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Restorative Justice Programs and Services in Criminal Matters: Summary of Consultations



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Restorative Justice Programs and Services in Criminal Matters: Summary of Consultations

By Sara Johnson

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Note of appreciation

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Part 1: Restorative Justice special study: summary of consultations

Introduction

Restorative justice processes are rapidly being adopted within Canada as well as internationally as a way of responding to crime and victimization. There is, however, little information quantifying the use of restorative justice programs and services in criminal matters in Canada. Several inventories, directories and compendiums of restorative justice programs and initiatives have been undertaken in Canada, however, none purport to be exhaustive.¹ In order to address this information gap, the Canadian Centre for Justice Statistics was asked to undertake a special study of restorative justice programs and services.

Current study

The study had two principal objectives: 1) to elaborate data collection, definitional and measurement issues related to restorative justice within the criminal justice domain, and 2) to compile an up-to-date inventory of restorative justice programs and services in criminal matters.

In order to achieve the first objective, the project team sought guidance from, and participated in the Federal/Provincial/Territorial (F-P-T) Working Group on Restorative Justice. An advisory sub-committee was established to provide input on (1) developing a framework and scope for conducting a study, (2) identifying concepts and definitions, (3) determining a methodology for developing a population frame, and (4) developing survey content.

The advisory sub-committee determined that the scope of the study should be limited to the criminal justice domain where an offender must have a 'criminally chargeable offence'. Due to a lack of clarity regarding the roles and representation of the offender, victim and community in restorative justice programs and services, the group suggested that these concepts be self-defined by the program and service providers. It was established that caseload and characteristic measures would be gathered in the study, but that the primary unit of analysis would be the program or service delivered. The advisory sub-committee determined that a consultation with stakeholders in Restorative Justice was necessary to develop greater clarity and understanding of the roles and representation of the offender, victim and community in restorative justice programs and services and other issues regarding survey design and methodology, before survey content could be developed. The advisory subcommittee also assisted in the preparation of the consultation document

In addition to the members of the advisory sub-committee, a number of supplementary experts provided advice on the content and composition of the consultation document. These included experts from academic, religious, Aboriginal and offender advocacy organizations. These individuals were asked to comment on the content of the proposed consultation document and changes to its content were made where appropriate.

Consultations took place (see Appendix 1) between early November 2002 and April 2003. Participants included members of the Federal/Provincial/Territorial (F-P-T) Working Group on Restorative Justice, the Federal/Provincial/Territorial (F-P-T) Working Group on Victims of Crime

¹ The Church Council on Justice and Corrections published a compendium of restorative programs and initiatives in 1996 (Church Council on Justice and Corrections, 1996), the Correctional Service of Canada (1998) produced an inventory of events and initiatives related to restorative justice, and a Canadian Directory of Restorative Justice Programs is posted on the website of the Conflict Resolution Network Canada (see Part 2).

and the Liaison Officers Committee². In addition, several groups of stakeholders were consulted including academics, Aboriginal organizations, religious organizations, and other organizations (i.e., offender advocacy).

Part 1 of this report provides an overview of Restorative Justice philosophy and concepts, presents a summary of consultation results and provides general recommendations for conducting a study to inventory Restorative Justice programs and services. Part 2 provides a list of resources related to Restorative Justice while Part 3 includes information on the sources of information and data on Restorative Justice in provinces and territories (jurisdictions). The consultation document and a detailed summary of the consultation responses are provided in Appendix 1 and Appendix 2.

Overview of Restorative Justice philosophy and concepts

What is Restorative Justice?

Although there is no single, universally accepted definition of restorative justice, a central feature of any definition includes some notion of repairing the harm caused by crime and restoring the parties to a state of wellness or wholeness which was disturbed by the criminal act (Cormier, 2002). For example, Marshall (1999) defines restorative justice as: "...a process whereby parties with a stake in a particular offence collectively resolve how to deal with the aftermath of the offence and its implications for the future" (p. 5). Cormier (2002) provides the following working definition of restorative justice:

Restorative justice is an approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime – victim(s), offender and community – to identify and address their needs in the aftermath of a crime, and seek a resolution that affords healing, reparation and reintegration, and prevents future harm. (p. 3)

Restorative justice redefines crime by interpreting it not so much as breaking the law or offending against the state, but as an injury or wrong done to another person or persons. (F-P-T Working Group on Restorative Justice, 2000). In general, restorative justice is viewed as more than just a practice or program, but rather as a philosophy, a way of looking at crime and a response to crime in which the following principles exist:

- Crime is viewed predominantly as a violation of relationships among people, not just as an act against the State. Crime results in harm to victims, offenders and communities and they are included among the key stakeholders in justice.
- All those affected by crime have roles and responsibilities to address the harm.
- Affected parties should be actively and equally involved in the justice process and collectively deal with the impacts of crime.
- There is an emphasis on restoration, problem solving and prevention of future harms. (F-P-T Working Group on Restorative Justice, 2000, p. 7)

Overall, at least three core program models can be identified: victim-offender reconciliation/mediation, family group conferencing, and circles (sentencing circles, healing circles, releasing circles, etc.) (F-P-T Working Group on Restorative Justice, 2000). Victim-offender reconciliation/mediation was pioneered in Kitchener, Ontario in 1974. The process brings victims and accused persons together with a mediator to discuss the crime and develop an

² The Liaison Officers Committee (LOC) consists of senior officials representing federal-provincial-territorial departments responsible for the administration of justice as well as the Canadian Association of Chiefs of Police (CAC-POLIS), who oversee the work of the Canadian Centre for Justice Statistics (CCJS).

agreement that resolves the incident. This process allows the victim to provide input, to challenge, to share information and to have the accused explain his/her actions and express remorse.

Family group conferencing is based upon the Maori and Samoan tradition of involving extended families in resolving conflicts. It has been adopted as the primary means of dealing with young offenders in New Zealand. In Canada, mediators or facilitators assist accused persons and their families to meet with victims, police, and others to discuss and resolve the incident. Most initiatives have focused on young offenders, but some communities are using this model with youth and adults in a process that is called community justice conferencing.

Circles (sentencing, healing, releasing) are based upon Canadian Aboriginal practices of having communities, families, Elders, and disputants meet to discuss and resolve issues. Participants sit in a circle and may pass a 'talking stick' or 'talking feather' to each speaker. In addition, traditional Aboriginal ceremonies such as burning sweetgrass, passing a tobacco pipe, or entering sweat lodges often accompany circles. In sentencing circles, victim, offender, family and community members meet with a judge, lawyer, police and others to determine what type of sentence an offender should receive. The victim and the community have the opportunity to express their feelings, challenge, and share information with the offender, and may take part in developing and implementing a plan relating to the offender's sentence. Healing circles are ceremonies that provide an opportunity to begin to address the issues surrounding the conflict, allow the participants to express their feelings, and signify reconciliation and reintegration into the community. Releasing circles are ceremonies that signify that the offender is returning to the community. The National Parole Board has been involved in using releasing circles, now referred to as Community Assisted Hearings, with Aboriginal offenders. These hearings are a community forum where representatives from the community, the offender, and, whenever possible, the victim are present. However, they do not necessarily automatically lead to a release of an offender on conditional release. Circles can be used in Aboriginal and non-Aboriginal settings.

Although these core program models have been delineated, many other programs exist that may also use 'restorative justice' principles, but fall under other general titles. For example, many alternative measures, community justice and Aboriginal justice programs may be applied in a 'restorative justice' fashion. Furthermore, Youth Justice Committees may use restorative justice principles in some situations.

The origins of Restorative Justice in Canada

Many of the concepts in Restorative justice philosophy find their origins in the traditional practices of Indigenous Cultures around the world (Achtenberg, 2000). For example, the principles that underlie traditional healing approaches are consistent with the concept of restorative justice (Cormier, 2002). According to this philosophy, criminal behaviour is primarily caused by the alienation of certain members from society at large. Accordingly, when a person becomes alienated or disconnected from society, it is considered to be the responsibility of everyone in that society to bring the person back into a harmonious relationship with him/her "self", as well as with the rest of the community (Achtenberg, 2000).

The principles of Restorative Justice are also consistent with many faith-based concepts of justice. In Canada, religious and faith groups also played a role in the development of Restorative Justice practices. In 1974 a court case in Kitchener-Waterloo involved the Mennonite Central Committee in the first instance of the use of victim-offender mediation in the courts. Also, in 1974 the Church Council on Justice and Corrections, a national faith-based coalition of eleven founding Churches was established and made restorative justice the focus of its work (Cormier, 2002).

Restorative Justice and the law in Canada

Legal decisions, and legislation have recently begun to echo Restorative Justice sentiments. Based on recommendations of the 1988 Parliamentary Standing Committee on Justice and Solicitor General review of sentencing, conditional release and related aspects of corrections, titled 'Taking Responsibility', (Canada, House of Commons, 1988), the 1996 Criminal Code of Canada introduced principles of sentencing. The stated objectives of sentencing includes "to provide reparations for harm done to victims or to the community" and "to promote a sense of responsibility in offenders and acknowledgement of the harm done to victims and the community" (Criminal Code, Canada, ss. 718 (e) and (f)).

Amendments to the Criminal code came into effect in September 1996 to reflect the preference for sentences other than incarceration, especially in certain cases. Specifically, Section 718.2 of the Criminal Code of Canada requires a court to consider the following principle: that

"e) all available sanctions other than imprisonment that are reasonable in the circumstances, should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders."

This section has already been upheld by the Supreme Court of Canada in *R. v. Gladue* (1999), 171 D.L.R." (4th) 385. Judge M.E. Turpel-Lafond indicated that

"the Gladue decision clearly endorsed the notion of restorative justice and a sentencing regime which pays fidelity to "healing" as a normative value. Healing is an Aboriginal justice principle which is slowly becoming merged into Canadian criminal law through the practice of circle sentencing and community based diversion programs." (Judge M. E. Turpel-Lafond, 1999).

In the youth justice system, restorative justice processes frequently took place under the Alternative Measures provisions of the Young Offender Act (1985). Alternative Measures is defined as "measures other than judicial proceedings under [the Young Offenders Act] used to deal with a young person alleged to have committed an offence" (Young Offenders Act, Section 2.(1)). These services could be delivered through government agencies such as probation services, through non-governmental agencies or through Youth Justice Committees as described in section 69 of the Young Offenders Act.

The Youth Criminal Justice Act, enacted April 1, 2003, includes in its Declaration of Principles statements that are consistent with a restorative approach. One of the declared principles of this Act is to "encourage the repair of harm done to victims and the community" (Youth Criminal Justice Act, Bill C-7, 2002, s. 3.(1)(ii)). Restorative justice philosophy in terms of offender, victim and community involvement is denoted in three subsections of the Extrajudicial Measures Objectives (section 5):

- (b) encourage young persons to acknowledge and repair the harm caused to the victim and the community;
- (c) encourage families of young persons – including extended families where appropriate – and the community to become involved in the design and implementation of those measures.;
- (d) provide an opportunity for victims to participate in decisions related to the measures selected and receive reparation;

In addition, specific provisions for 'youth justice committees' are outlined in the Act. Committees of citizens, known as youth justice committees, may be established in order to assist in any aspect of the administration of the Act in any programs or services for the young person. The committee's functions may include supporting the victim and facilitating reconciliation, and ensuring that community support is available to the youth.

Furthermore, the 1999 Speech from the Throne outlined the Federal government's commitment to "launch a program of restorative justice to help victims overcome the trauma of crime and provide non-violent offenders with a chance to help repair the damage caused by their actions". The Law Commission of Canada also endorsed restorative justice in its 1999 paper 'From Restorative Justice to Transformative Justice'.

Developing national and international principles of Restorative Justice

A recent activity in the area of Restorative Justice involves the attempt to develop national and international standard basic principles on the use of restorative justice programmes in criminal matters. At a recent United Nations meeting³, Basic Principles on the use of restorative justice programmes in criminal matters were discussed and the United Nations recommended that its members make use of these principles. This document contains an internationally endorsed description of Restorative Justice.

In addition to this international work, efforts are being made by Justice Canada with input from provinces and territories, to further delineate the basic principles of Restorative Justice within a Canadian context. This set of values and principles (*Values and Principles of Restorative Justice in Criminal Matters*, see Appendix 3) was drafted by the Department of Justice Canada as a Canadian application of the United Nations Basic Principles on Restorative Justice Programmes in Criminal Matter, officially endorsed in 2002. The Department of Justice has also produced a *Restorative Justice Programs Guidelines* document (see Appendix 4).

In 2003, an on-line consultation was held regarding the Department of Justice documents: *Values and Principles of Restorative Justice in Criminal Matters* and *Restorative Program Justice Guidelines*. The Conflict Resolution Network (see Part II) conducted an intensive three-week dialogue on these documents from February 17 to March 7, 2003, during which wide-support for the description of Restorative Justice programs listed was disclosed. In general, these draft principles and guidelines were viewed as a sound framework for the use of restorative justice in criminal matters (Sharpe, 2003).

³ Canada was one among 37 countries that had responded to a note verbale inviting them to provide their views and observations pursuant to Economic and Social Council resolution 2001/14, and among 18 countries where legal experts met to draw up a draft document of guidelines for the implementation of restorative justice processes.

Summary of consultations

A total of 23 responses to the consultation document were received. All provinces and territories provided responses to the consultation and several jurisdictions (New Brunswick, Saskatchewan, Yukon and the Northwest Territories) provided joint responses on behalf of members of the F-P-T Working Group on restorative justice, the F-P-T Working Group on victims of crime, and the Liaison Officer Committee. The only exception was Quebec which indicated that although alternative measures programs for youth have existed for many years as well as some aboriginal community justice initiatives, this province is currently putting some thought into a definition of the concept of restorative justice in Quebec and the details of its implementation. Responses were also received from representatives of several federal departments, including Justice Canada, the National Parole Board, and the Royal Canadian Mounted Police. In addition, participants from three religious/faith organizations (Canadian Friends Service, Church Council on Justice and Corrections, Prison Fellowship Canada) and two universities (Simon Fraser University, University of Victoria) responded to the consultation document.

