



## Challenging the Myth of Color Blindness in Restorative Justice Programs

**Monetta Bailey**

Ambrose University, Canada

### Abstract

Using critical race theory and institutional ethnography as frameworks, this paper investigates the Extra-Judicial Sanctions (EJS) Program, as implemented in Calgary, Alberta, and its lack of ability to achieve transformative restorative justice in the cases of racialized immigrant youth. The failure to recognize the impact of race, ethnicity, and immigrant status in the Youth Criminal Justice Act is considered problematic as this paper challenges the notion of color blindness. It is suggested that a color-conscious approach be used in the EJS Program to incorporate inclusive institutional policies explicitly to foster a sense of belonging among racialized immigrant youth.

### Keywords

Restorative justice; immigration; critical race theory; youth crime; extra-judicial sanctions.

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## Introduction

Sanctioned under the Canadian Youth Criminal Justice Act (YCJA) 2003, the Extra-Judicial Sanctions (EJS) Program provides an alternative to the formal justice system by incorporating the principles of restorative justice (RJ) (Chatterjee and Elliot 2003; GOC 2015). RJ has its origins in Indigenous-based community justice and is defined by Zehr (2005) as a response to crime that views criminality as the result of broken social bonds between the offender, victim, and community and considers that criminal acts further sever bonds between the offender and others in the community. RJ provides a means to repair these bonds. In Canada, the EJS Program operates under an RJ model. It is implemented at the provincial level, with the Alberta Government Solicitor General and Public Security assuming the responsibility of its implementation in Alberta. The program is administered at the agency level with the assistance of trained volunteer-run youth justice committees.

In Canada, few studies have addressed the need for the EJS Program to recognize the diversity reflected by the youth referred to the program (Bailey 2020; Hogeveen 2005; Samuels 2015; Williams 2013). This paper fills that gap by investigating the experiences of racialized immigrant youth and calls for the EJS Program to attend to the needs of those individuals. The term *racialized immigrant* includes two key concepts:

1. *Racialized* is a term that acknowledges that the creation of race is a “process involving the imposition of racially linked meanings by the powerful on those less powerful” (Fleras 2017: 44);
2. *Immigrant* denotes those who are first-generation immigrants (individuals who migrate to Canada after age 12) and second-generation immigrants (individuals born in Canada to at least one immigrant parent).

The term *racialized immigrant* comes from the tradition of unmasking the process through which non-white immigrants are othered by the creation of race categories, leading to marginalization (Brooks 2008; Fleras 2017; Khanlou 2008; Tator and Henry 2006; Thobani 2007).

This paper employs the critical race theory (CRT) and institutional ethnography (IE) theoretical paradigms to question whether the principles of RJ are achieved with racialized immigrant youth within a justice system that promotes a colorblind approach (Fleras 2017). As a former employee of the agency that administers the EJS program, the researcher became aware of concerns expressed by youth justice committee volunteers around the suitability of the program for youth with diverse backgrounds. While this study focuses on the EJS Program in Calgary, the knowledge gained can aid in developing programs that are responsive to the rapidly diversifying population in Canada. It also adds to the RJ literature, given that this RJ is used in schools, youth services, and justice systems in countries that continually struggle to implement culturally responsive practices (Albrecht 2010; Delgado 2000).

### **Critical Race Theory (CRT)**

CRT holds that racial categories are socially constructed by the dominant group and then are enacted and reified in daily life (Delgado and Stefancic 2012). CRT’s anti-racism agenda aims to remove the systematic barriers associated with the assignment of racial categories in society by paying attention to the impact of racialization on individuals within social institutions (Goldberg 2004). Within this context, CRT is defined by Yosso (2005) as a practice and social movement with the following characteristics:

1. Highlighting the intersection of race and racism with other forms of subordination, whereby race becomes a central component in understanding how formerly colonized countries are organized (Yosso 2005);
2. Challenging the dominant ideologies that subscribe to “objectivity, meritocracy, colour-blindness, race neutrality and equal opportunity” (Yosso 2005: 73) and unmasking the harm caused by these ideologies (Delgado and Stefancic 2012; Goldberg 2004);

3. Committing to social justice, making CRT transformative by nature as it exposes social structures that produce dominant and subordinate groups while challenging the structures that promote these inequalities;
4. Focusing on experiential knowledge and highlighting the lived experiences of racialized individuals as they navigate their surroundings. The accounts of lived experiences serve as a counter-narrative, necessary to provide insight often missing from the dominant societal narrative (Delgado and Stefancic 2012);
5. Adopting an interdisciplinary approach for understanding the social world, drawing upon multiple disciplinary perspectives (Crenshaw 2011).

