy and *Morse*. Courts remain unclear whether this speech in cyberbullying cases even meets the definition of school speech and, thus, whether the trilogy speech cases apply at all (Bendlin 2013). Most of the courts' analysis and discussion centers upon whether the geographical distinction of off-campus compared to on-campus speech makes the precedent case law completely inapplicable or does not matter and if a certain nexus must be established first before applying *Tinker* and the other cases (McDonald 2012, p. 736). The US Supreme Court has not weighed in on this issue yet and declined to hear these three cyberbullying cases: *Kowalski v. Berkeley Cnty. Schs.*, 132 S. Ct. 1095 (2012) (mem.), denying cert. to

652 F.3d 565 (4th Cir. 2011); *Blue Mtn. Sch. Dist. v. J.S. ex rel. Snyder*, 132 S. Ct. 1097 (2012) (mem.), denying cert. to 650 F.3d 915 (3d Cir. 2011) (consolidated pursuant to Supreme Court Rule 12.4 with *Hermitage School District v. Layshock*); and *Doninger v. Niehoff*, 132 S. Ct. 499 (2011) (mem.), denying cert. to 642 F.3d 334 (2d Cir. 2011).

Until the Supreme Court accepts one of these cases, schools must try to decipher the lower court decisions, which appear to go both ways depending if the court finds that a substantial disruption occurred in the educational process or is likely to occur. For example, in *Kowalski V. Berkley County Schools* (2011), the Court upheld the school's 5-day suspension and 90-day "social suspension" of the student for creating a webpage called Students Against Sluts Herpes (S.A.S.H.; p. 3). Several classmates joined the page, and the group intimated that a fellow classmate had herpes (Id.). In finding for the school, the court noted that:

Rather than respond constructively to the school's efforts to bring order and provide a lesson following the incident, Kowalski has rejected those efforts and sued school authorities for damages and other relief. Regretfully, she yet fails to see that such harassment and bullying is inappropriate and hurtful and that it must be taken seriously by school administrators in order to preserve an appropriate pedagogical environment. Indeed, school administrators are becoming increasingly alarmed by the phenomenon, and the events in this case are but one example of such bullying and school administrators' efforts to contain it. Suffice it to hold here that, where such speech has a sufficient nexus with the school, the Constitution is not written to hinder school administrators' good faith efforts to address the problem (p. 20).

The court also referenced several cases in which other courts found for the schools.

In contrast, other courts rule in favor of the student. For example, the court granted the student's motion for summary judgment on a First Amendment claim in a case involving the posting of a YouTube video that contained mean remarks about a classmate named C.C. (*J.C. v. Beverly Hills Unified Sch. Dist.* 2010). Comments in the video included such things as calling C.C. a "slut," "spoiled," talking about "boners," and using profanity (p. 1098). One of the participants called C.C. "the ugliest piece of shit I've ever seen in my whole life" (p. 1098). Although the court refused to impose a blanket rule that off campus speech could never be regulated, it still held for the plaintiff because it did not find a substantial disruption occurred at the school even though C. C. missed part of class because she was upset (p. 1117).

Not only do these split decisions cause confusion for school officials on their ability to discipline students, recent litigation also calls into question whether statutes criminalizing cyberbullying can survive a constitutional challenge. In a July 1, 2014 opinion, the New York Court of Appeals answered that question in the negative when reviewing a local law passed by the Albany County Legislature, criminalizing cyberbullying before the state of New York revised its bullying statute to include cyberbullying (*People v. Marquan* 2014, p. 15). The lawsuit arose from an incident involving a high school student who created a Facebook page, Cohoes Flame, commenting on alleged sexual activities of his classmates (p. 6). When charged under the statute, the student moved to dismiss, claiming the statute violated his First Amendment rights under the Constitution (p. 7). The city court denied his motion,

and the county court affirmed, causing the student to appeal (pp. 6–7). On appeal, the student raised the doctrines of vagueness and overbreadth (p. 7). The Court of Appeals first found that cyberbullying could be regulated; however, the drafters made this particular statute too broad sweeping in protected speech and activities (pp. 8, 10). The County in its effort to uphold the law suggested the Court sever the objectionable parts, leaving a very narrow prohibition primarily to postings intending to inflict emotional harm on a child regarding posting of actual or false sexual activities (p. 12). Over a dissent, the majority refused to rewrite the statute for the County, which it classified as an encroachment on the legislative body, although it was sympathetic to the victims (p. 13).

12.4 Part 3: Restorative Justice

Much debate and commentary currently exists surrounding the desirability of criminalizing cyberbullying (Williams 2012). The new statutes and ordinances discussed above reflect a popular sentiment among many in favor of criminalizing this behavior. Frustrated with parental and school responses, advocates for criminalization contend that involving the criminal justice system will deter teens from cyberbullying (Patchin 2014). Not everyone, however, agrees citing concerns over the legality of these laws as well as their limited effectiveness in solving the underlying issues that cause the cyberbullying (Multiple Authors 2014).