National Aboriginal groups were unable to respond to the consultation. As their input into this consultation was considered to be extremely valuable, a meeting to better understand their position was held with representatives from the following groups: Pauktuutit (Inuit Women's Association), Inuit Tapiriit Kanatami, Assembly of First Nations, Métis National Council, Congress of Aboriginal Peoples, Native Women's Association of Canada, and Métis National Council of Women. At this meeting, representatives of these organizations indicated that broad-based consultations with their members would be required to obtain their input into this consultation. This effort would require a significant time commitment and would require funding (see Recommendation 2 for more information).

Summary of responses

Results from the consultation clearly revealed that diverse opinions regarding definitions and applications of Restorative Justice exist in Canada. While progress is being made in the degree of consensus in policy-based definitions, principles and guidelines, the same level of clarity in definitions does not extend to the practical application of restorative justice (e.g., programs and services) that would allow for data collection. There was some consensus on limiting the proposed scope of the study to restorative justice processes that involve offenders, victims and the community and where the offenders have a criminally chargeable offence, but a general lack of agreement on the definitions of concepts. For example, many definitions of 'community' were provided, and many participants indicated that the definition of 'community' varies, often from case to case. For example, one respondent defined community as 'any local group directly affected by crime', while another provided the following definition: 'the community is defined as a geographic or municipal area'. Two different levels of definitions of 'community' are used, one at the broader level (i.e., the broader 'community' affected by the crime), and one at the level at which the 'community' is represented in restorative justice processes. Despite this lack of consensus, most participants felt it was feasible to measure attributes of the 'community' representatives in restorative justice processes.

Due to the varying interpretations of who victim, offender and community representatives are or how they are represented in restorative justice processes, it was recommended that respondents to the survey (program/service providers) would 'self define' Restorative Justice client (offender, victim, community) involvement/ representation. For example, if an offender or victim is deceased or unavailable, or if there was an unidentifiable direct victim, different opinions existed regarding whether or not they would still fit into the 'restorative justice' model and if so, how they would be dealt within a restorative justice process. That is, some programs support the use of victim or offender 'proxies' when the actual victim or offender would not be available, while other programs would not support the use of proxies. Whether or not survey respondents should 'self

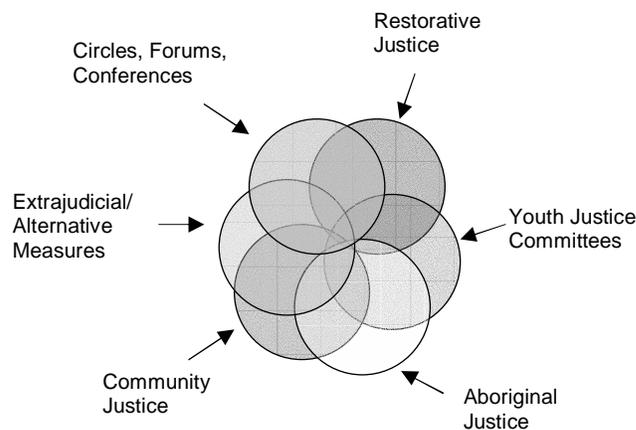
define' client involvement/participation was a source of much disagreement, often resulting in conflicting recommendations.

In terms of methodology, respondents tended to agree with the proposed categorization of groups based upon program/service delivery source and funding source, such as government funded, non-government organization funded and unfunded programs/services⁴. Furthermore, almost all of the participants agreed that the specific restorative justice program or service should be the primary unit of measurement. The majority of participants indicated that it would be possible to collect client counts per program/service, including the number referred, the number accepted and the number rejected. Most respondents suggested that the best method to measure client caseload would be to collect data on the number of processes, number of victims and the number of offenders. However, approximately one-third of the responding participants indicated that it would not be feasible to collect this information. It was suggested that aggregate counts, as opposed to individual, detailed records, would likely be more reasonable to collect and would be sufficient to meet most information needs. Almost all of the respondents agreed that the correct research questions were being asked, and agreed with the proposed general survey content although some participants had specific suggestions for additions or deletions, which are specified in the more complete discussion of the Consultation results in Appendix 2.

There are obvious differences between provincial/territorial governments with respect to the stage of development of policy, programs and data collection (see Part 3 for a description of Jurisdictional Sources of Information). These differences have implications for data collection, including the nature of available data, the method of collection and the completeness of the data collected.

In determining the scope of the survey of Restorative Justice programs and services, the overlap with other models of justice program and/or service provision which may also employ principles of restorative justice, including Community Justice, Alternative Measures, Aboriginal Justice Processes, Youth Justice Committees and Circles, Forums and Conferences, would need to be considered (see Figure 1). Disentangling Restorative Justice programs and services from these other program/service provision models would be extremely difficult, especially given the varying definitions of Restorative Justice concepts.

Figure 1: Venn diagram of overlapping program/service provision models



Through the consultations, it became clear that there was a need to limit the scope of the study, allowing for several optional courses of action. All of these options have implications in terms of costs, generalizability and validity of results, and completeness of the inventory. These possible options are delineated in the Recommendations section.

⁴ Unfunded programs could include services provided by elders, purely volunteer unfunded groups, etc.

General recommendations and survey options

General recommendations

Recommendation 1: Survey not considered feasible at this time, reconsider conducting a survey following re-evaluation of survey concepts.

There currently exists a diversity of opinion about what should or should not be considered Restorative Justice programs and services and it may be somewhat premature to conduct a study that would produce an inventory of Restorative Justice programs and services. Therefore, a study is not considered feasible at this time. However, once these issues are addressed, a study should be reconsidered. Prior to conducting a survey, the survey concepts and proposed survey content should be re-evaluated and updated as necessary.

Recommendation 2: Consultations with Aboriginal groups.

As noted earlier in this report, traditional Aboriginal practices are central to the Restorative Justice model. However, due to insufficient time and resources to fully consult with the Aboriginal community, the Aboriginal perspective on this subject is largely incomplete. Discussion of definitions and data collection issues surrounding Restorative Justice would be very valuable, especially with respect to programs and services directed toward Aboriginal people.

It is recommended that more complete consultations be conducted with the Aboriginal community prior to conducting a Restorative Justice inventory.

Survey options

The following section provides options for conducting a survey if one is considered. Cost and time estimates, advantages and disadvantages, and information on specific survey activities are provided.

Based upon the consultation responses, three survey options are presented.

- 1(a). Inventory of all funded (government or otherwise) and unfunded Restorative Justice programs (**census**);
- 1(b). Inventory of all funded (government or otherwise) and unfunded Restorative Justice programs (**sample**);
- 2. Inventory of government funded Restorative Justice programs (**census** of government funded programs).

The following items are assumed in all options:

- 1) Scope will be limited to Restorative Justice programs and services in criminal matters. That is, where offenders, victims and, where appropriate, the community are involved, and where there is a criminally chargeable offence.
- 2) Ad hoc Restorative Justice processes that arise as a matter of course through the official criminal justice system will be excluded from the inventory.
- 3) The methodology is a pen and paper survey completed by all Restorative Justice program and service providers. The Restorative Justice program or service is the unit of count. Organizations providing more than one program or service would complete multiple questionnaires. Programs/services offered collaboratively by multiple organizations would complete the number of surveys that corresponds to the number of programs/services provided, that is, one questionnaire per program/service.
- 4) The survey would be conducted as a one-time special study.
- 5) A report on Restorative Justice programs and services would be produced.
- 6) Cost estimates are for 2003/04 costs and do not include any overhead. (see Table 1).

Implementation of all study options includes the following activities.

Activity 1: Develop survey content, design survey questionnaire and instruction booklet.

Following updating of concepts and scope, content of the questionnaire would be developed by project staff with relevant knowledge of the Restorative Justice field. Prior to designing the survey questionnaire, pilot testing of the survey with a small subset of Restorative Justice program/service providers would occur.

Activity 2: Develop population frame.

As there currently is no comprehensive list of Restorative Justice programs or services, it would be necessary to develop such a list before conducting a study. This list would constitute the *frame* from which a census study (option 1a) could be conducted or from which a sample could be drawn (option 1b). In order to build the frame, a screening sheet would be sent to Restorative Justice program and service providers that are on existing lists from sources such as from the Internet, lists from government agencies, etc. (A partial list has been compiled in parts 2 and 3 of this report). Furthermore, programs and services that have not specifically identified as Restorative Justice program/service providers but have identified themselves as falling under one of the overlapping program models (e.g., Alternative Measures, Community Justice, etc.) would be sent the screening form in order to ensure a high coverage rate. Participants would be asked to confirm whether or not their organization is in scope and then additional contact names would be requested, which in turn would be added to the contact list. This is a “snowball” approach to developing the population frame. The screening form could contain general information such as type of program/service, funding source, program model, number of staff and amount of expenditures. For option 1(b), the screening form would need to include the information necessary for sampling. Basic information provided through the screening form provide a limited set of indicators of all respondents to the screening form, and would permit basic analysis of those who do not respond to the more detailed questionnaire.

Activity 3: Build data capture system.

This activity includes building a data capture system through Microsoft Access or SAS.

Activity 4: Data capture.

For option 1(a), it would be expected that approximately 400⁵ program/service providers could be included. For option 1(b), approximately 400 screening forms would be expected. The number of surveys required for the sample would depend on sampling technique employed. Option 2 would likely include approximately 150 to 200 programs/services. The number of responses would determine the time and resources required for data capture.

Activity 5: Analyze data and prepare final report.

Data analysis would include basic frequency and cross tabulations. Analysis of sample data (option 1(b)) would require support for inferential statistical analysis. In addition, assistance would be required to address non-responder analysis for all survey options.

Activity 6: Other support costs.

Other support costs include expenses incurred from translation, computer, composition, printing and dissemination.

The following table provides cost estimate ranges for individual activities required in performing an inventory on Restorative Justice programs and services.

⁵ Estimated number of program/service providers is based upon information from existing compendiums, directories, government lists, etc.

Table 1: Price range estimates for study option activities

Activity	Cost (range)
1. Develop survey content, design survey questionnaire and instruction booklet ¹	1(a) 1(b) \$ 40,000 - \$ 45,000 2
2. Develop frame	1(a). \$ 10,000 - \$ 20,000 1(b). \$ 10,000 - \$ 20,000 2. \$ 5,000 - \$ 7,000
3. Build data capture system.	\$ 10,000 - \$ 15,000
4. Data capture	1(a). \$ 20,000 - \$ 25,000 1(b). \$ 15,000 - \$ 20,000 2. \$ 10,000 - \$ 15,000
5. Analyze data and prepare final report	1(a). \$ 40,000 - \$ 50,000 1(b). \$ 50,000 - \$ 60,000 2. \$ 35,000 - \$ 45,000
6. Other support costs	\$ 20,000 - \$ 25,000
Total	1(a). \$140,000 - \$180,000 1(b). \$145,000 - \$170,000 2. \$120,000 - \$152,000

1. Does not include costs associated with scope and concept updating undertaken as per recommendation 1

Recommendations

The scope, funding/time frame, advantages and disadvantages of study options are presented in Table 2. A census (Option 1a) provides the best alternative for a comprehensive view of Restorative Justice programs and services. It is also the most time consuming and potentially the most expensive of the options. Because of the small size of the population, a sampling strategy (Option 1b) offers some cost saving but is not recommended for a one-time study as sampling will limit analysis of small sub-groups of restorative justice program/service providers or rare characteristics. However, if the Restorative Justice study were to become an ongoing survey or has the possibility of becoming an ongoing survey in the future, a sampling strategy may be an appropriate means of conducting the survey in the long term as it would minimize costs, time and respondent burden. Option 2 is the least costly and time consuming. However, the scope of the study would be limited with only those programs that are government funded captured.

Table 2: Options for conducting an inventory of Restorative Justice programs and services

Options for measuring RJ	Scope	Funding / Time Frame	Advantages	Disadvantages
1(a). Inventory of all funded (government or otherwise) and unfunded Restorative Justice programs (census).	Include a census of all programs partially or fully funded by federal, provincial, territorial and/or municipal governments, but also includes non-government funded and unfunded programs.	\$140,000 - \$180,000/ 18 months	<ul style="list-style-type: none"> - Wide and comprehensive in scope. - Better meets the information needs of the RJ community - Provides best overall estimates 	<ul style="list-style-type: none"> - At highest end of cost range, highest survey costs - Longer data collection time required, larger volume of data to process - Difficulty in developing frame.
1(b). Inventory of all funded (government or otherwise) and unfunded Restorative Justice programs (sample).	Include a sample of all programs partially or fully funded by federal, provincial, territorial and/or municipal governments, but also includes non-government funded and unfunded programs.	\$145,000 - \$170,000/ 15 months	<ul style="list-style-type: none"> - At highest end of cost range, more cost effective than 1(a), with similar scope. - Lower respondent burden 	<ul style="list-style-type: none"> - Sample strategy could reduce generalizability of data because of small counts. - The statistical estimates would be inferior to option 1(a), at only a marginally lower cost - Difficulty in developing frame - Sampling is based upon a population – if the strategy to define population is problematic, this will be reflected in the sample.
2. Inventory of government funded Restorative Justice programs	Include a census of all programs partially or fully funded by federal, provincial, territorial and/or municipal governments, excludes non-government funded and unfunded programs.	\$120,000 - \$152,000/ 12 months	<ul style="list-style-type: none"> - Lowest cost - Relatively short time frame - Less difficult to develop study frame 	<ul style="list-style-type: none"> - Limited in scope, would miss many programs

Part 2: Meta-data resources

Note: This is not an exhaustive list of resources available on Restorative Justice

Compendiums/directories, etc.

Canadian

The Restorative Justice Directory (The Network):

<http://www.restorativejustice.ca/canada.asp>

The Youth Restorative Justice Directory (The Network):

<http://www.youthrestorativejustice.ca>

Directory of Community Justice Activities in Atlantic Canada:

<http://www.isn.net/acph/1.htm>

Correctional Service of Canada – Resources List:

http://www.csc-scc.gc.ca/text/forum/restore2000/basicresources/resourcepeople/home_e.shtml

Correctional Service Canada (2001). Canadian Resource Guide to Restorative Justice and Conflict Resolution Education Programs.

Correctional Service Canada

340 Laurier Avenue West

K1A 0P9

Cat. No. JS82-96/2001

http://www.csc-scc.gc.ca/text/prgrm/rjstc/crg/toc_e.shtml

Selected Annotated Bibliography: Restorative Justice, 2002, No. B-28.