Therefore, CRT is a framework for uncovering the centrality of race and racism as everyday forms of interaction. These are articulated in both textual discourse (i.e., written guidelines such as laws and policies) and verbal discourse, which governs our social behavior.

### ***Institutional Ethnography (IE)***

As a method of inquiry, IE research is interested in discovering the taken-for-granted aspects of everyday life by unmasking the ruling relations of interactions within social institutions where work is conducted (see Brown 2006; Goodwin 1994; O'Neill 1998; Smith 2005; Walby 2007). IE is an important framework for understanding social relations within an institution where written texts, such as policies and laws, serve to transfer knowledge to govern the practices of those doing work (Smith and Turner 2014). Given its task of uncovering ruling relations that govern the work people perform in an institution, IE researchers are interested in how governing texts are taken up and activated by those doing institutional work and the potential implications of missing guidelines from textually mandated policies (Delgado-Gaitan and Trueba 1991; Norstedt and Breimo 2016; O'Neill 1998).

IE uses multiple methods to unmask ruling relations, including paying attention to dialogue to make experiences accessible and knowable. Dialogue is a means through which people produce and act upon their knowledge. Following Bakhtin (1981), discourse is never final as it creates and recreates experiences. Within an institutional setting, written discourse often translates into verbal discourse, which then governs institutionally sanctioned action (Smith 2005). Therefore, it is necessary to understand the actions within an institutional setting through the lens of the actors who engage in enacting written discourse and through the verbal discourse that provides insight into how written discourse is adopted. This paper argues that by excluding discourses related to race, ethnicity, or immigrant status from the official textual guidelines of the EJS Program, knowledge about racialized immigrants is deemed unknowable or irrelevant to the process. Further, while this message is missing, those who do the work of hearing the cases within the EJS Program are required to create this knowledge based on their limited and potentially biased information.

### ***Race and Crime in the Canadian Context***

Past commentators have problematized the experiences of racialized groups in the Canadian justice system (Hayle, Wortley and Tanner 2016; Kwok 2009; LaPrairie 1997; Samuels 2015; Wortley 2003; Wortley and Tanner 2005). Others have evaluated the experiences of immigrant youth and the Canadian justice system (Kwok and Tam 2010; Rossiter and Rossiter 2009) and interactions between racialized immigrant groups and the police (Chu 2008; D'Arcy 2007; Oriola and Adeyanju 2011). Further work has been conducted in Canada investigating the intersection between race and immigration status and involvement in the justice system (Reasons et al. 2016; Wortley 2009; Wortley and Owusu-Bempah 2009). Much of this work looks at the impact of structural barriers on the over-representation of racialized and immigrant youth in the criminal justice system.

One such structural barrier is reflected in policies that uphold a colorblind approach to Canadian justice, which has often been debated in the literature (Gabor 2004; Hatt 1994; Johnston 1994; Owusu-Bempah and Wortley 2014; Reasons et al. 2016; Roberts 1994). CRT pioneer Derrick Bell (1992) defined these colorblind and race-neutral laws and policies as so-called neutral standards that mask the many ways

racialized people continue to be disadvantaged through the enactment of these laws and policies but with no recourse since the exclusionary practices are seldom explicit. Colorblind policies, which by their nature ignore the experiences of racialized individuals, are additionally problematic for racialized immigrants since organizational practices should be culturally sensitive and culturally conscious (Goldberg 2004; Lee and Greene 1999). Lee and Greene (1999) stated that while a culturally sensitive program attempts to find points of connection between the workers and the program participants, a culturally conscious program builds on an in-depth understanding of the cultural nuances of a particular cultural group that shapes its worldview.

