The Use of Restorative Justice in the Youth Criminal Justice Act:

A Multiple Stakeholder Perspective

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Abstract

The use of restorative justice in the youth justice field has increased significantly since the enactment of the Youth Criminal Justice Act in 2003 (Thomas, 2008). Legislation within the Youth Criminal Justice Act requires incarceration to be employed as a last resort leading to increased reliance on extra-judicial programs (Department of Justice Canada, 2009 September). Research into restorative justice use has highlighted a need for standardization of restorative justice programs and has identified ambiguity surrounding the term "restorative justice" (Johnson, 2003). Additional research into restorative justice stakeholder perceptions is essential for the advancement of restorative justice programming. Determining stakeholder motivations, beliefs and implementation practices will provide a better understanding of the standard of programming being provided.

The current research study used both quantitative and qualitative methodologies to identify restorative justice stakeholder beliefs, values and attitudes regarding restorative justice. Four stakeholder groups were identified within a large urban municipality in Nova Scotia. These stakeholders consisted of restorative justice caseworkers, restorative justice volunteers, mental health professionals and police officers. Surveys were distributed to three of these stakeholder groups (restorative justice caseworkers, restorative justice volunteers and mental health professionals). A total of eight surveys were returned from these three stakeholder groups. Seven interviews were also conducted with individuals from the fourth stakeholder group (police officers) and restorative justice administrative figures.

Results from the current study found that many restorative justice stakeholders identified restorative justice as a specific program for youth in conflict with the law. Very few

respondents understood restorative justice to be a philosophy and unique way of looking at criminal offending. Gaps in restorative justice programming within the researched municipality were also identified. A need for higher standards of communication across all stakeholder groups was identified as an important feature to address. Research respondents further highlighted the need for additional community and societal support in the restorative justice field. Participants identified that increased funding for training opportunities and additional community programming would assist restorative justice in increasing its effectiveness. Restorative justice stakeholders require adequate training, funding and knowledge in order to implement high standard restorative justice programming for victims and youth within Nova Scotia.

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Chapter 1

INTRODUCTION

The process of dealing with youth crime throughout Canadian history has mirrored societal perception of youth at a certain point in time. As the understanding of child development and youth capacity evolved, so too did the creation and alteration of unique youth justice legislation. Defining moments in Canadian history set the stage and provided the catalyst for change in youth criminal legislation. With the concept of *youth* being relatively non-existent prior to the 16th century (Aries, 1962), scenarios such as the enactment of the Charter of Rights and Freedoms in 1982 (Department of Justice Canada, n.d.) and the ratification of the UN Convention on the Rights of the Child in 1991 (Howe & Covell, 2003) helped propel Canada through three different youth crime legislations – the Juvenile Delinquent Act (1908-1984), the Young Offenders Act (1984-2003), and our present system, the Youth Criminal Justice Act, enacted in April of 2003 (Makarenko, 2007).

The roots of restorative justice can be traced back to traditional Aboriginal communities. "It is generally and respectfully acknowledged that restorative practices strive to embody the values and principles that are akin to and informed by holistic peace and justice-making processes in many Aboriginal communities" (Centre for Restorative Justice, n.d., Aboriginal Roots/Aboriginal Justice, para. 1). Although the term *restorative justice,* and Canada's interpretation of the concept, differs from its Aboriginal beginning, the underlying philosophy, and many of the restorative processes used today, are a reflection of the justice response traditionally used within Aboriginal communities.

While Canadian youth crime legislation and restorative justice each have their own unique history, the point at which these elements intersect has a modest history dating back only a few decades with the introduction of *alternative measures* into the Young Offenders Act, enacted in 1984 (Makarenko, 2007, Comparison to the Juvenile Delinquents Act, para. 1).   With a history of only 26 years, the use of restorative justice in youth justice proceedings has grown extensively. Current youth justice legislation encourages the use of restorative justice in all youth criminal proceedings, with the exception of homicide and sexual assault. (D. Cromwell: personal communication, January 24, 2008). The Youth Criminal Justice Act's Preamble and Declaration of Principle echoes this increased use with its' requirement that "the youth justice system … reserve its most serious interventions for the most serious crimes and reduce the over-reliance on incarceration" (Department of Justice Canada, 2002a, p. 3). With an increased need for alternatives to incarceration the use of extrajudicial measures such as restorative justice continues to grow.   Although exact youth restorative justice statistics are hard to identify as definitions of restorative justice programs differ, youth incarceration statistics show a significant decline since the enactment of the Youth Criminal Justice Act.