By: Shelley Trevethan and Amey Bell

http://www.csc-scc.gc.ca/text/rsrch/briefs/b28/b28_e.shtml

Satisfying Justice, a Compendium of Initiatives, Programs and Legislative Measures

http://www.csc-scc.gc.ca/text/pblct/satisfy/index_e.shtml

or, For information or copies, contact

Church Council on Justice and Corrections

507 Bank Street

Ottawa, Ontario

K2P 1Z5

(613) 563-1688

Conflict Resolution Practitioners Directory:

https://www.cnetwork.ca/directory/crpractitioners_temp.asp

British Columbia:

Restorative Justice Programs 2002: Provincial Directory

Available from:

Ministry of Public Safety and Solicitor General

Community Programs Division

201-4180 Lougheed Highway

Burnaby, B.C.

V5C 6A7

International

Umbreit, M. S.; Greenwood, J.; Fercello, C. and Umbreit, J. (1998). National Survey of Victim Offender Mediation Programs in the US. Prepared for: Office for Victims of Crime, U.S. Department of Justice. Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota.
(available on the Center for Restorative Justice and Peacemaking, School of Social Work, Internet site: <http://www.che.umn.edu/rjp>)

Umbreit, M.S. & Schug, R. (2001). Directory of Victim Offender Mediation Programs in the U.S. St. Paul, MN: Center for Restorative Justice and Peacemaking, University of Minnesota
(available on the Center for Restorative Justice and Peacemaking, School of Social Work, Internet site: <http://www.che.umn.edu/rjp>)

Evaluations

Canadian

Bonta, J., Wallace-Capretta, S., and Rooney, J. (1998). Restorative Justice: An Evaluation of the Restorative Resolutions Project. Ottawa: Solicitor General Canada.
http://www.sgc.gc.ca/publications/corrections/pdf/199810b_e.pdf

Chattergee, J. (1999) A Report on the Evaluation of RCMP Restorative Justice Initiative: Community Justice Forum as Seen by Participants. Research and Evaluation Branch, Community, Contract and Aboriginal Policing Services, Royal Canadian Mounted Police.

Latimer, J.; Dowden, D.; & Muise, D. (2001). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. Research and Statistics Division, Department of Justice.
<http://www.canada.justice.gc.ca/en/ps/rs/rep/meta-e.pdf>

Latimer, J. & Kleinknecht, S. (2000). The Effects of Restorative Justice Programming: A Review of the Empirical Research Literature. Research and Statistics Division, Department of Justice.
<http://www.canada.justice.gc.ca/en/ps/rs/rep/rr00-16a-e.pdf>

Roberts, T. (1995). Evaluation of the Victim Offender Mediation Project, Langley, British Columbia: Final Report. Ottawa: Solicitor General of Canada.

Umbreit, M.S., Coates, R.C., Kalanj, B., Lipkin, R., and Petros, G. (1995). Mediation of Criminal Conflict: An Assessment of Programs in Four Canadian Provinces. Center for Restorative Justice and Mediation, School of Social Work, University of Minnesota.
(available on the Center for Restorative Justice and Peacemaking, School of Social Work, Internet site: <http://www.che.umn.edu/rjp>)

International

Sherman, L. W.; Lee, J.; Strang, H.; and Woods, D. J. (2000). Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE). Centre for Restorative Justice, Research School of Social Sciences, Australian National University. (available at <http://www.aic.gov.au/rjustice/rise/recidivism>)

Umbreit, M. & Coates, R. B. (1999). Empirical Studies of Victim Offender Mediation and Family Group Conferencing. Research and Resources Review, 1(1), 1-9. (available on the Center for Restorative Justice and Peacemaking, School of Social Work, Internet site: <http://www.che.umn.edu/rjp>)

Umbreit, M.; Coates, R. B.; & Kalanj, R. (1994). Victim Meets Offender: The Impact of Restorative Justice and Mediation. Monsey, NY: Criminal Justice Press.

Umbreit, M.; Coates, R.; & Vos, B. (2002). The Impact of Restorative Justice Conferencing : A Review of 63 Empirical Studies in 5 Countries. Center for Restorative Justice and Peacemaking. (available on the Center for Restorative Justice and Peacemaking, School of Social Work, Internet site: <http://www.che.umn.edu/rjp>)

Government - Justice

Federal

Correctional Service of Canada:

General: <http://www.csc-scc.gc.ca>

Restorative Justice: http://www.csc-scc.gc.ca/text/prgrm/rjust_e.shtml

Department of Justice:

<http://www.canada.justice.gc.ca>

Law Commission of Canada:

<http://www.lcc.gc.ca>

Royal Canadian Mounted Police:

General : <http://www.rcmp-grc.gc.ca>

Community Justice Forums: http://www.rcmp-grc.gc.ca/ccaps/cjf_e.htm

Solicitor General Canada:

<http://www.sgc.gc.ca>

Provincial/territorial

Alberta:

<http://www4.gov.ab.ca/just/>

British Columbia:

<http://www.gov.bc.ca/pssg/>

Manitoba:

<http://www.gov.mb.ca/justice/index.html>

New Brunswick:

<http://www.gnb.ca/0062//index.htm>

Newfoundland and Labrador:

<http://www.gov.nf.ca/just/>

Northwest Territories:

<http://www.justice.gov.nt.ca/>

Nova Scotia:

General: <http://www.gov.ns.ca/just/>

Restorative Justice: <http://www.gov.ns.ca/just/rj/rj-contents.htm>

Nunavut

<http://www.gov.nu.ca/Nunavut/English/departments/JUS/>

Ontario:

Ministry of Public Safety and Security: <http://www.mpss.jus.gov.on.ca/>

Ministry of the Attorney General: <http://www.attorneygeneral.jus.gov.on.ca/>

Prince Edward Island

Office of the Attorney General: <http://www.gov.pe.ca/oag/index.php3>

Québec:

Department of Justice: <http://www.justice.gouv.qc.ca/english/accueil.asp>

Department of Public Security: http://www.msp.gouv.qc.ca/index_en.asp

Saskatchewan:

<http://www.saskjustice.gov.sk.ca/>

Yukon:

<http://www.justice.gov.yk.ca/>

Organizations providing Restorative Justice programs and services

Government

Nova Scotia: Island Community Justice Society:

<http://www3.ns.sympatico.ca/icjs/core.htm>

Saskatchewan:

http://www.saskjustice.gov.sk.ca/Comm_Services/restor-justice.shtml

Yukon: Department of Justice, Community Justice Committees & Information:

<http://www.justice.gov.yk.ca/prog/cjps/cj/comjuscom.html>

City of Chilliwack, British Columbia

Chilliwack Restorative Justice and Youth Diversion Association:

<http://www.gov.chilliwack.bc.ca/main/page.cfm?id=178>

e-mail: cryda@chilliwack.com

Other

Calgary Community Conferencing:

<http://www.calgarycommunityconferencing.com>

Collaborative Justice Project, Ottawa, Ontario

Provincial Courthouse

161 Elgin Street

Ottawa, Ontario

K2P 2K1

James Scott, Coordinator: (613) 239-1318

Community Justice Initiatives:

Description: CJI is a community-based organization whose programs are founded on principles of restorative justice. Since 1974, CJI has been a leader in initiating services for individuals affected by crime, abuse, and conflict. Most of the work is done by trained volunteers.

<http://www.cjiwr.com>

Cumberland Community Alternative Society:

Description: Cumberland Community Alternatives Society contracts with the Nova Scotia Department of Justice to offer three programs. These include Restorative Justice, Community Service Orders and Fine Option.

<http://www3.ns.sympatico.ca/ccas>

Kaslo Restorative Justice Committee:

Description: Since August of 1997, the Kaslo Restorative Justice Committee has developed and implemented restorative justice programs and educational opportunities for residents of Kaslo and area (provincial RCMP Jurisdiction 312). With input from Kaslo's RCMP, and a diverse community representation, a restorative philosophy and practice was created to support person involved in or affected by minor crimes.

http://www.kin.bc.ca/Restore_Just/RJHome.html

e-mail: krjc@netidea.com

Mediation and Restorative Centre (MRJC), Edmonton, Alberta:

<http://www.mrjc.ca/>

e-mail: MRJC@accessweb.com

North Vancouver Restorative Justice Society, North Vancouver, British Columbia:

e-mail: nvrestjust@aol.com

Administration: (604) 990-7462

General information

Canadian

The (Conflict Resolution) Network:

<http://www.crnetwork.ca>

Law Commission of Canada (1999). From Restorative Justice to Transformative Justice, Discussion Paper. Catalogue No. J12-6/1999. Law Commission of Canada: Ottawa. (available on the Law Commission of Canada's Internet site: <http://www.lcc.gc.ca>)

Law Commission of Canada (2003). Transforming Relationships Through Participatory Justice. Catalogue No. JL2-22/2003E. Law Commission of Canada: Ottawa. http://www.lcc.gc.ca/en/themes/sr/rj/participatory_justice/participatory_justice.pdf

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Federal/ Provincial/ Territorial Working Group on Restorative Justice. Restorative Justice in Canada: A Consultation Paper, May 2000 <http://canada.justice.gc.ca/en/ps/voc/rjpap.html>

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International

Braithwaite, J. (1989). Crime Shame and Reintegration. Cambridge University Press, Melbourne.

Marshall, T. F. (1999). Restorative Justice, An Overview. A report by the Home Office, Research Development and Statistics Directorate. London, England.

Real Justice:
<http://realjustice.org>

Van Ness, D. & Strong, K. H. (1997). Restoring Justice. Ohio: Anderson Publishing Co.

Victim Offender Mediation Association:
<http://www.voma.org>

Zehr, H. (1990). Changing Lenses: A New Focus for Crime and Justice. Herald Press.

Key stakeholders

Aboriginal organizations

Aboriginal Canada Portal:
<http://www.aboriginalcanada.gc.ca/>

Aboriginal Justice Learning Network:
<http://www.canada.justice.gc.ca/en/ps/ajln/index.html>

Assembly of First Nations:
<http://www.afn.ca>

Congress of Aboriginal Peoples:
<http://www.abo-peoples.org>

Inuit Tapiriit Kanatami:
<http://www.itk.ca>

Métis National Council:
<http://www.metisnation.ca>

Métis National Council of Women (see Métis National Council)

National Aboriginal Women's Association:
<http://www.nationalaboriginalwomen.ca>

National Association of Friendship Centres:
<http://www.nafc-aboriginal.com>

Native Women's Association of Canada:
<http://www.nwac-hq.org>

Pauktuutit, Inuit Women's Association:
<http://www.pauktuutit.on.ca>

Religious

Canadian Friends Service Committee (Quakers):
<http://cfsc.quaker.ca>

Church Council on Justice and Corrections:
<http://www.ccjc.ca>

Mennonite Central Committee:
Peace and Justice Programs in MCC in Canada:
<http://www.mcc.org/canada/restorativejustice/index.html>

Prison Fellowship Canada:
<http://www.prisonfellowship.ca>

Offender advocacy

Canadian Association of Elizabeth Fry Societies:
<http://www.elizabethfry.ca/>

John Howard Society of Canada:
<http://www.johnhoward.ca>
The John Howard Society of Manitoba Inc. – Restorative Resolutions:
<http://www.johnhoward.mb.ca/justice.htm>
John Howard Society, Ontario:
<http://www.johnhoward.on.ca>

St. Leonard's Society:
St. Leonard's Society of London: Community Justice Circles:
<http://www.stleonards-london.on.ca/justicecircles.html>

Academic

The (Conflict Resolution) Network:

<http://www.crnetwork.ca>

Description: The Network is governed by a national volunteer Board of Directors drawn from leaders in the field actively involved in conflict resolution through diverse sectors including government, academia, business and the justice system.

Co-Executive Director: Kathleen Cleland Moyer

(519) 885-0880 ext. 274, e-mail: kem@crnetwork.ca

Co-Executive Director, Rosemarie Schmidt

(519) 885-0880 ext. 273, e-mail: schmidt@crnetwork.ca

Justice Institute of British Columbia, Centre for Conflict Resolution:

<http://www.jibc.bc.ca/ccr/default.htm>

Coordinator, Peacemaking & Restorative Justice Program, Barry Warhaft

(604) 528-5614, e-mail: bwarhaft@jibc.bc.ca

University of Prince Edward Island, Centre for Conflict Resolution: <http://www.upei.ca/~conflict/>

Director, Professor Verner Smitheram

(902) 566-0607, e-mail: smitheram@upei.ca

Queens Theological College:

<http://www.queensu.ca/theology/L3Learn-Theo-Restorative.htm>

Menno Simmons College: Conflict Resolution Studies:

<http://www.uwinnipeg.ca/~msc/crsprog.htm>

Paul Redekop, Coordinator: p.redekop@uwinnipeg.ca

The Centre for Restorative Justice, Simon Fraser University:

<http://www.sfu.ca/cfrj/>

Meredith Egan, Coordinator: mlegan@sfu.ca

Part 3: Jurisdictional sources of information

Jurisdiction	Data/ information available
Newfoundland and Labrador	None – Newfoundland and Labrador does not have criminal restorative justice programs at present.
Prince Edward Island	None – Policy development required.
Nova Scotia	<p>Data collection ongoing from police, crown, courts, corrections and service delivery agencies.</p> <p>Data has been collected since 1999 and stored in an Oracle based, in-house database.</p> <p>Excellent compliance regarding cautions and referrals, some compliance challenges regarding charges, but improving. Charges have to be cross referenced to another database.</p>
New Brunswick	<p>No organizations are funded, nor do organizations provide any data. The data available for New Brunswick is Alternative Measures. Contacting the RCMP directly to collect data on Community Justice Forums (particularly Codiac RCMP in Moncton) is recommended. Direct contact with the Crime Prevention Mobilization Program should also be made as they fund projects.</p> <p>No data available except for Alternative Measures (which is province wide). Alternative Measures is not exclusively restorative justice; unable to determine if the case was dealt with by means of RJ or an accountability process.</p>
Québec	None
Ontario	In Ontario, data relating to Alternative Measures, including Youth Justice Committees, and Aboriginal Programs, is collected by different methods.
Manitoba	<p>Manitoba has information collected on</p> <ol style="list-style-type: none"> 1. Community Justice Committees 2. Community Justice Forum facilitators 3. Northern Aboriginal Justice Strategy 4. Mediation Services 5. CP1879 6. Thompson Mediation Service 7. Brandon JHS Mediation Program <p>Data collection:</p> <ul style="list-style-type: none"> - Youth Alternative Measures - 15-20 years - Northern Aboriginal Justice Strategy - since 1997 paper reports - Mediation Services – since 1989