Some of the same criticisms regarding the legality and limited effectiveness exist with traditional school disciplinary procedures (Williard 2011, p. 76). Popular during the last two decades as a result of school shootings, zero-tolerance policies have fallen from favor (Benefield 2014). Critics of zero-tolerance policies argue their implementation results in harsh consequences that make students less likely to remain in school. As a result of zero-tolerance policies, students may be expelled, suspended, or opt to drop out in frustration. Statistics illustrate that a link exists between suspensions and expulsions and the prison system (Curtis 2014; Brown 2013). Evidence also exists showing a disparate impact of these policies on minority populations (Hoffman 2014). Most educators agree that excluding students negatively impacts their academic achievement, rates of graduation, and future prospects.

Interestingly, in a footnote, the Court in the recent New York case offered “no opinion on whether cyberbullying should be a crime or whether there are more effective means of addressing this societal problem outside the criminal justice system” (People v. Marquan 2014, p. 9). Restorative justice very well may be a more effective means of addressing cyberbullying because it avoids the current legal uncertainties present with the criminal statutes and the disciplinary codes. In addition, restorative practices produce the added benefits of higher victim satisfaction, better education of the offender as well as involvement of bystanders and supporters.

Restorative practices offer an alternative approach to addressing conflict. The traditional punitive model focuses on punishing the person for the wrong they com-

mitted (Zehr 2002, p. 21). In contrast, the restorative approach centers upon relationships and not the wrong itself (Id.). Instead of punishing a wrongdoer, restorative practices involve exploring what harm occurred and how that harm can be repaired (Id.). The emphasis is much more on individuals including the person who caused the harm, the person who was harmed, and the supporters and community of both of these individuals (pp. 14–18).

Restorative practices are nothing new. These practices originated in almost all original societies. Aboriginal people in many countries around the world dealt with conflict in their societies using restorative practices, although not to the exclusion of retributive practices (Mulligan 2009, pp. 145–148; Johnstone 2002, pp. 47–48). Examples of these restorative practices can be found with Native Americans (Yazzie and Zion 1996, p. 160, 171) in their peace circles, as well as the practices of native people in New Zealand (Pratt 1996, pp. 138–139) and Canada (Griffiths and Hamilton 1996, pp. 175–192). These early inhabitants as well as religious traditions now inform the present day movement for restorative practices (Zehr 2005, pp. 126–157). A belief that all people are valuable and necessary parts of the community underlies each of these traditions. Ancient communities could not afford to remove one of its members for prolonged periods of time, so the conflict needed to be resolved to reincorporate the member back into the fold.

Restorative practices can take on many shapes and forms, but family group conferencing would work the best for resolving cyberbullying incidents (National Institute of Justice 2007). Family group conferencing involves bringing together all the parties to a conflict as well as their supporters to discuss the harm that has resulted from the deed and then together develop a plan for repairing that harm. Trained facilitators conduct preconference meetings to prepare the participants for the actual conference (Wachtel et al. 2010, pp. 190–197). Typically, the person causing the harm along with his or her supporters as well as the person who was harmed and his or her supporters attend. In addition, sometimes members of the community may also attend (pp. 186–190). For example, in a school setting, teachers, coaches, and administrators might be part of the circle since actions between two students often cause ripple effects throughout a school. The facilitator takes the participants through questions which seek to illicit what happened and how it impacts the people at the conference (pp. 165–168). The person causing the harm usually starts by describing what happened, what he or she was thinking about, and how it impacted the people in the circle. Everyone has an opportunity to speak, and the facilitator manages the discussion to avoid attacks on the person since the goal is to discuss the harm and its impact (p. 207).

The second half of the conference focuses on the group brainstorming about what the person causing the harm can do to make things right (pp. 216–218). All participants can offer suggestions, and the group ultimately comes to a consensus. While the facilitator drafts the agreement, the participants “break bread” together (p. 219). This helps the healing process begin immediately for everyone involved in the process.

A central value underlying restorative practices revolves around accountability (McCold 1996, p. 87). A conference only occurs if the person causing the harm

admits fault and accepts responsibility for his or her actions. Facilitators will not conduct a conference unless all the participants willingly participate (Wachtel et al. 2010, p. 180). Mandatory conferences would not be effective and should never be held.

Current research identifies multiple benefits of restorative practices as compared to the traditional punitive model used by schools and the criminal justice system (Sherman and Strange 2007, p. 4). Studies show high outcome measures for victim satisfaction, offender satisfaction, restitution compliance, and recidivism (Bradshaw et al. 2006, p. 89). These benefits impact not only victims but offenders and bystanders and community members as well. Victims appreciate restorative practices because unlike traditional court proceedings, victims feel empowered with this process. Instead of the state taking over their cases, victims in restorative practices get to express their feelings directly to the person that caused them harm, as well as get their questions answered (Ministry of Justice, Module 1 2009, p. 6). People incorrectly assume that all victims want retribution and harsh punishments. Many victims also need restitution, validation of their feelings, and assurances that this will not occur again (Ministry of Justice, Module 2 2009, p. 5).