>Every province and territory has experienced drops in youth court caseload since the introduction of the *YCJA*. There were five jurisdictions where the caseload in 2006/2007 was at least 30% lower than in 2002/2003 – Northwest Territories (-52%), Newfoundland and Labrador (-47%), Yukon (-45%), British Columbia (-37%) and Ontario (-30%). Over the same period, drops of between 21% to 24% occurred in Prince Edward Island, New Brunswick, Alberta and Nunavut. In the remaining provinces (Nova Scotia, Quebec, Manitoba and Saskatchewan), the youth court caseloads declined by less than 20%. (Thomas, 2008, p. 1)

Changes in youth court caseload as significant as these cannot be attributed solely to an overall drop in youth crime. These statistics are most likely a reflection of the enactment of the Youth Criminal Justice Act which facilitated a change in response to youth criminal activity by establishing incarceration as a last resort.

As the use of extrajudicial measures and restorative justice continues to grow across Canada, increased awareness of the policies and procedures that govern restorative justice is essential. Information on how individuals working within the youth justice system perceive and implement aspects of restorative justice is necessary to better understand the effectiveness of current restorative justice use. The current research study identified restorative justice stakeholder groups within an urban municipality of Nova Scotia and sought out their perceptions and beliefs regarding the use of restorative justice within the Youth Criminal Justice Act. Future recommendations have been made based on the analyzed data. The researcher hopes these recommendations will further benefit restorative justice use within Nova Scotia and Canada as a whole.

Research Problem

Current research on the use of restorative justice in Canada has identified ambiguities surrounding restorative justice and its use. Restorative justice is often perceived by the general population as a specific tool to use *within* the criminal justice system, such as a sentencing circle or written apology. In actuality, restorative justice is much more than this. Restorative justice is a philosophy and a guiding principle that provides the foundation for implementing programs (Zehr, 2002; Bazemore, 2006). "Its [restorative justice] progress has been limited by the

perception that this broad reform paradigm amounts primarily to a new template for delinquency programming" (Bazemore, 2006, p. 134).   Societal confusion surrounding restorative justice most likely stems from the fact that communities are only witness to restorative programming and have little exposure to the larger concept and philosophy of restorative justice.

Further research in this area has identified that individuals directly involved in the implementation of restorative justice programming may have varying understandings of restorative justice as well.

Johnson (2003) noted:

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. (p. 12)

Understanding restorative justice and how to implement its philosophy is often decided by individual organizations offering specific programming (Beus & Rodriguez, 2005, p. 338).   Beus and Rodriguez (2005) highlight the fact that while restorative justice holds some standard elements, the understanding and implementation of the practice is quite different among users.

While these principles guide the implementation of restorative justice programs, practice and process remain ambiguous resulting in diverse restorative practices within and outside the U.S. Most researchers would agree that elements of restorative justice programs differ from one jurisdiction to the next, yet programs

share an interactive process based on face-to-face interactions between victim, offender, and the community. (p. 338)

Such findings suggest that, while certain elements of restorative justice may be universally accepted, a complete understanding of the term, and its delineating policies, is not standard across all restorative justice programs. This uncertainty bears with it the question of how, with organizational, jurisdictional, and provincial differences, do we ensure that each youth and victim is privy to a standard, high-quality, restorative justice experience? In addition, without a standard operational definition how can we identify which programs are, in fact, restorative justice programs?

In 2003, Johnson was enlisted to complete a restorative justice study for *Statistics Canada, Canadian Centre for Justice Statistics.* Her original task was two-fold and included elaborating on issues of definition, data collection and measurement within restorative justice, as well as compiling a list of restorative justice programs across Canada. As mentioned, Johnson (2003) found diverse perceptions of what restorative justice entails and which programs fall within its domain making it impractical to compile a list of restorative justice programs. In concluding her study, Johnson found that many potential restorative justice programs were overlapping in service domains and differed provincially and federally.