Jurisdiction	Data/ information available
Manitoba	<p>No consistent data collection formats have been developed. No known analysis of data collection needs for Restorative Justice programs and what gaps might exist has been done.</p> <p>Data is collected primarily for evaluation and analysis of programs.</p> <p>Initial work has been carried out to look at data collection under the Youth Criminal Justice Act.</p>
Saskatchewan	<p>All youth and adult programs regularly provide alternative measures data either by direct entry onto a common program database or by submitting paper forms to a central office. As well, Justice-funded community-based programs submit mid-year and year-end reports.</p> <p>Data is collected through electronic or paper means. Paper and electronic data collection began in 1995 with a few programs piloting the process and has expanded to include all programs in 2001-02. Some still do not report electronically, but submit paper forms to central office for entry onto the database that was built using Paradox, a Corel product. It should be noted that data is not collected by client but by case i.e. an offender, charge and victim is a case.</p> <p>Consistent data collection is an issue. Recording and data entry at the program level is a challenge because of high staff turnover. As well, a huge gap exists in reporting victim data.</p> <p>In the future, it is anticipated that data recording will take place online.</p>
Alberta	<p>Youth Justice committees submit monthly data on the number of extra judicial sanctions cases involved in restorative justice.</p> <p>Data has been collected right from the beginning (early 1990's) by Youth Justice Committees through reports in paper format.</p> <p>Should provincial restorative justice funding be restored, this information will be collected. Information on groups requesting funding would be collected.</p>
British Columbia	<p>British Columbia (BC) currently collects information on the Community Accountability Programs – CAPs (pre-charge diversion programs). To date, the information has been collected haphazardly due to the nature of the funding structure (there was no ongoing provincial funding provided and therefore no obligation on the part of the programs to comply with information requests). Information collected has included the model type, referral source, and number of cases. BC also collects data on an ongoing basis from all contracted aboriginal justice programs. The data is output focused and varies depending on the service purchased. In regard to Aboriginal Alternative Measures, the information has been limited due to the low volume of referrals to date. Data collection is often a challenge with some programs. Generally speaking the data collected has limited value beyond the narrow focus of program management.</p> <p>Data on CAPs is collected using a template, which programs complete and submit as a paper report to the province. The data has been collected since start-up funding began in 1998, but as mentioned above, it was not collected consistently. For Aboriginal Justice and Alternative Measures Programs, data is collected in hard copy format. Depending on content, most is uploaded either into financial and/or program databases. Government has been contracting for various justice services from Aboriginal communities for approximately 12 years.</p>

Jurisdiction	Data/ information available
British Columbia	<p>From 1998 to 2000, approximately 80% of CAPs consistently reported while after 2000, approximately 20% of programs were reporting. This is because they would report in the 1st year, which was an obligation under the start-up funding agreement, and once they were no longer obliged to report, report submissions decreased substantially. With regard to Aboriginal Justice Programs, reporting content was not consistent due to the varied nature of the programs.</p> <p>The provincial government recently announced the availability of ongoing funding for CAPs and will now begin to collect information in a more systematic manner. This will be a mandatory component for programs to qualify for funding. Information to be collected will include: information about the model type, information about referral sources, the number of volunteers and paid staff, number of victims and offenders, offender compliance rate, level of victim satisfaction, and the type of evaluation performed. This information will be collected in quarterly reports with a standardized template, which will be sent to each CAP. The Department of Justice Canada is currently reviewing the data collection process for Aboriginal Justice Programs.</p>
Yukon	<p>Yukon collects data from organizations that it funds. The requirement to report data is incorporated into funding agreements.</p> <p>The data is collected in paper reports and has been collected for approximately 4 years. The data is requested in a comparable form. However, because of the differences in organizations, this data is difficult to compare.</p> <p>Complete data is not being reported by all organizations.</p>
Northwest Territories	<p>The Government of Northwest Territories (GNWT) Department of Justice collects data from restorative justice organizations that it funds. The RCMP also collects data on its restorative justice activities and provides summaries to the GNWT. Information on diversions/hearings, non-hearing activities, budget information and the data requirements from the CCJS Alternative Measures survey is collected.</p> <p>Currently, this information is collected through paper reports submitted by the organizations. This data has been collected in some form since 1994. As of year-end, 2003 it is expected that this information will be collected electronically.</p> <p>Full reporting is required as part of the funding of these programs. There may be gaps in microdata information, but aggregate reporting is complete. Follow-up by the Department is required to ensure 100% coverage.</p>
Nunavut	<p>Month end reports are received from paid part time coordinators indicating how many cases were diverted and how it was handled. However, this process is not formalized, per se. There are times when it is very difficult to receive the data because some of the Justice committee members do not have a computer, or even an office to work out of.</p> <p>Only paper reports are given every month. It is forwarded by the Regional Justice Specialists to the Assistant Director of Community Justice.</p> <p>The consistency of data collection is never 100%.</p> <p>To have all the information on a database, would be ideal but difficult, since there are only volunteers on committees and one paid part time employee (Coordinator). Resources have to be up to par before a database could be maintained.</p>

References

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- Canada, House of Commons (1988). *Taking Responsibility: Report of the Standing Committee on Justice and Solicitor General on its Reviews of Sentencing, Conditional Release and Related Aspects of Corrections*. Ottawa: Supply and Services Canada.
- Church Council on Justice and Corrections (1996). *Satisfying Justice: A Compendium of Initiatives, Programs and Legislative Measures*. Ottawa
- Cormier, R. B. (2002). *Restorative Justice: Directions and Principles – Developments in Canada*. User Report 2002-02, Department of the Solicitor General Canada: Ottawa.
- Correctional Service Canada (1998). Inventory of Canadian Events and Initiatives Related to Restorative Justice. Ottawa.
- Federal/ Provincial/ Territorial Working Group on Restorative Justice (May 2000). *Restorative Justice in Canada: A Consultation Paper*.
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- Sharpe, S. (2003). *Conflict Resolution Network of Canada Consultation on Draft Canadian Principles and Program Guidelines for Restorative Justice in Criminal Matters, National Electronic Dialogue Group, February – March 2003, Final Report*, Conflict Resolution Network.
- Turpel-Lafond, Judge M. E. (1999). Changing Punishment at the turn of the Century. Finding Common Ground, "Sentencing within a Restorative Justice Paradigm. Procedural Implications of *R. v. Gladue*."

**Appendix 1: CCJS Consultation document
Working toward a national survey of Restorative Justice
programs and services in criminal matters**

CCJS CONSULTATION DOCUMENT WORKING TOWARD A NATIONAL SURVEY OF RESTORATIVE JUSTICE PROGRAMS AND SERVICES IN CRIMINAL MATTERS CORRECTIONAL SERVICES PROGRAM

Part 1: Introduction

A. Background

Restorative justice processes are rapidly being adopted within Canada as well as internationally as a way of responding to crime and victimization. At a recent United Nations meeting, Basic Principles on the use of restorative justice programmes in criminal matters were discussed and the United Nations recommended that its members make use of these principles. According to these principles, a “restorative process” is defined as:

any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles.

Efforts to further delineate the basic principles of Restorative Justice within a Canadian context are being made by Justice Canada. In this regard, a Federal/Provincial/Territorial working group has been organized to provide feedback and advice on the development of basic principles, and to allow for the sharing of information and ideas across the provincial/territorial jurisdictions and federal agencies.

There is, however, little statistical information quantifying the use of restorative justice programs in Canada. In order to address this data gap, the Liaison Officers Committee (LOC)⁶ requested that the Canadian Centre for Justice Statistics conduct a special study that would produce an inventory of restorative justice programs and services in criminal matters. The study would also aid in elaborating data collection, definitional and measurement issues related to restorative justice within the criminal justice domain.

Part 2: Objectives of this Consultation

The purpose of this consultation is to obtain your feedback on the development of a survey of Restorative Justice programs and services that will be used to produce an inventory of restorative justice programs and services in criminal matters. A secondary purpose is to gather input from you in developing a list of Restorative Justice organizations to be surveyed.

Once consultations are complete, a survey will be prepared. All of your contributions will be considered in the refinement of the survey. The objective of this document is to gather your input on the following questions:

- 1) What are your views on the research strategy suggested?
- 2) Do you feel that the scope and definitions provided in this document are adequate and reflective of the nature of Restorative Justice service delivery?

⁶ The Liaison Officers Committee (LOC) consists of senior officials representing federal-provincial-territorial departments responsible for the administration of justice as well as the Canadian Association of Chiefs of Police (CACP-POLIS), who oversee the work of the Canadian Centre for Justice Statistics (CCJS).

- 3) What is your opinion regarding the questions being asked and the availability of the information being requested?

The following groups are being included in the consultation process:

- Federal/Provincial/Territorial Governmental Contacts including members of the Federal/Provincial/Territorial Working Group on Restorative Justice and the Federal/Provincial/Territorial Working Group on Victims of Crime and members of the Liaison Officers Committee, National Justice Statistics Initiative
- Selected Aboriginal, Offender Advocacy and Religious Organizations
- Selected academics

Part 3: Consultation Questions:

A. Scope and Definitions

This survey is limited to Restorative Justice programs and services in criminal matters involving victims, offenders and, where appropriate, the community. The offender must have a criminally chargeable offence. Restorative conflict resolution processes within institutional settings such as prisons or schools could be included so long as the other criteria are met. Overall, this project has been mandated to examine Restorative Justice within a criminal justice context. While it is recognized that Restorative Justice processes exist in a variety of domains, many of which could have criminal justice implications, it was necessary to limit the scope of this exploratory study due to the potential broadness and complexity.

It also needs to be stated that this study is not intended to examine the effectiveness of Restorative Justice programs and services or to provide an audit of Restorative Justice program and service delivery. Therefore, this study does not examine outcomes in terms of success, nor how or if resolutions are achieved or satisfied.

Complete consensus does not exist on the definition of a Restorative Justice program/service, particularly in the area of victim, offender and community involvement or representation in Restorative Justice. Since some disagreement exists, it is proposed that the respondents self-define the Restorative Justice parties' involvement and representation as opposed to being explicitly prescriptive.

Do you agree or disagree with respondents' self-defining Restorative Justice client (victim, offender, community) involvement/ representation? Why or why not? If you disagree, what alternative do you recommend?

C. Research Methodology

To identify organizations providing Restorative Justice programs and services in the criminal justice context, it is suggested that organizations be categorized into groups based upon program/service delivery source and funding source. These categories include:

- those delivered by the government,
- those delivered by non-governmental organizations which are partially or fully funded by federal, provincial and/or territorial governments,
- those delivered and funded by non-governmental organizations, and
- those funded by other sources or those without direct or clearly identifiable funding⁷.

Do you agree with this categorization of groups? If not, what improvements would you suggest?

D. Measuring Restorative Justice in Criminal Matters

The proposed unit of measurement is the Restorative Justice program(s)/service(s) being offered per organization. This information would include the characteristics of programs and services, the case/client(s) screening criteria, and the characteristics of staff/ volunteers. It is proposed that an introductory sheet will ask organizations if they deliver Restorative Justice programs or services in criminal matters (meeting the pre-determined scope of this study), get information about the organizations then ask specific questions related to the program(s) and service(s) delivered. This cover page would also outline the confidentiality of the data being collected, indicating that individuals other than the researchers involved will not be able to link specific responses of organizations to the organizations themselves. Since the unit of analysis is the program/service rather than the organization, if multiple organizations are collaboratively delivering programs and services, or if one organization offers more than one program and service, problems in counting will be avoided.

Do you agree or disagree with the proposed unit of measurement? How could the unit of measurement be improved?

In order to construct the questionnaire, it would be beneficial to have a better understanding of the nature of the referral process in the provision of Restorative Justice programs and services

⁷ This category could include services provided by elders, purely volunteer unfunded groups, etc.

employed by organizations. For example, how are referrals made? How is the decision (accepting or rejecting) for restorative justice programs and services made (1) at point of referral, (2) at time of assessment? Are Restorative Justice programs and services one of a number of criminal justice strategies that are considered when evaluating/making a referral?

Questions for discussion

1. To your knowledge, in general, how does the referral process occur?
2. In your view, is it possible to collect counts of clients referred to Restorative Justice programs and services per organization? If so, is it possible to collect information on the number of referrals that were accepted and the number rejected?
3. Do you agree or disagree with the proposed collection of information on referrals and caseload? If not, how could the measurement of caseload be improved?

It is hoped that information about 'community' involvement in the Restorative Justice process can be gathered. However, your feedback on how 'community' is defined and/or represented in the Restorative Justice process, and whether or not it is feasible to measure community contribution to the Restorative Justice process is required.

Questions for discussion

1. How is the community represented or defined in Restorative Justice programs and services?
2. Is it reasonable to measure characteristics of the 'community' involved in Restorative Justice programs and services in criminal matters? If so, what characteristic information could be collected (number of community representatives; age, sex, Aboriginal status of community representatives; etc.)?

E. Measuring Client Caseload

The collection of client caseload served by Restorative Justice programs and services in the criminal justice context is being considered. Counting caseload may include number of victims, number of offenders, and number of Restorative Justice processes per year. Furthermore, other information such as characteristics of victims and offenders served (age group, sex, Aboriginal status and type of offence) may be of interest.

In order to identify client characteristics, two possible methods of data collection could be employed: individual, detailed record or aggregate counts. The optimum goal for a researcher would be to obtain individuals records for every client during a specified period of time (i.e., 12 months). However, this method could create a heavy burden for Restorative Justice organizations/programs/services and may not be attainable without additional resources.

Questions for discussion

1. In your view, is it meaningful to collect client caseload information? If so, what is the best method to represent client caseload information? For example, should the number of processes alone be collected, or should the number of processes, number of victims, and number of offenders be collected?