The importance of culturally conscious programs is highlighted by evidence that second-generation immigrants in Canada continue to experience challenges in their identity formation when these identities are not adequately represented in society (Brooks 2008; Hebert, Wilkinson, and Ali 2008; Jedwab 2008). However, despite calls to recognize the various cultural worldviews of racialized individuals, Canada continues to adhere to a colorblind approach in its justice system. Canadian researchers are increasingly admonishing leaders within various social systems, such as in education (George, Maier, and Robson 2020) and children's services (Adjei et al. 2018), to acknowledge racialized considerations rather than continue to advance colorblind policies within their institutions. However, as noted by Reasons et al. (2016), Canadian-specific research around this issue is limited, often overshadowed by Canada's seemingly inclusive multicultural policy (Fleras 2017). This paper contributes to the limited but growing body of evidence-based arguments calling for a shift away from a colorblind toward a color-conscious approach, which requires a formalized and systematic implementation process that acknowledges the history and challenges faced by various cultural groups within society (Albrecht 2010; Choi and Stevenson 2009; Condon 2010; Delgado 2000; Jenkins 2006; Lee and Greene 1999; Williams 2013).

### **Restorative Justice (RJ) in the Extra-Judicial Sanctions (EJS)**

The Preamble of the YCJA contains references to RJ principles as a guiding philosophy for the implementation of the Act (Bell 2011; Linton 2003; Morrison and Pawlychka 2012). As a guiding framework, RJ is observed as having transformative possibilities for both mainstream and marginalized communities and a tool by which marginalized communities can be empowered (Albrecht 2010; Delgado 2000; Dzur and Olson 2004; Gavrielides 2014; Lyubansky and Shpungin 2015; Williams 2013). A growing body of research has provided evidence of the transformative nature of RJ across racial and cultural lines once attention is paid to the unique needs of racialized and immigrant populations in the justice system (Albrecht 2010; Delgado 2000; Gavrielides 2014; Williams 2013; Young 2019) and the education system (Payne and Welch 2015; Sandwick, Hahn, and Ayoub 2019; Winn 2018). In addition, research suggests that when attention is paid to the worldview of those engaged in the RJ process, there is a higher likelihood for transformation to take place (Bailey 2020; Little, Stewart, and Ryan 2018). Further, RJ has been shown to have more potential for achieving positive results for racialized immigrant groups compared to the traditional justice system (Albrecht 2010; Bazemore 2001; Condon 2010; Gavrielides 2014).

### **Methodology**

This paper is based on dissertation research. As such, the conventional approvals were granted by the University of Calgary Conjoint Research Ethics Boards and the Government of Alberta Justice and Public Safety. As a former employee with the agency that administers the EJS Program, the researcher—who identifies as a Black female—was granted access to the program by the Executive Director and Program Coordinator, who are responsible for administering the EJS Program in Calgary. The researcher emailed youth justice committee chairs in Calgary, Alberta, requesting their participation in the study. Of the twenty-three committees contacted, eight committee chairs—seven of whom were white and one Black—were willing to participate. Committee chairs who declined participation indicated discomfort with the topic of racism or a lack of cases involving racialized youth as reasons for non-participation. The members of the youth justice committees and administration staff for the EJS Program participating in this study

included fifteen white people, one Black person, four East Indian people, one Asian person, and one person who identified as Arab.

Panel chairs were given the tasks of informing potential participants of the purpose of the study, including the assurance that participation was voluntary and would not impact the outcome of their case. Informed consent was gained from both the youth and their parent or guardian present at the panel hearing. None of the youth or family members invited to participate in the study declined. Participants were also provided with information on counseling services. In addition to the youth and their families, six youth justice committee volunteers took part in individual interviews. Further, four youth justice committee volunteers, Susan, Carol, Gina, and Michael,<sup>1</sup> participated in a focus group. Finally, six other interviews were conducted with key informants in the EJS Program in Calgary, all of whom identified as white.

Twenty panel observation sessions were conducted with youth who were referred to youth justice committees. Youth were coded as racialized immigrants based on their self-identification of being racialized and a first- or second-generation immigrant to Canada. This information was gathered during the panel discussion. Ten observations were conducted at the closing hearings, where youth were told the outcomes of their cases. The researcher was positioned as a peripheral observer during the hearings (Adler and Adler 2011), physically sitting off to the side during the process. However, there were occasions when the committee members asked the researcher for feedback. All attempts were made to minimize these interactions. The researcher practiced a method of relational ethnography that employs an understanding of the impact of social relations on the hearing process. As the researcher is a Black female, her presence in the hearings undoubtedly impacted this process. These dynamics are included in the social creation of the situation and could not be removed from the process. In addition, it is important to note that the impact of the researcher's race underscores the need for open and explicit discussions of race rather than colorblind approaches that would serve to erase discussions of the impact of race.