When victims hear the offender's side of the story, often it will change how they feel about the incident and the offender. Many conferences include moments of transformation between the parties (Vogel 2007, p. 576). Often, people arrive at the conference very angry but as it progresses, they begin to feel sympathy and even forgiveness. The healing process might be accelerated for victims because the discussions also lead to results that they prefer since they have input into what the offender will do to make things right.

Finally, victims want to feel safe going forward. Punishments meted out by the courts or school officials do little to ensure victims that the harm will not be repeated. The punishments may actually make an offender angrier and wanting to seek revenge, creating more apprehension for the victim (Ahmed and Braithwaite 2006, p. 353). Restorative practices allow victims the opportunity to get assurances that they will not be revictimized by the offender. Victim satisfaction numbers are high with restorative practices for all of these reasons.

Offenders also benefit from restorative practices. Specifically, conferences may build empathy in offenders. By forcing offenders to listen to the people they harmed including not only the victim but their supporters, often offenders gain new insights into the impact their behavior has on others. Traditional court proceedings offer little opportunity for offenders to reflect on the hurt they caused because no face-to-face discussion is happening with all the affected parties. The offenders often feel shame during the conferences. This shame is very different from the stigmatizing shame they experience in normal legal proceedings. John Braithwaite explains the difference between stigmatizing shame and reintegrative shame in his book *Crime Shame and Reintegration* (1989) and shows the value of shame in the entire process.

Opponents of restorative practices often mistakenly believe family group conferencing is too soft on crime (Mulligan 2009, p. 140). Anyone attending a conference can attest that these sessions are anything but that. Forcing the offender to sit across from the person he harmed and listen to their stories can be extremely difficult and

uncomfortable for the child (Sanders 2008, f.n.61). Often, a free flow of emotions occurs during the conference, which rarely happens in a traditional court or school setting. Restorative practices also offer the offender a way to reintegrate back into society. Unlike typical punishments that ostracize the offenders and exclude them from the community, restorative practices look for ways to help offenders make amends and repair the harm they caused.

This opportunity to grow would seem particularly beneficial since cyberbullying involves mostly young people. We know now from research that human brains are not fully developed even at adolescence and in fact continue to develop throughout a person's twenties. Before a brain reaches full maturity, a person may not have mastered "complex cognitive tasks such as inhibition, high-level functioning and attention" (Human brain development does not stop at adolescence 2011). Often, adults wonder what a child is thinking, but the truth is that a child's brain does not allow for the advanced thought process of an older person. Instead of punishing children for impulsive, not well-thought-out behavior, perhaps, society should select a process that can educate the child and help the child develop social competencies. Restorative practices do not excuse the behavior but seek to help the child understand why the behavior is unacceptable.

This focus on teaching and developing a person aligns perfectly with goals of the educational system. Although not all people might agree, many educators and members of the public trust schools to educate students not only in academic subjects but also in character development (Lickona 1991, p. 22). Schools should teach and promote respect and responsibility as two critical values (p. 43). Respect and responsibility are the cornerstones of restorative practices. Engaging in family group conferencing develops these values in children much better than punishments do.

Supporters and community members also benefit because they play an integral role in the process, which rarely happens in other settings. Restorative practices can help ameliorate the very negative effects bystanders experience with bullying and cyberbullying. In addition, the supporters, in particular, play an important role with the offender because the shame offenders experience comes primarily from disappointing the people they are closest to and love the most, and they respond more readily to disapproval of their family and friends (Johnstone 2002, p. 101).

12.5 Part 4: Restorative Practices and Cyberbullying

Juvenile justice professionals engaged in restorative practices well before the schools started to use them. Now many schools utilize restorative practices as part of their tools in their toolboxes for dealing with behavior issues. Using restorative practices to combat bullying and cyberbullying makes perfect sense because "[b]ullying and restorative justice have a serendipitous fit; in that, bullying has been defined as the systemic abuse of power and restorative justice seeks to transform power imbalances that affect social relationships" (Morrison 2006, p. 372). Restorative principles fulfill schools' missions of educating students not just in subject

matter areas but also for citizenship, which includes “shared values of a civilized social order” (Bethel 1986, pp. 675, 681, 683).

Recognizing the value of restorative practices, the US Department of Education and Department of Justice in a recent Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline specifically recommend the use of restorative practices (Department of Justice 2014). The letter encourages schools to develop programs that “(1) reduce disruption and misconduct; (2) support and reinforce positive behavior and character development; and (3) help students succeed” (Department of Justice 2014). The Public Broadcasting Service (PBS) recently profiled a Colorado school district that uses restorative practices instead of more traditional discipline measures (Newshour 2013). Administrators found the number of incidents of defiance, disobedience, and use of profanity all declined after the integration of restorative practices in the school. During the 2007–2008 school year, 263 physical altercations occurred at the school, which dropped to 31 once restorative practices replaced suspensions and other disciplinary methods. Staff interviewed observed that practices help resolve conflict and displace anger unlike traditional discipline measures, which only add to a child’s anger.