2. Is it feasible to collect any or all of this information? If so, which information will be able to be collected consistently from all organizations delivering Restorative Justice programs and services?
3. In your view, is it reasonable that aggregate annual counts of numbers of clients and number of processes could be collected? Would aggregate counts be sufficient to meet your information needs on Restorative Justice clients?
4. If not, do you think that Restorative Justice organizations/programs/services would be in a position to report client data through individual, detailed records (e.g., this information is already kept electronically or on paper) for a 12-month period?

F. Research Questions

The following are the research questions that are being proposed to be addressed in this survey.

What are the number and the characteristics of organizations providing Restorative Justice programs and services? (location, organization type, budget, funding source(s), number of staff, staff characteristics, number of volunteers)

What are the characteristics of Restorative Justice programs and services? (timing of program/service, referral source, program/service model, program/service criteria, community involvement, resolutions available and/or utilized, program/service goals, program/service process)

(Possible if considered feasible and appropriate) What is the client caseload and what are the characteristics of the clientele served by Restorative Justice programs and services?

Questions for discussion

1. Which research questions would you consider important and useful to address in a national survey?
2. Is the list of research questions complete?
3. What research questions should be deleted or added to the list of research questions?

G. Collecting information on Restorative Justice

Attached in the Appendix are some ideas for survey content. The purpose of this Appendix is to help you think about your specific information needs and to solicit your input on possibilities for survey content and usefulness of certain types of information.

Questions to consider

1. Is there any information being proposed that you disagree with or that is of no benefit? Why? How would you rank the proposed survey questions in order of priority (high, medium, low, don't agree with collection of information, not feasible to be collected)?
2. Is there any information or are there any questions that should be added to the survey? Why? What changes do you recommend?

3. Do you foresee any difficulties with organizations providing this information? Please specify.

H. Any other comments or suggestions

Are there concerns or issues that have not been addressed in the sections above? Can you suggest how we can respond to these issues?

I. List of Contacts, Organizations providing Restorative Justice programs and services in Criminal Matters

It is proposed that a “snowball” approach to identifying organizations be used whereby organizations that are known are first surveyed, followed by organizations suggested or recommended by the known organizations. To this end, could you please provide a list of possible Restorative Justice program and service providers? Specific information requested includes organization name, address, contact name, phone number, and e-mail address. In addition, if the organization has a website that you are aware of, please include the website address. Thank you.

Glossary of Terms

Aboriginal: includes status and non-status North American Indians, Métis and Inuit individuals.

Restorative Justice process (as a unit of measurement): the time of referral to the conclusion, that is, the conclusion of the process occurs when the process terminates, with or without an agreement met.

Restorative Justice program/services: includes programs and services involving victims, offenders and, where appropriate, the community, where the offender must have a criminally chargeable offence.

Restorative Justice referral concluded: the Restorative Justice process was initiated and some conclusion (termination) occurred. The process could conclude with or without an agreement.

Restorative Justice referral concluded with agreement: the Restorative Justice process has concluded with an agreement between the parties, but this does not speak to whether or not the agreement was satisfied.

Restorative Justice referral concluded without agreement: the Restorative Justice process has concluded, but no agreement between parties was met.

Restorative Justice referral not concluded: the Restorative Justice referral was accepted but no conclusion was met due to a variety of reasons, such as death of any of the relevant parties, any parties' withdrawal from the process, offenders' readmission to prison (and therefore inability to attend), etc.

Appendix: Possible Survey Content

Organization Profile

NOTE: The following are illustrative of the types of information that could be collected and are not necessarily reflective of how the questions will read.

Priority Ranking

H = 'high' M = 'medium' L = 'low' DA = 'don't agree with collection of information' NF = 'not feasible to be collected'

1 Government or non-governmental organization?

Priority: _____

2 If non-governmental organization, is there an advisory board or board of directors overseeing the program? If so, what are the characteristics of the board?

Priority: _____

3 Does your organization co-partner with other organizations in the delivery of Restorative Justice programs and services? If so, please list the organizations you co-partner with.

Priority: _____

4 Type of Agency (check all that apply).

Aboriginal

Church/ faith

Women's issues/ advocacy

Offender advocacy

Victim advocacy

Criminal justice

Other Specify: _____

Priority: _____

5 How are your restorative justice programs and services funded? (check all that apply)

Provincial/Territorial governments

Federal government

Municipal governments

Non-governmental organizations

Other Specify: _____

Priority: _____

6 Approximate yearly budget for Restorative Justice programs and services.

Priority: _____

7 Number of equivalent to full time paid staff for Restorative Justice programs and services.

Priority: _____

8 Number of volunteers for Restorative Justice programs and services.

Priority: _____

9 Do paid RJ staff/facilitators have formal and/or informal training?

- Yes, all have formal/informal training
- Yes, some have formal/informal training
- No

Priority: _____

10 If yes (all or some) to question 9, type of training for paid staff/ facilitators have. (check all that apply)

- Trained in restorative justice theory/ practice
- Trained in alternative dispute resolution/ conflict management
- Other formal training
- Informal training

Priority: _____

11 If yes (all or some) to question 9, source of staff training for paid staff/ facilitators. (check all that apply)

- Workshop
- Community mentorship
- Apprenticeship/ on-the-job training
- Formal University or College training
- Formal training, other institutions
- Other Specify: _____

Priority: _____

12 If yes (all or some) to question 9, length/duration of staff training for paid staff/ facilitators. (check a response for each trained staff member)

- less than 1 day
- 1 to 5 days (1 day to 1 week)
- 6 to 10 days (greater than 1 week to 2 weeks)
- great than 2 weeks to 1 month
- greater than 1 to 6 months
- greater than 6 months to 1 year
- more than 1 year

Priority: _____

13 Please describe the core values of this organization pertaining to the delivery of Restorative Justice Programs and Services?

Priority: _____

14 Does your organization also deliver Restorative Justice programs and services where there isn't a criminally chargeable offence?

- Yes
- No

Priority: _____

15 If yes, to question 14, please describe these other programs and services.

Priority: _____

16 If yes to question 14, approximately what percentage of your case volume is for non-criminal Restorative Justice processes?

Priority: _____

Program/ Service Profile

NOTE: The following are illustrative of the types of information that could be collected and are not necessarily reflective of how the questions will read.

Priority Ranking

H = 'high' M = 'medium' L = 'low' DA = 'don't agree with collection of information' NF = 'not feasible to be collected'

1 How long has the program/service been running?

Priority: _____

2 When was the last (most recent) restorative process performed?

Priority: _____

3 At what stage of the criminal justice process are programs and services available to clients? (check all that apply)

Pre-charge (police discretion)

Post-charge - pre-court (crown discretion)

Post-charge (court discretion)

Post-sentence - post-release (corrections discretion)

Other Specify: _____

Priority: _____

4 What have been the referral source(s)? (check all that apply)

Police

Prosecutor

Defence Attorney

Judge/ Courts

Probation/ Parole

Correctional Services

Victim

Victim organization

Victim's family

Offender

Chaplain/ other religious leader

Other Specify: _____

Unknown

Priority: _____

5 Program model(s) followed. (check all that apply)

Victim-offender mediation/ reconciliation

Family group conferencing/ Community justice conferencing

Victim-offender panels

Circles (i.e., Sentencing circles, mediation circles, etc.)

Reparative boards

Other Specify: _____

Priority: _____

6 Offence-based screening criteria. (check all that apply)

- Accepts all offences
- Does not accept violent offences
- Does not accept family violence offences
- Does not accept sexual offences
- Does not accept sexual offences against children
- Does not accept hate crimes
- Does not accept perjury offences
- Does not accept federal offences
- Other Specify: _____

Priority: _____

7 Offender-based screening criteria.

- Accepts all offenders
- Does not accept repeat offenders
- Does not accept previously incarcerated offenders
- Does not accept offenders previously unsuccessful with Alternative Measures programs
- Other Specify: _____

Priority: _____

8 Age group of offenders served by programs and services. (check all that apply)

- Youth (12-17 years)
- Adult (18 years and older)
- Other age range or group Specify: _____

Priority: _____

9 Does your program target a specific segment of the population (e.g., ethnic/racial origin, language, sex)? If yes, please elaborate.

Priority: _____

10 Offender required to acknowledge harm done in order to participate?

Priority: _____

11 How is the 'victim' represented and/or involved in your program/service?

Priority: _____

12 How is the 'offender' represented and/or involved in your program/service?

Priority: _____

13 How is the 'community' represented and/or involved in your program/service?

Priority: _____

14 Nature of communication between victim and offender. (check all that apply)

- Face-to-face meetings
- Third-party communication
- Letters
- No communication
- Other Specify: _____

Priority: _____

15 Level of victim involvement in RJ programs and services. (check all that apply)

- Direct victim involvement
- Victim representatives
- Surrogate victims/ victim panels
- Other Specify: _____

Priority: _____

16 Level of offender involvement in RJ programs and services. (check all that apply)

- Direct offender involvement
- Offender representatives
- Surrogate offenders
- Other Specify: _____

Priority: _____

17 Nature of community involvement in RJ programs and services. (check all that apply)

- Facilitator only
- Victim supporters
- Offender supporters
- Criminal justice officials
- Broader community representatives
- Other Specify: _____

Priority: _____

18 Does this program/service allow for victim supporter involvement? If so, what role do victim supporters play?

Priority: _____

19 Does this program/service allow for offender supporter involvement? If so, what role do offender supporters play?

Priority: _____

20 What happens if the victim declines to participate? (check all that apply)

- Process continues with the offender and the community
- Process continues with the offender and the victim's supporters/ victim surrogate
- Process continues with the offender only
- Process stops and offender is referred to another program
- Process stops and offender is referred back to referring agent(s)
- Other Specify: _____

Priority: _____

21 Type of restorative resolutions/ outcomes. (check all that apply)

- Apology (written or verbal)
- Community service
- Restitution/ repayment to victim
- Mediation
- Counseling
- Essay-writing
- Charitable donations

Culturally appropriate/ traditional measures

Referral to treatment program

Other Specify: _____

Priority: _____

22 Do the types of resolutions differ on the basis of the following? (check all that apply)

type of offence committed

age of offender

offender's race

victim characteristics

Other Specify: _____

Priority: _____

23 If referrals have been rejected in the past, what are the reasons that they were rejected? (check all that apply)

the offence did not meet the offence-based criteria

the offender did not meet the offender-based criteria

the offender characteristics were inconsistent with the mandate of the organization/program/service

the victim characteristics were inconsistent with the mandate of the organization/program/service

not enough time between referral and required resolution dates

inadequate resources

conflicts of interest

Other Specify: _____

Priority: _____

24 On average, how much case preparation is performed with victims?

none

under 1 hour

1 to 4 hours

5 to 8 hours

more than 8 hours

Priority: _____

25 What type of activities occur during case preparation with victims (i.e., interview of victim, victim supporters, etc.)?

Priority: _____

26 On average, how much case preparation is performed with offenders?

none

under 1 hour

1 to 4 hours

5 to 8 hours

more than 8 hours

Priority: _____

27 What type of activities occur during case preparation with offenders (i.e., interview of offender, offender supporters, etc.)?

Priority: _____

28 Is follow-up performed with victims?

Priority: _____

29 If yes, what type of activities occur during follow-up with victims (i.e., discussion of facts, unaddressed needs, etc.)?

Priority: _____

30 Is follow-up performed with offenders?

Priority: _____

31 If yes, what type of activities occur during follow-up with offenders (i.e., discussion of facts, unaddressed needs, etc.)?

Priority: _____

32 Do written and/or unwritten policies/ procedures exist?

Priority: _____

33 Have any formal evaluations of the program/service been performed? If so, please elaborate.

Priority: _____

34 Are statistics regarding outcomes kept? If yes, what type of statistics are kept?

Priority: _____

35 Goals and characteristics of program. (likert-type scale provided)

- a) Seeks to repair the damage caused by crime
- b) Emphasized restoration, problem-solving, and prevention of future crime
- c) Facilitates process with impartial third parties that are knowledgeable about the local cultures and communities
- d) Encourages the victim and offenders to play active roles in resolving the conflict through discussion and negotiations
- e) Encourages offender accountability
- f) Focuses on a reintegration strategy that assists the offender with a treatment and rehabilitation program
- g) Involves crime prevention and conflict resolution to prevent the crime from occurring
- h) Recognizes and takes into consideration possible power imbalances and disparities between the victim and the offender
- i) Discussions within the restorative process are confidential
- j) The process is voluntary and uncompensated for both the accused and the victim
- k) Consent can be withdrawn at any point
- l) Victims are provided with an opportunity to contribute their views equally
- m) The admission of culpability cannot be introduced as evidence in a criminal procedure
- n) Encourages a payment plan for restitution to victim

Priority: _____

Client/ Case Profile

NOTE: The following are illustrative of the types of information that could be collected and are not necessarily reflective of how the questions will read.

Priority Ranking

H = 'high' M = 'medium' L = 'low' DA = 'don't agree with collection of information' NF = 'not feasible to be collected'

- 1 Number of RJ referrals received over last 12 months.
Priority: _____
- 2 Number of RJ referrals accepted over last 12 months.
Priority: _____
- 3 Number of RJ referrals rejected over last 12 months.
Priority: _____
- 4 Number of accepted RJ referrals concluded with an agreement over last 12 months.
Priority: _____
- 5 Number of accepted RJ referrals concluded without an agreement over last 12 months.
Priority: _____
- 6 Number of accepted RJ referrals that remain ongoing (and not yet concluded) over last 12 months.
Priority: _____
- 7 Number of accepted RJ referrals not concluded for other reasons (i.e., withdrawal, death, readmission to prison, etc.) over last 12 months.
Priority: _____
- 8 Number of victims provided with RJ services over last 12 months.
Priority: _____
- 9 Number of offenders provided with RJ services over last 12 months.
Priority: _____
- 10 Age (youth vs. adult), Aboriginal status, sex of victims provided RJ services over last 12 months.
Priority: _____
- 11 Age (youth vs. adult), Aboriginal status, sex of offenders provided RJ services over last 12 months.
Priority: _____
- 12 Offence type(s) per process over last 12 months.
Priority: _____
- 13 Number of community representatives over last 12 months.
Priority: _____

Appendix 2: Detailed consultation summary

DETAILED CONSULTATION SUMMARY

The following issues and questions regarding the collection of data for an Inventory of Restorative Justice Programs and Services in Criminal Matters were raised in consultations:

- (a) Scope and definitions
- (b) Information already collected by provincial/territorial or federal governments (Government participants only)
- (c) Research methodology
- (d) Measuring Restorative Justice in Criminal Matters
- (e) Measuring Client Caseload
- (f) Research Questions to be addressed
- (g) Questions regarding the collection of specific information on Restorative Justice

Scope and definitions

Since complete consensus does not exist on the definition of a Restorative Justice program/service, particularly in the area of victim, offender and community involvement or representation in Restorative Justice, it was proposed that the respondents would self-define the Restorative Justice parties' involvement and representation as opposed to being explicitly prescriptive. In this regard, the first question posited states:

Do you agree or disagree with respondents' self-defining Restorative Justice client (victim, offender, community) involvement/ representation? Why or why not? If you disagree, what alternatives do you recommend?