Interviews were conducted with five racialized immigrant youth and their families after they attended the closing hearings where their files were closed as successful. These interviews were conducted at the site of the closing hearing at various community centers and lasted approximately 30 minutes. The interview questions were designed to allow the youth to give an account of their experience in the EJS Program and understand their experiences with racialization in Canada. Data were analyzed using an interpretive analysis approach that recognizes data as a social product. By analyzing the interview data, insight was gained into the knowledge production that created institutionally sanctioned actions. A thematic interpretive analysis was conducted with all data mapping how knowledge was used during the panel settings to establish racialized and/or immigrant categories, which then impacted social relations during the hearings. The identified themes were then mapped against the textual mandates to discover the impact of the lack of reference to race, ethnicity, and immigrant status on the social relations in the hearing.

### **Challenging Neoliberal Colorblind Policies within the Extra-Judicial Sanctions (EJS) Process**

The YCJA does not comprehensively address diversity brought about by race, ethnicity, or immigrant status, with the exception of special attention paid to Indigenous Canadians. As the YCJA is the guiding legislation for the EJS Program, other guidelines for the program also exclude any direct mention of race, ethnicity, and/or immigrant status. This lack of attention has implications for the work done by those implementing the program and limits the program's power to be truly transformative and advance community integration and inclusion. In doing so, this lack of attention is harmful to racialized youth and society at large. However, many involved in the program acknowledged the need for more explicit mentions and directions within the program. One administrative staff noted the following:

I think our volunteers can be great at being curious, they care, they want to make a difference, they are there because they want to make a difference. And so, we have to make sure that both parties are set up to be able to embrace on both sides what we can do so that everybody understands what we can do. If there is a common understanding, and you're starting off at the

same place, you can probably move from there. But it's not like, maybe right now with the committee volunteers are like we are here and you are over there as a family. And you have to come over here and then we will help you. Meanwhile, the family is saying you have to meet us over here. But it's like, you can't just beckon people over, you have to meet them where they are and then you can move on together. And so, right now it's like how do we line them up, the family and the community how do we line them up so they can move together? (Daphne, white female).

The desire to "meet [others] where they are" and then move forward together requires volunteers to be competent in the cultural differences expressed by the various youth and families. The ability to understand the worldview expressed by the youth and their families without reducing these views to stereotypes and prejudgments is necessary for the volunteers to fully connect with the youth. The need to acknowledge cultural differences was expressed by many of the youth justice committee volunteers:

We're going in there blind all the time, and then we have to sit and listen, and then in front of them, be like 'How do we handle this?' We don't know anything about this culture... we have such a variety of cultures and religions here it is huge ... We're getting clashing cultures and religions here and it's hard (Lynn, white female).

In addition, another volunteer, Victoria, stated:

For example, this kid that I was talking about, he wouldn't identify himself as a visible minority, he didn't have an accent, he was Canadian-born. He would just know his culture from talking to his parents. So, I think that, thinking back I think the fact of having the parents there somewhere allow us to understand where the kid was coming from because then we know their culture (Victoria, white female).

The volunteers also noted the difficulties associated with discussing different cultures since they are not given the tools to address race, ethnicity, or immigrant status with youth and their families. The following conversation sequence, which occurred during a focus group, demonstrates the challenges volunteers face when attempting to engage in cultural sensitivity and consciousness without the necessary tools.

Carol (white female): It's funny because in my panel training [the trainer] was saying something like, if you are uncomfortable asking about their ethnic background or their cultural background maybe guess right. Because you have to indicate that in ORCA [database] and if you don't it prompts you to do it later, it comes up on these sheets you have to print off for the reports.

Susan (white female): I don't think it's good to make a guess.

Carol: I know, and I thought that was funny, but in some cases it is true.

Gina (white female): It's hard to bring into conversation though.

Michael (male from India): It depends, if I ask someone he would see it differently, if [the trainer] asked it, he might offend. Why do you want to know? Cause I've been in that situation as well right ... The reason most of them get offended is that they face that backlash at some point in their life, and they feel that way ... if you asked a Caucasian guy or female they would just open up and tell you because they haven't faced that backlash. We have faced that backlash and problems before and that's what brings it back to your mind, why is he asking again? So again, you need to understand the background.

Susan: And I know we have to fill that box [in the database].

Carol: I'm sure there are ways you can approach it in a gentle way.