Many more examples exist throughout the USA and the world of schools using restorative practices specifically to address bullying and cyberbullying. Schools using restorative practices find they lead to an improved school climate. For example, the researchers conducting a recent study involving four schools in Brazil found restorative practices lead to “a healthier and peaceful school environment” (Grossi and dos Stantos 2012, p. 134).

In the Brazilian study, teachers and professionals from the selected schools underwent training on restorative practices before implementing them in the classroom. When conflicts arose, these teachers formed restorative circles attended by school administrators, teachers, the students involved and their family, as well as anyone else who chose to participate (p. 127). Most of these circles dealt with issues of bullying (p. 132). These circles addressed and solved conflicts using a democratic decision-making process. The study found that after these communal gatherings, the participant’s rate of satisfaction was around 80%, which the authors of the study attributed to the fact that everyone involved had something to gain from the agreement (p. 133). At the conclusion of the study, the schools involved experienced “reductions in behavior referrals to the principal’s officers and in suspensions” (p. 133). Additionally, teachers reported positive feelings surrounding restorative circles. The implementation of restorative practices in these schools positively affected discipline at the schools and the overall well-being of the participants.

Research conducted by the International Institute of Restorative Practices likewise found a positive correlation between the use of restorative practices and school climate (International Institute of Restorative Practices 2009). Their report looks at experiences of six schools in the USA (West Philadelphia High School, Pottstown High School, Newtown Middle School, Palisades High School, Palisades Middle School, and Springfield Township High School) and two schools in both Canada (Kawartha Pine Ridge District School Board and Keewatin Patricia District Board School) and England (Bessels Leigh School (now Parklands Campus) and Hull).

Not all of the findings reported come from formal research studies but instead show a snapshot of various data collected by the schools. Quotes included from some of the community in the highlighted schools speak louder than any statistics or data could. Participants voiced the following opinions:

- “I used to get in a lot of trouble, but teachers talk to students and help you make the right decisions here. In homeroom we sit in a circle and talk about anything that needs to be brought up.”
- Eighth-grade girl, Palisades Middle School, Kintnersville, PA, USA
- “When I first took over this school it was in ‘Special Measures’ and at risk of being shut down. Restorative practices helped it achieve ‘Outstanding’ status—the best it can possibly be.”
- Estelle MacDonald, head teacher, Collingwood Primary School, Hull, England, UK

Qualitative data confirms and supports the views of the students, teachers, and administrators concerning the benefits of restorative practices.

Over and over, principals and teachers at the schools who participated in the International Institute of Restorative Practices research reported a before and after restorative practices culture at the school. The before culture is repeatedly characterized as a climate in which students felt disconnected from the school and the teachers, frequently with an “us verse them” feeling between the students and authority (pp. 9, 14, 27). Many of the school administrators reported that the climate was “discourteous and disrespectful and altercations were common” (p. 17). After the implementation of restorative practices, all the schools describe students and teachers feeling a greater sense of community (pp. 19, 27). Many of the schools commented that relationships between students and teachers improved. Most elucidative were the significant reductions in disciplinary actions in all the schools that participated in the study. School administrators frequently attributed this drop in misbehavior to students taking increased ownership in their behavior after seeing how their actions impacted others (p. 34).

School districts seeking to use restorative practices with cyberbullying might find the following school districts to be models or helpful resources.

12.5.1 Wright County, MN

A middle school in Minnesota utilized restorative practices after students distributed by cell phone sexually explicit photographs of a classmate found on her boyfriend’s phone (Riestenberg 2014). Working collaboratively, school officials, court personnel, the county attorney, and the sheriff’s office developed a protocol for handling sexting cases. This included holding a restorative group conference to resolve this incident. The conference included nearly 40 people including the students, parents, school administrators, and individuals representing law enforcement and

the criminal justice system. This process has been repeated with over 200 students involved in sexting incidents.

Participants find the process extremely effective. Brian Stoll, a Wright County probation officer, supported using restorative practices for a number of reasons including that it made the child accountable but also provided a way to repair the harm without damaging his future. He also appreciated the opportunity for all people impacted by the incident to have a voice in the process.

12.5.2 Kawartha Pine Ridge District School Board, Peterborough, ON

This Canadian school district publishes a pamphlet providing cyberbullying information for parents (Kawartha Pine Ridge School District 2011). The pamphlet specifically informs parents that the school may use restorative practices when responding to cyberbullying incidents.

The principal also may recommend that the person causing harm, the individual harmed, witnesses, and families participate in a restorative circle. The person causing harm will be able to hear how the actions have affected others, will be encouraged to take responsibility for his or her actions, and will be supported to make things right. Restorative practice works only if all parties agree to and support the process. It should not proceed if the person causing harm has not accepted responsibility, the person harmed does not want to participate in it, or there is potential for further harm. It does not replace other consequences, such as suspension.