In general most (14) of the respondents agreed with respondents' self-defining Restorative Justice client involvement/ representation. Several (4) stated that this was a good idea since there is much variability and vagueness in the ways in which restorative justice processes occur. Several others (3) agreed and felt that the use of other definitions would be too limiting and would potentially exclude some programs. Four participants agreed, but did not provide further details as to their reasoning, while three participants agreed but had reservations or additional qualifiers. For example, one participant indicated concerns regarding the basis on which the clients would be defined. In general, his concern was that the survey could potentially include programs that call themselves "restorative" but do not implement the accepted and established restorative justice principles. Another participant expressed similar concerns. Finally, another participant indicated that he felt this was a reasonable idea but suggested using the United Nations concept (of restorative justice) as an "umbrella" concept and determining how Restorative Justice programs implement the notions contained in the concept.

A total of eight participants disagreed with the idea of respondents self-defining Restorative Justice Client involvement/ representation. Among those that disagreed, most (5) indicated that some pre-determined definition of Restorative Justice should be used, such as the definition provided by the United Nations (2) or the F-P-T Working Group on Restorative Justice (1). Two participants had concerns that the lack of a definition would allow for non-Restorative Justice programs to be included in the inventory. For example, one stated that 'a respondent can represent a program that includes victims, offenders, community and still not be a Restorative Justice Program. Without asking explicit questions about values and principles, there is no way...(to) determine whether the respondents are really doing Restorative Justice (work), or just diversion/ alternative measures'. One respondent who disagreed had concerns that the lack of categories would lead to problems conducting analysis.

Do you agree or disagree with the proposed scope of this study (i.e., offender has a chargeable offence)? Is the scope too broad or too narrow? Why? How could the scope of this study be improved?

Among the 23 responses received, most (19) agreed with the proposed scope while few (4) disagreed. Of the 19 that agreed, most (14) indicated that the scope was acceptable due to the need to have a reasonable limit. Additionally, three respondents agreed with the proposed scope but stated some concerns, reservations or qualifiers. One participant stated that it would be acceptable to have the criterion of a criminally chargeable offence, but that there would not have to be charges laid against the offender before the restorative process goes ahead. Another respondent suggested that it would be important to ask who determined that the offender had a criminally chargeable offence (police, crown, other), with the issues of differential 'tests' applied in different provinces, and net-widening in mind. One other participant indicated that the study does need to be limited in scope at this time, but that a later study could cover areas outside the scope of this study.

A total of four participants disagreed with the proposed scope with three indicating that the scope was too narrow, and one suggesting that it was too broad. One participant suggested that certain other factors should be considered including the policy of the provincial and territorial jurisdictions. Another respondent indicated that Restorative Justice programs should cover any case where an act produced a harm. Since this study is focused on criminal offences only, it was suggested that it was necessary to 'create space in (the) survey for RJ service providers to furnish the information regarding the breath of service they provide beyond criminal justice'. The one participant that found the scope too broad felt that the scope should be limited to cases where there is a criminally chargeable offence, and where there was an admission of responsibility and/or finding of guilt.

Information already collected provincial/territorial or federal governments
(Government participants only)

From which Restorative Justice organizations, programs and services does your province/territory or federal department currently collect data (e.g., ones that are supported by certain governmental funds, etc.)? What information is currently being collected from these organizations, programs and services? Is the data collection ongoing or is it one time only?

Important data collection issues are respondent burden and the duplication of information that is already being supplied by respondents to other agencies. General findings regarding these issues are presented here, while specific information per jurisdiction, including contact information, can be found in Part 3: Jurisdictional Sources of Information.

Some information was received from eleven jurisdictions (Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territories, and Nunavut) and one federal department (National Parole Board) regarding the information that is already being collected. Prince Edward Island and the National Parole Board do not collect any data from Restorative Justice organizations or programs and services. Nova Scotia has complete ongoing data collection from police, crown, courts, corrections and agencies that deliver restorative justice services. Nine jurisdictions (New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territories, Nunavut) collect some data and/or 'overlapping' programs collect data. Overlapping programs refer to programs that may or may not have Restorative Justice elements present, and may include alternative measures programs, community justice committees, aboriginal justice programs, government funded programs, community justice programs, etc.

How are these data being collected (e.g., paper reports submitted by the organizations, programs and services; electronic files; etc.)? How long has this data been collected? If electronic files are collected, what software and/or system is being used?

Three jurisdictions (Nova Scotia, Saskatchewan, and British Columbia) indicated that at least some of the data was available electronically, sometimes in addition to paper files. Four other jurisdictions (Alberta, Yukon, Northwest Territories, Nunavut) had at least some data available in paper files. Manitoba has collected data for some programs but did not specify the method of data collection.

Are complete data being reported consistently by all organizations/ programs/services in your jurisdiction (i.e., 100% compliance or coverage)? If not, what percentage of known services are reporting complete information consistently (i.e., all information for all reporting periods)? Are there any gaps in the data collected? If so, what are these gaps?

Three jurisdictions (Nova Scotia, British Columbia, and Northwest Territories) indicated that, in general, the level of completeness was quite high. Manitoba, Saskatchewan, Alberta, Yukon and Nunavut indicated that the data may not be complete and that there may be some data quality issues. New Brunswick stated that no data would be available except for Alternative Measures, but that Alternative Measures is not exclusively restorative justice and therefore it would not be possible to determine if the case was dealt with by means of a Restorative Justice process or an accountability process.

For what purpose are these data being used (e.g., evaluation, analysis of needs, responding to requests for information, etc.)?

In general, eight respondents (Nova Scotia, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territories, and Nunavut) indicated that the data were collected for multiple purposes. For example, five indicated evaluation, four stated requests for information and three specified analysis of needs as the purposes for which the data were being collected. Other purposes include analysis of programs, monitoring programs and financial audits.

Does your provincial/territorial government have future plans to collect other information? If yes, can you elaborate on this planned data collection as per questions 1 through 4?

Only six jurisdictions indicated any intention of future development. New Brunswick is currently developing standards and a policy framework. British Columbia is going to begin collecting information regarding their Community Accountability Programs in a more systematic manner. The Northwest Territories anticipates that the new electronic system of collecting these data should be operational as of yearend 2003, and Saskatchewan anticipates that data recording will take place online in the future. Alberta and Nunavut anticipate that data collection could begin pending the availability of funding. Manitoba has undertaken initial work to look at data collection under the YCJA. Prince Edward Island, Nova Scotia and Yukon do not have future plans to collect other information.

Research methodology

It was suggested that organizations providing Restorative Justice programs and services be categorized into groups based upon program/service delivery source and funding source. These categories include:

- those delivered by the government,
- those delivered by non-governmental organizations which are partially or fully funded by federal, provincial and/or territorial governments,
- those delivered and funded by non-governmental organizations, and

- those funded by other sources or those without direct or clearly identifiable funding⁸.

Respondents were asked whether they agreed or disagreed with categorization, and if they could provide any recommendations for improvement. In total, 18 participants agreed with the categorizations of groups, and six of those that agreed had additional comments or suggestions. Two had recommendations regarding Aboriginal involvement: one participant noted that they had an interest in whether or not the organization is an Aboriginal one, while another participant suggested the additional category of 'those delivered by First Nations'. Other suggested additions included: (1) an indication of whether or not those not funded by governmental organizations are working without Government cooperation/ consultation, (2) an institutional type of marker (i.e., community, church, health-based, school-based), to reflect the ideological type of carrier of the program, (3) further elaboration of the fourth category (those funded by other sources, or those without direct or clearly identifiable funding) especially regarding the grassroots, school, or Aboriginal Restorative Justice initiatives, (4) an indication who is running the programs (e.g., the police, the crown, other department/ governmental employees, type of government program)⁹. Of the four respondents that disagreed with the categorization of groups, two suggested a potential problem regarding categorizing organizations that have multiple funding sources, one did not find categorizing programs by funding source to be relevant, and one suggested that the better method of categorizing would be between community, regional and national programs.

Measuring Restorative Justice in criminal matters

The proposed unit of analysis was the Restorative Justice program(s)/service(s) being offered. It was felt that since the unit of analysis is the program/service rather than the organization, if multiple organizations were collaboratively delivering programs and services, or if one organization offered more than one program and service, problems in counting would be avoided. Respondents were asked the following question:

Do you agree or disagree with the proposed unit of measurement? How could the unit of measurement be improved?

Almost all respondents (19) agreed with the proposed unit of measurement. Two respondents raised additional concerns. One agreed in principle with the proposed unit of measurement but had concerns about the level of detail required which could be very cumbersome and overly bureaucratic for community agencies. Another participant agreed, but indicated the importance of having the unit of measurement translated into the language and dialect of the communities where programs and services are being provided. The respondent from one jurisdiction found it unclear why the specific responses of the organizations would not be linked to the organizations themselves. This respondent indicated that she would like to know the names of the programs and organizations providing services. Other comments included mentioning other measures, suggestions regarding specific caseload measures and variables, and a comment regarding the measurement of program integrity. For example, one participant suggested that 'how these programs are delivered is critical to the integrity of the service and RJ in all 3 main models (circles, conferencing, mediation), an attention to quality of process may necessitate several pre-encounter and post-encounter circles/meetings.'

In order to get a better understanding of how to measure Restorative Justice Program delivery, it was important to determine the way in which the referral process occurs, and the preferred method of counting referrals.

⁸ This category could include services provided by elders, purely volunteer unfunded groups, etc.

⁹ However, many of these suggested additions were already available in the attached appendix.

To your knowledge, in general, how does the referral process occur?

Three jurisdictions indicated that referrals come from specific agencies. Prince Edward Island reported that the only Restorative Justice Program they have currently operating is the Community Justice Forums, and that the referrals for this program come through an RCMP officer. Northwest Territories stated that the RCMP and Justice Canada were responsible for assessing and referring offenders, while Nunavut also indicated the RCMP and Justice Canada as referral sources as well as the Government of Nunavut. Nova Scotia, which runs a thoroughly developed Restorative Justice Program, stated that decision makers in the system determine suitability based on minimum requirements established in the program protocol. Other participants (10) indicated that the sources of referrals varied, among provinces, programs, different stages of the criminal justice process, etc. Some of the sources of referrals include police, Crown, probation/parole, judges, Native Courtworkers, Defence council, school, victims, and offenders. Specific examples of responses from two Jurisdictions (Saskatchewan and British Columbia) regarding the referral process are provided below.

The referral process occurs differently in different strategies. ... For sentencing circles, a request is made to the judge by the defence council on behalf of the offender. If the judge agrees, the community is approached. If the community agrees, a sentencing circle is convened. (Saskatchewan)

For CAPs (Community Accountability Programs), the incident occurs and a file is started by the police. If the police decide that diversion is appropriate, they approach a local CAP which assesses the suitability of the case for their program and the willingness of all parties to take part. These are, for the most part, police-based referrals, but in some cases may be Crown or school-referrals. Alternative measures referrals are made by Crown. Crown counsel receive a RCC (Report to Crown Counsel) from police, reviews the RCC and applies a two-part charge approval test to determine 1) whether there is a substantial likelihood of conviction and 2) whether it is in the public interest to prosecute or refer to alternative measures. Aboriginal Justice referrals, depending on which stage of the Criminal Justice system they are made, can be Crown, or Probation Officer referrals. (British Columbia)

In your view, is it possible to collect counts of clients referred to Restorative Justice programs and services per organization? If so, is it possible to collect information on the number of referrals that were accepted and the number rejected?

A total of 15 participants responded to these questions, 12 of which indicated it was possible, 2 suggested it would probably be possible, and 1 stated it would not be possible to collect this kind of information. Several practical issues regarding the collection of this information were identified. One participant stated that some projects/programs would have more administrative capacity to keep these records than others, another indicated that the collection of this information would only be possible if a computer is accessible to (Youth Justice) Committee members, and a third indicated that their database records data by case (offender, charge, victim) rather than by client and disentangling the data to the level required would be onerous. The participant from one jurisdiction did recommend that the collection of the number of referrals would be possible but the collection of the number of accepted and rejected cases may not be available. One participant indicated that the numbers would only tell a small part of the story. That is, different organizations may be offering services that may appear to be similar but may offer a depth of involvement that's quite different. A further comment was made by one participant that an additional piece of valuable information regarding referrals would be the reason for the rejection. One participant indicated that it would not be possible to collect counts referred, accepted and rejected of clients in her jurisdiction.

Do you agree or disagree with the proposed collection of information on referrals and caseload? If not, how could the measurement of caseload be improved?

Among the 15 participants that responded to this question, 12 agreed with the proposed method of collection while three did not agree nor disagree. Three of those that agreed had additional suggestions for content: an indication of the type of offence, reasons that a Restorative Justice process were not successfully completed, types of Restorative Justice processes utilized, and outcome and follow-up. Two participants pointed out the importance of categorizing referral entry points. One participant indicated that the victim data in their jurisdiction would have data quality issues, and also had concerns over aggregating referrals that were from different Restorative Justice program sources (e.g., sentencing circles and alternative measures). Another participant indicated that the number of referrals would not provide a complete picture since information about the amount of work done would not be collected. Finally, one participant indicated that it should be made clear to programs that the survey is not meant to compare different agencies or programs or to rate programs and services. A recommended addition was an indicator as to why a referral was accepted or rejected. One respondent also warned of the potential difficulty in actually collecting these data.