Gina: I always try to, in the course of the panel, trying to find out what their ethnicity is, especially if I am confused. But just to tailor make the sanctions right, because quite often these, like the Somalians have a certain church that they go to and maybe they could do their community service there. And I have tailor made programs like that for kids up there. And so, therefore you are interested because it's for their benefit right. So, I wouldn't kind of blurt ... where are you from, but through the course of the panel there's usually a time where you can squeeze it in there and get the information you need without offending.

Susan: I think it is important because their whole culture could be different, I might think they are Indian and they might be something else and they might be really offended. And I might be saying something based on my knowledge of friends that might be Indian. I don't know.

Carol: Yes, but it's important to ask questions about it. But then it's opening up another discussion that there may not be room for with the time constraints. I think ... you just sparked something in me as a panel chair. We should do something for our panel.

Susan: But how often do you think we have we been disrespectful by assigning sanctions? Thinking back, there are so many youth who are from different cultures and their parents are from different cultures, and they are here, they want to, you know, be part of the culture.

This exchange demonstrates the work that the volunteers do to negotiate if and how to approach the subject of racial and ethnic backgrounds without offending the youth.

Ed, who is a white, male psychologist to whom youth from the program are referred, expressed a similar sentiment to Michael when he acknowledged that, often, youth come to the program already having negative experiences due to their racial and/or immigrant identity:

They come with a lot of negative experiences, a lot of preconceived notions ... I've got a couple of Afghani kids that come in and they came like: well you're just going to see me as an Arab terrorist. And I'm like, well why would you say that. And they say: well because at my school. And I say: well what about your school? And I throw it back at them, because this isn't about me and how I perceive them or don't perceive them. But yet they are used to that type of perception or preconceived notion (Ed, white male).

He adds that when programs do not pay attention to these experiences and the experiences of being a racialized immigrant, they ultimately fail the youth:

I've had kids that have come to me from other formal programs for visible minority youth and other funded programs and they don't really know what to expect. Because some of the people that they see focus on cultural attachment and cultural identification, but they don't focus on how that has affected their behaviours.

Without cultural consciousness training, volunteers struggle to bring a cultural understanding to their work, which lends itself to reification and stereotyping since it is not informed by knowledge. This is further complicated by the fact that many of these youth have likely been placed in situations where they had to defend their racial, ethnic, or immigrant status and have expectations, based on these previous harmful interactions, that white panel members hold negative stereotypes of their culture. Those working in the EJS Program involved in this project all recognized this as a failing of the program to acknowledge the circumstances in which racialized immigrant youth live. However, to be transformative in the work they do, volunteers must orient to a system that is guided by transformative rules. Such a system requires

direct mentions of race, ethnicity, and/or immigrant status and a clear statement on the intentions of the program to facilitate the youth-community connection for immigrant youth as a preventative means. Overall, the volunteers appeared cognizant of the need for guidance in their interactions with racialized immigrant youth and their families, expressing concerns about this lack of direction. Their calls for increased information and attention to the special circumstances surrounding these families highlight that for justice, restorative or otherwise, to be served to this group, consideration must be given to their lived experiences.

### **Embracing Difference: An Alternative to Color Blindness**

During this study, it was demonstrated that, even though panel members are instructed to view all youth and family members as equal, they recognize there are inherent and vital differences within the various communities and cultures with which they work. Such diversity stems from the various cultural worldviews and experiences of the participants. Panel members were often observed attempting to open up discussions of culture; however, many times, they were unable to engage in dialogue regarding differences fully. In the case of 15-year-old Amir, whose family is from Algeria, one panel member questioned the different cultural understandings during panel deliberations. This panel member noted that, given that Amir is a second-generation Canadian, the panel should explore the idea of integration into the larger community with his sanctions. However, other panel members quickly spoke up, expressing discomfort with the suggestion, particularly because Amir was born in Canada, dismissing the importance of Amir's racial and immigrant status. This negated the possible cultural influence his family may have had on him as a second-generation immigrant, resulting in the failure to have a transformative conversation for Amir, his family, and the panel members.