Cyberbullying requires a community approach because schools need the assistance of parents since schools do not have access to the various technological devices children use (Rockhill n.d.). Involving students, parents, and school officials in holding a child responsible for his or her actions and helping decide the consequences a student should face remains a superior option than other forms of discipline because it eliminates concerns over the legality of school officials' or law enforcements' actions (Siris 2013).

Although restorative practices hold much promise, some legitimate barriers do exist. First, restorative practices will not be appropriate for every situation. Conferences should not be held if the person who caused the harm refuses to be accountable for the actions or if danger exists of revictimizing the victim. Some may argue that the danger of revictimization would be high in a bullying situation since the very definition of bullying involves a power imbalance. They fear putting the bully and the target in the same room would be counterproductive and would only allow another venue for the bully to continue terrorizing the target (Christensen 2008). Family group conferencing with its multiple participants and trained facilitator lessens the risk as compared to a victim-offender mediation. In addition, if the supporters will not participate, it may be more difficult to conduct a conference, although surrogate representatives can sometimes fill the gaps. The preconference work with the participants becomes essential to vet out these issues in advance.

Restorative justice practices in domestic violence scenarios have faced similar criticisms concerning victim safety. Both domestic violence scenarios and bullying involve a relative power imbalance between the victim and the offender. Some studies have shown that restorative justice programs could put domestic violence victims at higher risk for reabuse (Kohn 2010, p. 573). However, victim–offender conferences in South Africa, youth justice care and protection family group conferences in New Zealand, and several programs in the USA offer restorative practices in domestic violence cases with measurable success (p. 576). In the South African victim–offender conferences, “[m]ost victims reported that they felt safe” (p. 574). Similarly, in the New Zealand youth justice and family group conference program, researchers studying the restorative interventions “reported that safety risks at conferences” were “negligible to nonexistent” (p. 575). Proponents of the use of restorative practices in domestic violence situations look to these positive examples as indicative of the possibility of more widespread use. Positive examples of restorative practices safe use in domestic violence scenarios indicate that in bullying cases, putting the bully and the target in the same restorative circle may be done safely.

Other concerns with restorative practices, whether it originates from the criminal justice system or the schools, include concerns about cost and time. Costs include someone to spearhead the program as well as the cost of training facilitators and possibly paying the facilitators. Several models of funding can be used including governmental funds as well as private donations from individuals as well as foundations. The Denver Foundation helped sponsor the project in the Aurora school district spotlighted by PBS. In Louisville, KY, funds come from anonymous donors, which match individual gifts as well as foundations such as the Kentucky Bar Foundation and the Gheens Foundation. In addition, Restorative Justice Louisville (RJL) hopes to secure a line item in the city’s and state’s budget.

Groups interested in starting restorative practices initiatives may want to calculate how much restorative practices cost compared to more traditional discipline methods. RJL crafted the chart below to illustrate how much money could be saved using a restorative justice approach. The court costs include data from various offices within the system including the sheriff, Department of Juvenile Justice (DJJ), the judge, court-designated workers, police, prosecutor, and public defender. These offices submitted a calculation of their average time spent on a case multiplied by their rate of pay. This chart does not even begin to quantify the savings of breaking the school to prison pipeline over the life of an individual.

12.5.2.1 Cost Analysis

Juvenile justice system costs per case

		h	Costs
Total	Court costs with probation	130	\$3166.00
Total	Costs with placement in DJJ facility	180 days at \$270 per day	\$48,600

DJJ Department of Juvenile Justice

Restorative justice costs

		h	Costs
Total	RJL	23.75	\$869.68
Total	RJL with court costs	28.7	\$1014.00

RJL Restorative Justice Louisville

	ALS	Cost per day	Total
Secure detention	16	\$250.00	\$4,000.00

ALS average length of stay

Pretrial probation

	ALS	Cost per day	Total
HIP	32	\$50.00	\$1600.00
HSP	34	\$40.00	\$1360.00
APS	12	\$182.00	\$2184.00

HIP Home Incarceration Program

HSP Home Supervision Program

APS Alternative Placement Services

Based on 2012 average length of stay (ALS) in days

Lost instructional time

	Days lost	Instructional minutes per day	Total instructional minutes lost
Court process	6	370	2220
Referral to RJL	2	370	740

RJL Restorative Justice Louisville

Cost of lost instructional days

	Days lost	Cost	Total
Court process	6	\$21.00	\$126.00
Referral to RJL	2	\$21.00	\$42.00

RJL Restorative Justice Louisville

Allocation of time for restorative practices must also be compared with the savings it creates when schools or communities reduce the number of future harmful incidents. Although facilitating a conference may require a more substantial outlay of time compared to suspension or incarcerating a person, the benefits far outweigh the burdens. With restorative practices, the group addresses the underlying issues which hopefully can lead to a better result long term.