Another key component of the Restorative Justice philosophy is the inclusion of the community in programs and services.

How is the community represented or defined in Restorative Justice programs and services?

Among the 16 participants that responded to this question, eight provided specific definitions as follows:

- Generally “community” is understood as any person who either knows the victim or offender, or is affected by the offence in one way or another.
- Any local group directly affected by the crime.
- Usually as volunteer facilitators, or as support people for victims and/or offenders.
- By interested people who are not directly involved with the offender or victim who have entered the RJ process. These people may sit on community boards or may just have a concern for an alternative approach to the traditional criminal justice system.
- Via agency contributions, via volunteers involvement, via representation of community in RJ sessions.
- Community would be represented by "significant" community members; e.g. coaches, teachers, and those impacted by the offence. Community involvement ensures that the broader effects of the offence are considered and addressed.
- Geographic location (city, town, community).
- The community is defined as a geographic or municipal area. All of our communities are small and/or remote and each organization will serve the entire community. The community is represented through volunteers appointed by the Minister to sit on community justice committees.

As can be seen, there is considerable variation in the ways in which community is defined. Other respondents (8) specifically indicated that the definition of community varies. A number of factors can influence the way in which community is defined including the program itself, type of process, type of offence, the needs of the offender, victim and community, etc. Several participants (3) suggested that the community can be defined geographically, but that the definition is not necessarily limited to the geographic definition. Two jurisdictions stated that communities can be self-defined for some of their programs and/or processes. Finally, one other participant indicated the importance of the definition of community in her jurisdiction.

Since the lack of clarity in the definition of 'community' was not known at the time, questions regarding the measurement of community were posed. Indeed, measuring characteristics of the 'community' would not be possible without a pre-determined definition. However, the following questions were posed to the respondents regarding the measurement of community:

Is it reasonable to measure characteristics of the 'community' involved in Restorative Justice programs and services in criminal matters? If so, what characteristic information could be collected (number of community representatives; age, sex, Aboriginal status of community representatives; etc.)?

Despite the lack of a clear definition, 13 of the 18 respondents indicated that it was reasonable to measure characteristics of the 'community' involved in Restorative Justice programs and services in criminal matters. A number of additional comments were made. One respondent indicated that the more classifications the better. One participant commented that this kind of information would not be valuable to them since they are already aware of the representation. One respondent stated that the only characteristics he would find acceptable to collect is the role community members play in the process (i.e., victim support, offender support, neither). Other cautions included that it would be reasonable but difficult, and that the measurement of community would vary a lot depending on the type of program and therefore the meaningfulness of this data is questionable.

Other participants (7) suggested collecting information in addition to age, sex, and Aboriginal status of community representatives. Five participants indicated that an important piece of information regarding the community would be the connection to the parties involved or the case. That is, was the specific community member somehow connected to the offender, victim, or to the type of offence (e.g., MADD members involved in the process where driving while intoxicated was the offence). Other suggestions for additional community representative characteristic information included: follow-up information on the case; the amount of training/consciousness raising regarding victim issues; years of service involved in Restorative Justice; the area of origin for participation within the criminal justice system (i.e., offender experience, victim experience, law enforcement, no affiliation); characteristics of the community in which the victim resides and/or the crime occurred; program availability to, and utilization by communities, by demographics; and how community member inclusion in the process is determined.

Three participants indicated that collection of this information was not reasonable. Two specifically mentioned that the collection of this information would be too cumbersome and complicated. One other participant had concerns that collecting this kind of information on community members involved in Restorative Justice would be an invasion of their privacy.

Measuring client caseload

As mentioned earlier, it was proposed that client caseload information could be collected as part of the inventory.

In your view, is it meaningful to collect client caseload information? If so, what is the best method to represent client caseload information? For example, should the number of processes alone be collected, or should the number of processes, number of victims, and number of offenders be collected?

Of the 18 participants that responded to this set of questions, 14 stated that the collection of at least the number of processes, victims and offenders would be possible and meaningful. Of the 14 who agreed that at least the number of processes, victims and offenders could be collected, five suggested that additional information could and/or should be collected such as:

- progress of each process
- types of offences and/or seriousness of offence(s)
- process type(s)
- outcome(s)
- agreement trends
- compliance rates
- victim and youth engagement in preparation for processes
- victim participation
- how many victims were given an opportunity to participate in restorative justice processes and how many did participate

One participant suggested that victim demographic information should not be collected since it is an invasion of their privacy. The respondent from one jurisdiction indicated that client caseload data for alternative measures programs are already being collected, and that the information collected includes number of offenders, victims and type of response as well as other information such as charges, participation of victim and outcome.

One participant indicated that the number of processes alone would be the best option for client caseload data collection, while one indicated that this kind of data collection should be kept as simple as possible. One participant stated that it would be important to collect the number of referrals in total, not only referrals that were accepted. This participant also emphasized the importance of determining the nature of ongoing data collection and asking data collection questions in general among agencies offering restorative justice programs and services.

Is it feasible to collect any or all of this information? If so, which information will be able to be collected consistently from all organizations delivering Restorative Justice programs and services?

Of the 14 participants that responded to this set of questions, nine agreed that it was feasible for at least some of this information to be collected. Five indicated that all of the information should be able to be or is already being collected, three stated that the availability of this information will vary, and one indicated that the only the number of processes will be consistently available. Two participants indicated that it would not be feasible to collect this information, one specifically stating that there would likely be a lack of consistency in the information available. Two participants suggested that additional data collection would be necessary with one indicating that this information could be collected if a paid staff member was hired to do so, and the other suggesting that a model data form could be developed and negotiated with agencies to see what data they could provide.

In your view, is it reasonable that aggregate annual counts of numbers of clients and number of processes could be collected? Would aggregate counts be sufficient to meet your information needs on Restorative Justice clients?

AND

If not, do you think that Restorative Justice organizations/programs/services would be in a position to report client data through individual, detailed records (e.g., this information is already kept electronically or on paper) for a 12-month period?

In general, it was agreed that aggregate counts would likely be more reasonable and would be sufficient to meet information needs by 14 of the participants. Only four participants indicated that

individual, detailed records would be able to be provided. Two of the four who suggested that individual records would be possible stated that additional work would be required in order for jurisdictions, organizations or agencies to provide this information, and one indicated that only some agencies would be able to provide this data (and others would not). Of the 14 that indicated that aggregate counts of numbers of client and number of processes could be collected, ten stated that this was reasonable and sufficient while four suggested that additional information would be needed. For example, two jurisdictions indicated that type of offence is an important consideration in assessing caseloads.

Among the participants that indicated that it would not be possible to collect individual detailed records of client data, five suggested there would be resource problems, one indicated ethical issues ("sharing of individual data is not appropriate"), and one stated that aggregate counts should be an initial aim and that detailed records could be obtained at a later stage.

Research questions to be addressed

The following are the research questions that were proposed to be addressed in the survey.

What are the number and the characteristics of organizations providing Restorative Justice programs and services? (location, organization type, budget, funding source(s), number of staff, staff characteristics, number of volunteers)

What are the characteristics of Restorative Justice programs and services? (timing of program/service, referral source, program/service model, program/service criteria, community involvement, resolutions available and/or utilized, program/service goals, program/service process)

(Possible if considered feasible and appropriate) What is the client caseload and what are the characteristics of the clientele served by Restorative Justice programs and services?

The respondents were first asked:

Which research questions would you consider important and useful to address in a national survey?

It needs to be stated that the aim of these questions was to determine general research questions to be addressed, rather than specific content of the survey. However, a separate set of questions (section g) were asked in order to determine the importance of particular questions within the proposed survey, and these questions were attached in an appendix. In a number of circumstances, the appendix was overlooked by respondents, and therefore some of the suggestions made regarding research questions were already covered in the appendix. Those suggestions will not be covered in this report.

In total, 18 participants provided responses to the question regarding which research questions were important and useful. Fourteen participants indicated that all research questions were important and useful. However, one respondent stated that Restorative Justice organizations may not have the time or staffing resources to complete the survey and might require incentive to complete the survey. Two other respondents indicated that the first two questions were important and useful. Although the third research question regarding clientele may be a good question, one participant indicated that it may not be feasible for the question to be answered, and one participant suggested that this information would lend itself to much interpretation that may not be accurate or appropriate. One respondent indicated that specifics of the first research question were particularly important, particularly, the organization type and the mission of the organization. One other respondent stated that none of the research questions were important or useful, and that the questions did not address Restorative Justice. As such, this respondent suggested that the research questions were too bureaucratic, and that it is unclear what research is being addressed.

Is the list of research questions complete?

AND

What research questions should be deleted or added to the list of research questions?

Ten of the respondents indicated that the list of research questions was definitely (6) or probably (4) complete. Two respondents indicated that they recognized the need to keep the questions limited due to potential respondent burden. One respondent indicated that all of the research questions were inappropriate, and that further consultations need to be held with Aboriginal Justice Strategy provincial delegates and the F-P-T Working Group on Restorative Justice.

As mentioned above, in a number of situations, the appendix was overlooked by respondents and therefore recommendations regarding additions that were already included in the appendix of the consultation document will not be covered here. The following were suggestions for additional questions that were not available in the appendix:

- (Restorative Justice) values and principles
- use of Gender Inclusive Analysis, screening for power imbalances during the assessment phase, safeguard for victims before, during and after the restorative process
- satisfaction rates, rates of engagement with the service, durability of agreements, recidivism rates
- questions about victim satisfaction and outcome
- length of time to complete processes
- other activities undertaken by organizations offering Restorative Justice programs and services
- relationship between victim and offender
- what Basic Principles of Restorative Justice are realized by the program/service offered
- networks with other Restorative Justice organizations, present challenges and experiences with the applications of Restorative Justice to different criminal contexts, groups where application of Restorative Justice are more problematic

In addition to these suggestions, several other participants had additional comments. One participant indicated that the answer to whether or not questions should be added or deleted depends on the goals and objectives of the project. One other participant had concerns about the violation of boundaries in regards to invasion of the privacy of those participants who are not clients of the state in the process. This participant cautions that “pushing the research into the day casework must be done with some sensitivity to the actual work being carried out with clients and the values and principles of that work, which identify victims as private citizens who have been harmed.”

Questions regarding the collection of specific information on Restorative Justice

A list of potential survey questions were provided to respondents in an attached appendix. The questions were related to the organization, the program/service, and the clients/caseload. The participants were asked to consider the following questions regarding the proposed survey content:

Is there any information being proposed that you disagree with or that is of no benefit? Why? How would you rank the proposed survey questions in order of priority (high, medium, low, don't agree with collection of information, not feasible to be collected)?

Is there any information or are there any questions that should be added to the survey? Why? What changes do you recommend?

Do you foresee any difficulties with organizations providing this information? Please specify.

Only six of the participants provided rankings on some or all of the survey content questions contained in the appendix. The frequency of each ranking per question is shown in Table A- 1.

Table A- 1: Priority ranking responses of survey questions

	Priority Ranking				
	High	Med.	Low	DA ¹⁰	NF ¹¹
Organization Profile					
1. Government or non-governmental organization?	5				
2. If non-governmental organization, is there an advisory board or board of directors overseeing the program? If so, what are the characteristics of the board?	2	3			
3. Does your organization co-partner with other organizations in the delivery of Restorative Justice programs and services? If so, please list the organizations you co-partner with.	1	3	1		
4. Type of Agency	3	2			
5. How are your restorative justice programs and services funded?	4	1			
6. Approximate yearly budget for Restorative Justice programs and services.	2	2	1		
7. Number of equivalent to full time paid staff for Restorative Justice programs and services.	4	1			
8. Number of volunteers for Restorative Justice programs and services.	3	1			
9. Do paid RJ staff/facilitators have formal and/or informal training?	4	1			
10. If yes (all or some) to question 9, type of training for paid staff/ facilitators have.	4	1			
11. If yes (all or some) to question 9, source of staff training for paid staff/ facilitators.	1	4			
12. If yes (all or some) to question 9, length/duration of staff training for paid staff/ facilitators.	1	4			
13. Please describe the core values of this organization pertaining to the delivery of Restorative Justice Programs and Services?	2	2			
14. Does your organization also deliver Restorative Justice programs and services where there isn't a criminally chargeable offence?	2	2	1		
15. If yes, to question 14, please describe these other programs and services.	3		2		
16. If yes to question 14, approximately what percentage of your case volume is for non-criminal Restorative Justice processes?	2	1	1	1	

¹⁰ DA = Don't agree with collection of information.

¹¹ NF = Not feasible to be collected.