Indeed, the panels demonstrating high levels of community connection were those where panel members explicitly recognized cultural and community differences and attempted to address them. This was observed with Kyle, who, due to his shared Indian heritage with one of the panel members, Michal, could open up during the process. During Kyle's panel hearing, he was quiet and reserved. However, once Michal noted that he understood Kyle's expressions of shame since he too was from India, Kyle's demeanor changed as he engaged in the process. The success of Michal's connection to Kyle was important as it opened the door for other panel members to also engage in conversations with Kyle around culture and community. During the panel deliberation, Michal informed the panel members about the cultural cues presented by Kyle. The panel members drew on this discussion and offered suggestions for Kyle to improve his connection with the community. Michal's ability to connect with Kyle was a catalyst for Kyle to open up to the panel members. This success was also reflected in the comments from committee members and Kyle after the closing interview. Committee members noted that Kyle's demeanor at the close of the meeting was a lot less timid than when he first approached the panel, noting that he had been one of the most transformative cases they witnessed while serving on the youth justice committee and that Kyle appeared to be a "different person." The ability of the committee to engage with Kyle through the recognition of his cultural heritage and religious background impacted his interactions with all panel members.

A similar situation occurred with Raj, where a panel member, Jamil, who shared Raj's Indian heritage, also opened a conversation around the impact of his culture on the process:

Jamil indicated to me in a conversation later that he had picked up on cues and noticed that Raj's father, Hadeer, was uncomfortable with the questions being asked. Having picked up on the impact of the situation on Hadeer, Jamil interrupted to ask Hadeer questions about the impact of the offense on the family. Jamil was able to show cultural understanding of the emotion that was being expressed by the family, especially Hadeer, and was willing to address the emotion being displayed during the process. Jamil spoke directly to Hadeer expressing that he understood that this situation was difficult for him.



Jamil's willingness to raise the issue of cultural differences and open up about his shared cultural heritage allowed members of Raj's entire family to be put at ease and impacted the hearing process. It also provided an opportunity for the family members to connect with the process in a way that would not have been possible had that conversation never been initiated. As a result, the panel included a sanction, where Raj was required to write an apology letter to his family outlining the impact of the incident and resulting involvement in the EJS process on them. After the hearing, Jamil relayed to me that he considered his role on the committee vital since his committee often sees youth from India, and he is able to recognize the nuances of their expressions and the impact of the incident on the family. He noted that he often addresses the family members directly to open up a discussion around the impact on the family. While Raj's parents did not appear at the closing meeting with Raj, the researcher was able to speak to Raj after his completion. Raj indicated that he believed the EJS Program was a success. While he referenced his successful completion as one of the reasons, he also referenced the individuals involved in the program and that he was given the freedom to connect with them. For Raj, forming a cultural connection was observed as an integral part of his success.

### *The Extra Work of a Racialized Youth Justice Committee Member*

One consequence of the lack of standards in the EJS process for raising questions of racial and ethnic identification or the topic of immigrant status is that the racialized/immigrant volunteers often felt it was necessary to use their personal experiences to "level the playing field" and reverse the ruling relations established in the EJS process. IE helps us understand how knowledge missing from the textual guidelines of institutions impacts the work done in institutions. Many workers draw on their experiences to fill in the missing guidelines when working with racialized immigrant youth. This implies that racialized volunteers within the EJS Program are often placed in the position to speak to the missing guidelines around racialized immigrant youth when their cases are heard. This was observed with Michael, who, as the only racialized panel member during the focus group, was placed in the position of doing the work of explaining to other panel members the intricacies of questioning youth about race or ethnicity. He was called upon to do this work in the absence of cultural sensitivity and conscience training. In addition, the cases above highlight that in hearings with racialized youth where there was a racialized panel member, this panel member was responsible to open conversations about heritage and ethnicity, given that non-racialized panel members noted they did not have the tools to open these conversations without offending the program's participants. As a result, the racialized/immigrant panel members were often called upon to assume the task of mediating race, once again placing the onus of doing work pertaining to race and ethnicity only on racialized individuals rather than on the entire community.

### **Discussion and Conclusion: Achieving Culturally Conscious and Transformative Restorative Justice (RJ)**

We will now revisit some of the tenants of the CRT framework presented at the beginning of this paper to investigate how we can move RJ practices to achieve a culturally conscious transformation in society. This will also help us fully understand the impact of the lack of attention to race, ethnicity, and immigrant status on the EJS process, as was observed.