In addition, restorative justice practices take a fair amount of time when one considers not only the actual time devoted to a conference but also the time it takes

to train facilitators and complete the preconference tasks. Other ways of addressing cyberbullying, however, also take time. Schools must spend time executing their disciplinary codes, and the courts spend time adjudicating disputes. The real question should be which time is better spent. In the long run, unpacking and addressing the core underlying issues will produce more permanent positive results, ultimately saving time.

12.6 Conclusion

Restorative practices may not be the cure-all for the cyberbullying issue, but it certainly holds great promise for many cases. Restorative practices avoid the legal pitfalls and uncertainties currently associated with cyberbullying statutes and school policies prohibiting cyberbullying. Even if those laws and policies could pass constitutional muster, restorative practices produce a better result because they involve the person who was harmed and educate and develop the person who caused the harm. Supporters and bystanders also contribute to the process and benefit from it. Policy-makers, school officials, and parents should focus on solving the underlying issues that spurred the cyberbullying through dialogue allowed by restorative practices instead of defaulting to a punishment only regime.

References

- (23 September 2011). Human brain development does not stop at adolescence. *Medical News*. <http://www.news-medical.net/news/20110923/Human-brain-development-does-not-stop-at-adolescence-Research.aspx>.
- Ahmed, E., & Braithwaite, V. (2006). Forgiveness, reconciliation, and shame: Three key variables in reducing school bullying. *Journal of Social Issues*, 62(2), 347–370. doi:10.1111/j.1540-4560.2006.00454.x.
- Bazelon, E. (15 January 2014). The Online Avengers. *The New York Times*. <http://www.nytimes.com/2014/01/19/magazine/the-online-avengers.html>.
- Bendlin, S. S. (2013). When is it “school speech” and when is it beyond the school’s reach? *North-eastern University Law Journal*, 5, 47–76.
- Bethel Sch. Dist. v. Fraser. (1986). 478 U.S. 675.
- Benefield, K. (17 June 2014). Automatic suspensions falling out of favor in California. *Petaluma 360*. <http://www.petaluma360.com/news/2000591-181/automatic-suspensions-falling-out-of>.
- Bradshaw, W., Roseborough, D., & Umbreit, M. S. (2006). The effect of victim offender mediation on juvenile offender recidivism: A meta-analysis. *Conflict Resolution Quarterly*, 24, 87–98. doi:10.1002/crq.159.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511804618.
- Brown, P. L. (3 April 2013). Opening up, students transform a vicious circle. *New York Times*. <http://www.nytimes.com/2013/04/04/education/restorative-justice-programs-take-root-in-schools.html?pagewanted=all>.
- Burnside, v. Byars. (1966) 363 F.2d 744 (5th Cir. 1966).
- Centers for Disease Control and Prevention. (2014). *Youth risk behavior surveillance—United States, 2013*. <http://www.cdc.gov/mmwr/pdf/ss/ss6304.pdf>.