Program/Service Profile	High	Med.	Low	DA	NF
1. How long has the program/service been running?	2	3			
2. When was the last (most recent) restorative process performed?	1	1	2	1	
3. At what stage of the criminal justice process are programs and services available to clients?	5				
4. What have been the referral source(s)?	5				
5. Program model(s) followed.	4	1			
6. Offence-based screening criteria.	4			1	
7. Offender-based screening criteria.	2	1	1	1	
8. Age group of offenders served by programs and services.	3	2			
9. Does your program target a specific segment of the population (e.g., ethnic/racial origin, language, sex)? If yes, please elaborate.	2	3			
10. Offender required to acknowledge harm done in order to participate?	5				
11. How is the 'victim' represented and/or involved in your program/service?	5				
12. How is the 'offender' represented and/or involved in your program/service?	4		1		
13. How is the 'community' represented and/or involved in your program/service?	5				
14. Nature of communication between victim and offender.	3	2			
15. Level of victim involvement in RJ programs and services.	5				
16. Level of offender involvement in RJ programs and services.	4			1	
17. Nature of community involvement in RJ programs and services.	5				
18. Does this program/service allow for victim supporter involvement? If so, what role do victim supporters play?	4	1			
19. Does this program/service allow for offender supporter involvement? If so, what role do offender supporters play?	4	1			
20. What happens if the victim declines to participate?	5				
21. Type of restorative resolutions/ outcomes.	3	2			
22. Do the types of resolutions differ on the basis of the following?	4		1		
23. If referrals have been rejected in the past, what are the reasons that they were rejected?	3	2			
24. On average, how much case preparation is performed with victims?	5				
25. What type of activities occur during case preparation with victims (i.e., interview of victim, victim supporters, etc.)?	3	2			
26. On average, how much case preparation is performed with offenders?	5				
27. What type of activities occur during case preparation with offenders (i.e., interview of offender, offender supporters, etc.)?	2	3			
28. Is follow-up performed with victims?	4	1			
29. If yes, what type of activities occur during follow-up with victims (i.e., discussion of facts, unaddressed needs, etc.)?	3	2			
30. Is follow-up performed with offenders?	4	1			

Program/Service Profile	High	Med.	Low	DA	NF
31. If yes, what type of activities occur during follow-up with offenders (i.e., discussion of facts, unaddressed needs, etc.)?	3	2			
32. Do written and/or unwritten policies/ procedures exist?	2	3			
33. Have any formal evaluations of the program/service been performed? If so, please elaborate.	2	3			
34. Are statistics regarding outcomes kept? If yes, what type of statistics are kept?	2	2	1		
35. Goals and characteristics of program. (likert-type scale provided)	3	1		1	
Client/ Case Profile					
1. Number of RJ referrals received over last 12 months.	4				
2. Number of RJ referrals accepted over last 12 months.	4				
3. Number of RJ referrals rejected over last 12 months.	4				
4. Number of accepted RJ referrals concluded with an agreement over last 12 months.	3				
5. Number of accepted RJ referrals concluded without an agreement over last 12 months.	2	1			
6. Number of accepted RJ referrals that remain ongoing (and not yet concluded) over last 12 months.	2	1			
7. Number of accepted RJ referrals not concluded for other reasons (i.e., withdrawal, death, readmission to prison, etc.) over last 12 months.	1	3			
8. Number of victims provided with RJ services over last 12 months.	4				
9. Number of offenders provided with RJ services over last 12 months.	4				
10. Age (youth vs. adult), Aboriginal status, sex of victims provided RJ services over last 12 months.	1	1			
11. Age (youth vs. adult), Aboriginal status, sex of offenders provided RJ services over last 12 months.	2	1			
12. Offence type(s) per process over last 12 months.	4				
13. Number of community representatives over last 12 months.	2	1			

Several other respondents provided general comments regarding the proposed survey content. Both participants from one jurisdiction indicated that the questions were appropriate and of equal importance. One jurisdiction expressed concerns regarding the way in which data is being recorded since, in their view, it does not allow for differentiation between types of responses (e.g., mediation, conferencing, sentencing circles) on other data collected such as referral source, screening criteria, nature of communication, etc. In addition to the six participants providing ranking of survey content questions, several specific recommendations for changes, additions or deletions were suggested. The suggestions are presented in Table A- 2. Please refer to the consultation document appendix contained in Appendix 1 for details on specific survey questions.

Table A- 2: Suggestions for survey content

<ul style="list-style-type: none"> • Question 4 (type of agency) 'dispute resolution/mediation' could be added as an option
<ul style="list-style-type: none"> • delete Question 16 (...approximately what percentage of your case volume is for non-criminal Restorative Justice processes) since it is outside of the scope of the study
<ul style="list-style-type: none"> • Question 10 (...type of training for paid staff/facilitators) and Question 11(...source of staff training for paid staff/ facilitators) could be extended to include the community representatives and volunteers
<ul style="list-style-type: none"> • additions to Questions 10 to include training/ education in the topics of Gender Inclusive Analysis, screening for power imbalances and victim empathy
<ul style="list-style-type: none"> • add a question asking whether respondents collect feedback on the qualitative experience of participants in the process
<ul style="list-style-type: none"> • add a question asking whether justice system representatives participated in a process
<ul style="list-style-type: none"> • add the following question: 'how much time is spent preparing the community'
<ul style="list-style-type: none"> • for client/case profile, suggestion of adding categories to the racial/cultural groups profile which is currently suggested as Aboriginal, non-Aboriginal - the proposed change would include details regarding the availability to, and utilization of restorative justice processes by other groups such as new Canadians, African Canadians, etc.
<ul style="list-style-type: none"> • since the current survey is focused on the locus of service provision, include an accompanying survey of the service users (i.e., the referring bodies which direct criminal cases to the service)
<ul style="list-style-type: none"> • program characteristics should be ranked rather than rated to determine what type of Restorative Justice conceptual approach is dominant within services and organizations
<ul style="list-style-type: none"> • Question 35 (k) could be changed from 'Consent can be withdrawn at any point' to 'Participants are free to withdraw at any time'

When asked if participants foresee any difficulties with organizations providing this information, four participants did not foresee any difficulties, two of which indicated that the data is already being collected in their jurisdictions. Several (5) participants indicated that limited or lack of resources could pose a problem. One jurisdiction offered to provide as much data as they could centrally, but also recognize that programs themselves must be able to tell their own stories (i.e., provide their own response) as there may be areas in which their views differ from the government's.

Appendix 3: Canadian values and principles of Restorative Justice in criminal matters

DRAFT

October 7, 2003

VALUES AND PRINCIPLES OF RESTORATIVE JUSTICE IN CRIMINAL MATTERS

PURPOSE OF THIS STATEMENT

Recognizing:

1. the significant growth of Restorative Justice initiatives across Canada;
2. that, based on traditional communal culture and values, some Aboriginal people historically utilized a concept of justice akin to what we now refer to as Restorative Justice, and the fact that the evolution of their experience will continue to shape Restorative Justice in both Aboriginal and other communities;
3. that Restorative Justice also resonates with the commitments and practices of many faith communities across Canada;
4. Canada's leadership role internationally in the 2002 adoption by the United Nations of a resolution on the Declaration of Basic Principles on the use of Restorative Justice Programmes in Criminal Matters, and its on-going commitment to the United Nations Declaration of Basic Principles of Justice for Victims of Crime; and
5. that restorative approaches can and should be used in many areas of society, such as schools, workplaces, and neighbourhoods.

Justice Canada presents the Statement in order to further dialogue on the development of a national consensus on fundamental values and principles and a consistent framework for the use of Restorative Justice processes in criminal matters.

PHILOSOPHY AND VALUES OF RESTORATIVE JUSTICE

Restorative Justice is a way of viewing justice that puts the emphasis on repairing harm caused by conflict and crime. In this approach crime is understood as a violation of people and relationships and a disruption of the peace of the community. It is not simply an offence against the state. Restorative justice is collaborative and inclusive. It involves the participation of victims, offenders and the community affected by the crime in finding solutions that seek to repair harm and promote harmony.

The underlying values of a restorative justice approach are based on respect for the dignity of everyone affected by the crime. Priority is given to addressing the human needs of participants and empowering them to communicate their thoughts and feelings in an open and honest way. The goal is to build understanding, to encourage accountability and to provide an opportunity for healing. A restorative justice process encourages the offender to take responsibility for their harmful behaviour in a meaningful way, to gain insight into the causes and effects of that behaviour on others, to change that behaviour and to be accepted back into the community. The process gives the victim a forum to ask questions, receive answers, gain understanding, explain the impact of the crime on them and contribute to the outcome of the process. The process may result in the victim receiving an apology, restitution, services or some other form of reparation. It creates a safe environment in which the victim can seek closure. Restorative justice processes have the potential to provide the community with an opportunity to articulate its values and expectations, to understand the underlying causes of crime and to determine what can be done to repair the damage caused. In doing so, it could contribute to community well-being and potentially reduce future crimes.

WHAT IS A RESTORATIVE JUSTICE PROCESS?

A Restorative justice process is one in which the parties with a stake in a particular offence, (the victim, the offender, and community members), are supported and voluntarily participate, with the assistance of a fair and impartial facilitator, (in Aboriginal communities, this may be an elder) in a discussion of the circumstances surrounding an offence. The purpose is to understand its underlying causes and the effects on those who have been harmed, and address the needs of the parties for healing and reparation. Although restorative justice processes take various forms, the models used most often in Canada are conferencing, sentencing and healing circles and victim-offender mediation

BASIC PRINCIPLES AND PROCEDURAL SAFEGUARDS RELATING TO THE USE OF RESTORATIVE JUSTICE

1. Participation of a victim and offender in a restorative justice process should be based on their free, voluntary and informed consent. Each party should receive a clear explanation of what the process might involve and the possible consequences of their decision to participate. Consent to participate may be withdrawn at any stage.
2. The victim and offender must accept as true the essential facts of the offence, and the offender must accept responsibility for the offence.
3. The facts must provide sufficient evidence to proceed with a charge, and the prosecution of the offence must not be barred at law.
4. The right of each party has the right to seek legal advice before and at all stages of the process should be recognized.
5. Referrals to a restorative justice process can occur at all stages of the criminal justice system, from pre-charge diversion through to post-sentencing and post- release from custody in appropriate cases, and taking into account relevant prosecution policies.
6. Referrals to and conduct of a restorative justice process must take account of the safety and security of the parties and any power imbalances between victim and offender, with respect to either person's age, maturity, race, gender, intellectual capacity, position in the community or other factors. In particular, implied or explicit threats to the safety of either party, and whether there is a continuing relationship between the parties must be of paramount concern.
7. It is intended that all discussions within the restorative justice process, other than those conducted in public, be confidential, unless:
 - i. the parties agree otherwise;
 - ii. their disclosure to authorities is required by law; or,
 - iii. the discussions reveal an actual or potential threat to human life or safety.These discussions may not be used in any subsequent legal process other than in the circumstances described above.

8. The admission of responsibility by the offender for the offence is an essential part of the restorative justice process, and cannot be used as evidence against the offender in any subsequent legal process.
9. All agreements must be made voluntarily and contain only reasonable, proportionate and clear terms.
10. The failure to reach or to complete a restorative justice agreement must not be used in any subsequent criminal proceedings to justify a more severe sentence than would otherwise have been imposed on the offender.
11. A restorative justice program should be evaluated regularly in order to ensure that it continues to operate on sound principles and to meet its stated goals.

For more information, contact:
Department of Justice
consultations@justice.gc.ca

Appendix 4: Canadian Restorative Justice program guidelines

DRAFT FOR DISCUSSION

October 7, 2003

RESTORATIVE JUSTICE PROGRAM GUIDELINES

These Guidelines are intended to be aspirational and not prescriptive in nature. They are intended to set out Best Practices in restorative justice. They are intended to be applied in a way appropriate to the context of each community.

Bearing in mind the statement of *Values and Principles of Restorative Justice*, the Department of Justice will pursue programs that seek to incorporate the following guidelines:

General

- 1 A program is engaged in the delivery of restorative justice processes when it has an intention to fully involve the victim, the offender and the community in the process, and it can demonstrate there is the capacity in the program or the community to support the victim and the offender before, during and after the conference.
- 2 These guidelines are intended to encourage the safe and effective use of restorative justice processes. Restorative justice processes will vary in design and approach from one community to another, and from case to case depending on the particular cultural, social and other circumstances.
- 3 The referral must be consistent with the provisions of the criminal law, in particular with respect to such matters as the right to counsel, authority to make referrals, privacy protections, proportionate accountability, withdrawal of consent and Alternative Measures.

Program Development

1. Each program should develop and articulate its own vision, goals and objectives.
2. At the initial planning stage, a program would benefit from the input of a diverse cross-section of the community and justice stakeholders. Views should be sought from persons representing a variety of cultural and social backgrounds and community roles. Consideration should be given to the establishment of an advisory committee or board composed of a similarly diverse cross-section of the community. Of particular importance is the need to encourage balance among victim, community and offender perspectives in the development and operation of the program. Every effort should be made to avoid compounding injustices by limiting the access of any party to the program in a discriminatory fashion.
3. It is suggested that each program should be developed and maintained through close working relationships and consultation with provincial and territorial officials responsible for restorative justice and local criminal justice officials and social service agencies. Following the program development stage, collaborative relationships should be maintained with community and justice stakeholders. However, care should be taken to avoid overrepresentation by criminal justice professionals.

Program Facilitation

1. Restorative justice processes must be facilitated by fair and respected third parties known as “facilitators”. In Aboriginal communities these may be elders. Facilitators should receive solid training in leading restorative justice processes. This training may be both formal and informal in nature. They should demonstrate sound judgement and effective interpersonal and communication skills. They will be responsible for establishing and maintaining a safe, respectful environment which is sensitive to vulnerabilities.
2. Facilitators may be recruited from all sectors of society and should possess an understanding of the local cultures and communities in which they are working.
3. Ideally, the training of facilitators would provide the following skills and knowledge:
 - The values and principles of restorative justice
 - Restorative justice processes
 - Skill sets of conflict resolution
 - How to effectively work with victims and with offenders
 - How to recognize and deal with issues of power imbalance and victimization
 - Understanding the impact of crime on victims and the dynamics of victimization
 - The workings of the criminal justice system
 - The operation of the program in which they will work
 - The objectives of the particular model of restorative justice which is being used in the program.

Program Operation

- 1 Programs should develop ethical standards and protocols to guide their operation. The issues potentially included are criteria for the referral of cases, confidentiality, specific protocols concerning the day to day relationships with the police, Crown, and other justice officials around file management, and the handling of cases following a meeting
- 2 Programs need a solid operating structure with policies concerning governance, accountability, staffing, training, finances, and volunteer recruitment and management.
- 3 Programs must have an evaluation framework, outlining clear goals that are known and understood by staff, volunteers and facilitators in order to provide a basis for assessment.
- 4 All cases should include careful preparation and follow-up with both victims and offenders. At all stages of the process every effort should be made to identify and attend to the needs of victims and offenders, and where necessary, to connect individuals to support services which can meet their needs.
- 5 Where appropriate, cases should include an offender reintegration plan which will address the underlying causes of the criminal behaviour and assist the offender with treatment, counselling and rehabilitation.
- 6 Whenever possible, cases should consider a plan to address the ongoing needs of the victim and to provide information about assistance that is available in dealing with the aftermath of the offence.

- 7 Priority should be placed on ensuring the timely processing of a case and on ensuring the prompt completion of any agreement reached. Every effort should be made to arrange meetings at times and places convenient to all parties.
- 8 Efficient data collection practices should be developed at the outset. A careful record of each case should be kept and made available to funders and other relevant parties. This will involve keeping a record of the number and types of cases, outcomes, satisfaction rates, costs etc. Record keeping must respect any non-publication orders and court directives.
- 9 It is suggested that each program consider implementing an outreach and public education strategy.
- 10 Ongoing professional and volunteer recruitment, training, support and development will be a priority of a successful program.

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