Despite the challenges expressed by the volunteers around opening discussions on race and ethnicity, examples, such as the cases of Kyle and Raj, demonstrate that when these discussions are managed well, they result in a mutually beneficial process. However, committee members expressed the need for guidelines to help them engage in conversations about race and ethnicity without further othering program participants. Without such guidelines and lacking the necessary skills, volunteers shied away from these discussions and expressed discomfort when the topic was raised during deliberations. This resulted in the failure to recognize that race, ethnicity, and immigrant status are central points in the lives of racialized immigrant youth in Canada—something that should always be acknowledged.

Drawing on the IE framework can also highlight possibilities for challenging the dominant ideology. IE suggests that ideologies, particularly institutional ideologies, such as those within the justice system, are

largely driven by text. Given the importance of text in coordinating social action, it is notable that there are no guidelines in the YCJA or any of the documents guiding the EJS Program as it is practiced in Calgary concerning racialized immigrant individuals. In this case, what is missing from the text highlights the lack of attention to the topic. By not including guidelines around race, ethical or immigrant status, the EJS program is signalling a deficit of importance of the cultural-heritage of these youth, and their worldviews. While the argument is suggested that these laws and guidelines are meant to be colorblind, the evidence suggests that this approach is harmful as the practice is often not colorblind nor culture-blind. Rather than attempting to be colorblind, the YCJA and other EJS material should reference the equitable and inclusionary intention of a race- and color-conscious approach, which can serve to coordinate the actions of the panel members during the hearing, ensuring a more just and potentially transformative process. This is because, as Smith (2005) suggests, the process of engaging with text means that one must understand the intention of the writer to activate it. In this manner, an antiracist, culturally conscious approach articulated in texts can be truly transformative, impacting the volunteer beyond the immediate practice within the EJS process.

The question then arises about what this transformation could look like in the context of the EJS Program, where belonging, participation, and inclusion could be facilitated for the youth and their families. For transformation to occur, attention must be paid to the disparities brought by race, ethnicity, and/or immigration differences, allowing for conversations around these power differentials. Finally, there needs to be an intentional focus on empowering marginalized groups, whereby the “mainstream” becomes redefined to be inclusive of, rather than distancing, those from racialized immigrant backgrounds. As suggested by the committee members, this direction is missing from both training sessions and practices within the local EJS Program. This may be due to that it is evidently absent from the written guidelines of the program, notably the YCJA.

Individuals who work in any social institution are guided by the textual policies of that institution. Therefore, if an institution’s guidelines do not pay attention to a segment of the population, there can be no community connections fostered between that segment and the larger society. The committee members in EJS Program must be guided by transformative rules explicit about strengthening the youth-community bond to be transformative. In addition, the guidelines should reflect a culturally conscious approach, ensuring that youth and their families are fully able to express their worldview without reducing them to stereotypes and prejudgments. Rather, their accounts must be understood in the fullness of the lived experiences of the individuals who hold these accounts as they serve as the experts of their lives. Therefore, it is necessary that volunteers develop the skills to hear and understand these worldviews, looking for points of convergence to facilitate a mutual understanding during the EJS process. It is necessary to implement antiracist policies to combat the confusion and hesitation around discussions of the impact of racialization and racism in society. This can be accomplished through the inclusion of explicit culturally conscious language, which provides racialized citizens the necessary support to achieve inclusive citizenship rather than problematic citizenship based on an equality discourse. Indeed, it is when we can investigate the ruling relationships only that influence institutional interactions, such as the EJS Program, that we can approach multiculturalism as a practice rather than a mere ideology or policy.

While the focus of this study is on racialized immigrant youth in the EJS Program, the findings have implications for programming directed towards racialized immigrant youth in general. Achieving a culturally conscious program recognizes the diversity of racialized immigrant youth and incorporates this into the policies and practices of the institution. For the EJS process, this can take the shape of actively involving cultural and racialized groups in the EJS process and partnering with groups in the city to enable the full inclusion of marginalized groups and attend to the potential needs of newcomers to the city to facilitate adjustments. A common system-wide framework needs to be implemented, where the policies and procedures for working with racialized immigrant youth are made available to all volunteers. This will allow all committees in the city to adhere to the common policies and practices around race, ethnicity, and culture, explicitly antiracist and intentionally culturally conscious and transformative in nature.

Correspondence: Dr. Monetta Bailey, Associate Professor of Sociology at Ambrose University, 150 Ambrose Cir SW, Calgary, Alberta, Canada. [mbailey@ambrose.edu](mailto:mbailey@ambrose.edu)

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<sup>1</sup> All names in this paper are pseudonyms.

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