- Chadwick, S. (2014). *Impacts of in cyberbullying, building social and emotional resilience school*. New York: Springer. doi:10.1007/978-3-319-04031-8.
- Christensen, L. (2008). Sticks, stones, and schoolyard bullies: Restorative justice, mediation and a new approach to conflict resolution in our schools. *Selected works of Leah Christensen*. http://works.bepress.com/leah_Christensen/7.
- Copeland, W., Wolke, D., Angold, A., & Costello. E. J. (2013). Adult psychiatric outcomes of bullying and being bullied by peers in childhood and adolescence. *JAMA Psychiatry*, *70*, 419–426. doi:10.1001/jamapsychiatry.2013.504.
- Curtis, A. (2014). Tracing the school-to-prison pipeline from zero-tolerance policies to juvenile justice dispositions. *Georgetown Law Journal*, *102*, n.p. [http://www.lexisnexis.com/hotttopics/lnacademic/?verb=sr&csi=7337&sr=TITLE\(Tracing+the+School-to-Prison+Pipeline+from+Zero-Tolerance+Policies+to+Juvenile+Justice+Dispositions\)%2BAND%2BDATE%2BIS%2B2014](http://www.lexisnexis.com/hotttopics/lnacademic/?verb=sr&csi=7337&sr=TITLE(Tracing+the+School-to-Prison+Pipeline+from+Zero-Tolerance+Policies+to+Juvenile+Justice+Dispositions)%2BAND%2BDATE%2BIS%2B2014).
- Cyberbullying. (n.d.). <http://www.merriam-webster.com/dictionary/cyberbullying>.
- Department of Justice & Department of Education. (8 January 2014). Joint dear colleague letter on the non-discriminatory administration of justice. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>.
- Drake, J. A., Price, J. H., & Telljohann, S. K. (2003). The nature and extent of bullying at school. *Journal of School Health*, *73*, 173–180. doi:10.1111/j.1746-1561.2003.tb03599.x.
- Grossi, P. K., & dos Santos, A. M. (2012). Bullying in Brazilian schools and restorative practices. *Canadian Journal of Education*, *35*(1), 120–136.
- Griffiths, C. T., & Hamilton, R. (1996). Sanctioning and healing: restorative justice in Canadian aboriginal communities. In B. Galaway & J. Hudson (Eds.), *Restorative justice international perspectives* (pp. 175–192). Monsey: Criminal Justice Press. doi:10.1080/01924036.1996.9678572
- Hazelwood, v. Kuhlmeier. (1988). 484 U.S. 260.
- Hinduja, S., & Patchin, J. (2013a). State bullying and cyberbullying laws. *Cyberbullying Research Center*. <http://cyberbullying.org/Bullying-and-Cyberbullying-Laws.pdf>.
- Hinduja, S., & Patchin, J. (2013b). State sexting laws. *Cyberbullying Research Center*. <http://cyberbullying.org/state-sexting-laws.pdf>.
- Hoffman, S. (2014). Zero benefit: Estimating the effect of zero tolerance discipline policies on racial disparities in school discipline. *Educational Policy*, *28*, 69–95. <http://epx.sagepub.com/content/28/1/69.full.pdf+html>.
- International Institute of Restorative Practices. (2009). *Improving school climate. Findings from schools implementing restorative practices, IIRP*. <http://www.iirp.edu/pdf/IIRP-Improving-School-Climate.pdf>.
- J.C. v. Beverly Hills Unified Sch. Dist. (2010). 711 F. Supp. 2d 1094 (C.D. Cal. 2010).
- Johnstone, G. (2002). *Restorative justice: Ideas, values, debates*. Devon: Willan Publishing.
- Kawartha Pine Ridge District School Board. (November 2011). *Cyberbullying information for parents*. <http://eastnorthumberland.kprdsb.ca/cyberbullying.pdf>.
- Kohn, L. (2010). What's so funny about peace, love, and understanding? Restorative justice as a new paradigm for domestic violence intervention. *Seton Hall Law Review*, *40*, 517–595.
- Kowalski, R. M., & Limber, S. P. (2007). Electronic bullying among middle school students. *Journal of Adolescent Health*, *41* (Suppl), S22–S30. doi:10.1016/j.jadohealth.2007.08.017.
- Kowalski v. Berkeley County Schs. (2011). No. 10-1098, 2011 WL 3132523 (4th Cir. July 27, 2011). <http://pacer.ca4.uscourts.gov/opinion.pdf/101098.P.pdf>.
- Lickona, T. (1991). *Educating for character: How our schools can teach respect and responsibility*. New York: Bantam Books.
- Lueders, B. (11 November 2012). Vernon county ordinance targets cyber bullying. *Wisconsin State Journal*. http://host.madison.com/news/state_and_regional/vernon-county-ordinance-targets-cyber-bullying/article_58ef6248-2c0c-11e2-a1cd-001a4bcf887a.html.
- Madden, M., Lenhart, A., Duggan, M., Cortesi, S., & Gossen, S. (2013). *Teens and technology 2013*. Pew research internet project. <http://www.pewinternet.org/2013/03/13/teens-and-technology-2013/>.

- McCold, P. (1996). Restorative justice and the role of the community. In B. Galaway, & J. Hudson (Eds.), *Restorative justice: International perspectives* (pp. 85–102). Monsey: Criminal Justice Press.
- McDonald, B. P. (2012). Regulating student cyberspeech. *Missouri Law Review*, 77, 727–759.
- Ministry of Justice. (July 2009). Restorative justice facilitator induction training: Trainee module. http://www.justice.govt.nz/policy/criminal-justice/restorative-justice/restorative-justice-information-for-providers/documents/copy_of_MODULE-1-for-internet_1.pdf.
- MonoNews. (9 July 2014). Survey reveals half of Canadian parents believe their kids could be cyberbullying others. <http://www.mononews.ca/news/4292/survey-reveals-half-of-canadian-parents-believe-their-kids-could-be-cyberbullying-others>.
- Morrison, B. (2006). School bullying and restorative justice: Toward a theoretical understanding of the role of respect, pride, and shame. *Journal of Social Issues*, 62, 371–392. doi:10.1111/j.1540-4560.2006.00455.x.
- Morse, v. Frederick. (2007). 551 U.S. 393.
- Mulligan, S. (2009). From retribution to repair: Juvenile justice and the history of restorative justice. *University of La Verne Law Review*, 31, 139–148.
- Multiple Authors. (2 April 2014). A gut check, please, on the Safe and Supportive School Act. *Minnesota StarTribune*. <http://www.startribune.com/opinion/commentaries/253648041.html>.
- Nakamoto, J., & Schwartz, D. (2010). Is peer victimization associated with academic achievement? A meta-analytic review. *Social Development*, 19, 221–242. doi:10.1111/j.1467-9507.2009.00539.x.
- National Institute of Justice. (2007). Family group conferencing. Resource document. *United States Department of Justice*. <http://nij.gov/topics/courts/restorative-justice/promising-practices/Pages/family-group-conferencing.aspx>.
- National Women’s Law Center. (2013). NWLC join title IX lawsuit against Michigan Public School for failing to address student’s sexual assault. <http://www.nwlc.org/press-release/nwlc-joins-title-ix-lawsuit-against-michigan-public-school-failing-address-students-se>.
- Newshour. (20 February 2014). To curb conflict a Colorado High School replaces punishment with conversation. *PBS*. <http://www.pbs.org/newshour/bb/new-approach-discipline-school/>.
- Patchin, J. W. (2014). The criminalization of cyberbullying. <http://cyberbullying.us/criminalization-of-cyberbullying/>.
- People v. Marquan M. (2014). _ N.E.3d _ N.Y. Slip Op. 04881 (N.Y. Ct. of Appeals. July, 1, 2014).
- Pew Research Internet Project. (2012). Teens fact sheet. <http://www.pewinternet.org/fact-sheets/teens-fact-sheet/>.
- Pratt, J. (1996). Colonization, power and silence: A history of indigenous justice in New England Society. In B. Galaway & J. Hudson (Eds.), *Restorative justice: International perspectives* (pp. 137–156). Monsey: Criminal Justice Press.
- Riestenberg, N. (4 March 2014). Restorative group conferencing and sexting: Repairing harm in Wright County. *Cyberbullying Research Center*. <http://cyberbullying.us/restorative-group-conferencing-and-sexting/>.
- Rockhill, J. (n.d.). Stopping cyber bullying requires a community effort. *Youth Service Bureau*. <http://www.yusb.net/stopcyberbullying.aspx>.
- Sanders, L. C. (2008). Restorative justice: The attempt to rehabilitate criminal offenders and victims. *Charleston Law Review*, 2, 923–937.
- Sherman, L., & Strange, H. (2007). Restorative justice: The evidence. *The Smith Institute*. <http://www.restorativejustice.org/10fulltext/restorative-justice-the-evidence>.
- Siris, K. (2013). Out of school behaviors: A principal’s responsibility. *Albany Law Journal of Science and Technology*, 22, 605–610.
- Snider, B. (2014). Parents seek 1M from school after bullied boy’s suicide. *FindLaw*. <http://blogs.findlaw.com/injured/2014/07/parents-seek-1m-from-school-after-bullied-boys-suicide.html>.
- Tinker, v. Des Moines Independent Community School District. (1969). Des Moines Independent Community School District 393 U.S. 503.
- Townsend, L., Flisher, A., Chikobvu, P., Lombard, C., & King, G. (2008). The relationship between bullying behaviours and high school dropout in Cape Town, South Africa. *South African Journal of Psychology*, 38, 21–32. doi:10.1177/008124630803800102.

- U.S. Department of Education. (2011). Student reports of bullying and cyberbullying: Results from the 2009 School Crime Supplement to the National Crime Victimization Survey. <http://nces.ed.gov/pubs2011/2011336.pdf>.
- U.S. Department of Education. (2013). Student reports of bullying and cyberbullying: Results from the 2011 School Crime Supplement to the National Crime Victimization Survey. <http://nces.ed.gov/pubs2013/2013329.pdf>.
- U.S. Department of Health & Human Services. (n.d., a). What is bullying? http://stopbullying.gov/topics/what_is_bullying/index.html.
- U.S. Department of Health & Human Services. (n.d., b). What is cyberbullying? <http://www.stopbullying.gov/cyberbullying/what-is-it/>.
- Vogel, H. J. (2007). The restorative justice wager: The promise and hope of a value-based, dialogue-driven approach to conflict resolution for social healing. *Cardoza Journal of Conflict Resolution*, 8, 565–609.
- Wachtel, T., O'Connell, T., & Wachtel, B. (2010). *Restorative justice conferencing*. Pipersville: The Piper's Press.
- Williams, J. L. (2012). Teens, sexts & cyberspace: The constitutional implications of current sexting & cyberbullying law. *William & Mary Bill of Rights Journal*, 20, 1017–1050.
- Williard, N. (2011). School response to cyberbullying and sexting: The legal challenges. *Brigham Young University Education & Law Journal*, 75–125. http://heinonline.org/HOL/Page?handle=hein.journals/byuelj2011&div=7&g_sent=1&collection=journals#77.
- Yazzie, R., & Zion, J. (1996). Navajo restorative justice: The law of equality and justice. In B. Galaway, & J. Hudson (Eds.), *Restorative justice: International perspectives* (pp. 157–176). Monsey: Criminal Justice Press.
- Zehr, H. (2002). *The little book of restorative justice*. Intercourse: Good Books.
- Zehr, H. (2005). Covenant justice: The Biblical alternative. In H. Zehr (Ed.), *Changing lenses: A new focus for crime and justice* (pp. 126–157). Scottdale: Herald Press.