Johnson (2003) concluded:

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. (p.14)

This uncertainty defines the research problem: *With ambiguity surrounding the concept of restorative justice, what are program stakeholders' perceptions of restorative justice and how do these perceptions affect their program implementation?*

Rationale and Significance

The use of restorative justice is widespread both in Canada and internationally. However, defining the term and understanding its philosophies seems to be done on a provincial, organizational or individual basis. It is essential to identify stakeholders perspectives of restorative justice as these perspectives are what guide program implementation. Gaining a foundational understanding will support further exploration of program implementation standards, restorative justice program identification, and gaps in current restorative justice programming. Continuing to address this research problem will bring a deeper awareness and understanding of restorative justice use within the Youth Criminal Justice Act. By surveying multiple stakeholder groups, a multi-faceted understanding of the restorative justice process that a youth offender partakes in will be created. Gathering stakeholder perceptions will provide a firsthand understanding of the implementation process and the motivation employed throughout restorative justice policy and processes. This well rounded understanding will lend itself to recommendations for future implementation and will bring increased awareness to the need for clarity surrounding the restorative justice process.

Research Questions

1. What perceptions do stakeholder groups hold regarding restorative justice and restorative justice programming?

2. Is restorative justice programming perceived by the individuals implementing it as an effective practice?

3. How do participant's beliefs, values, and perceptions of restorative justice impact their procedures for dealing with hypothetical cases that could be addressed with restorative justice?

4. Despite any definitional ambiguity, are there identified gaps in restorative justice programming within the researched municipality of Nova Scotia?

5. What recommendations regarding professional development do stakeholders see as essential for effective restorative justice practice?

Definitions

Extrajudicial Measures – "Measures other than judicial proceedings under this Act [Youth Criminal Justice Act] used to deal with a young person alleged to have committed an offence" (Department of Justice Canada, 2002, p. 2).

Restorative Justice - "A response to crime that focuses on restoring the losses suffered by victims, holding offenders accountable for the harm they have caused, and building peace within communities" (Canadian Resource Centre for Victims of Crime, 2000, p. 1).

Restorative Justice Programming – "The voluntary participation of the victim of the crime and the offender and ideally members of the community, in discussions. The goal is to "restore" the relationship, fix the damage that has been done and prevent further crimes from occurring" (Department of Justice Canada, 2009, What is Restorative Justice?, para. 2).

Program Stakeholder – "Person, group, or organization that has direct or indirect stake in an organization because it can affect or be affected by the organization's actions, objectives, and policies" (Businessdictionary.com, n.d.).

Chapter 2

LITERATURE REVIEW

Canadian Youth Crime Legislation

Canada's current youth legislation act, the Youth Criminal Justice Act came into effect April 1, 2003. This new act was enacted after almost 20 years of operation under its predecessor the Young Offenders Act. Throughout the duration of the Young Offenders Act, criticisms and concerns were plentiful and widespread. After only two years in operation the result of these criticisms was affirmed with the first of several amendments to the original act taking place (Makarenko, 2007).

> In 1986, it [the Young Offender's Act] established that a young offender could be detained longer than three years if s/he committed another offence in the interim. … In 1992, it extended the maximum penalty for first- or second-degree murder from three to five years. In addition, it revised the section dealing with transfers to adult court to give greater weight to the need to protect society, as opposed to the youth's needs. In 1995, it extended the maximum penalty for first- or second-degree murder to 10 years. In addition, it created a presumption that youth age 16 years and over who committed serious violent offences would be transferred to adult court… and in 1995, it allowed victims to present victim impact statements in court. (Makarenko, 2007, "Amendments to the," para. 1)

Although the intent of these changes was to restore societal confidence, that did not occur and continued discontent lead to the enactment of the Youth Criminal Justice Act in 2003.

Legislation within the Youth Criminal Justice Act preserved certain fundamentals of the Young Offenders Act, such as those addressing confidentiality, but it also eliminated ineffective

practices and made appropriate additions where necessary. Much emphasis was placed on

distinguishing between violent and non-violent offenders and on ensuring that sentencing

adequately represented the level of harm associated with the offence (Department of Justice

Canada, 2009, Custody and Reintegration). The Youth Criminal Justice Act views jail-time as a

last resort and requires that more supportive and meaningful sentences be explored first. While

violent and repeat offenders are viewed as appropriate for jail-time, non-violent, low-risk

offenders are generally privy to sentences that are more community based, such as restorative

justice programs or other extrajudicial measures (Department of Justice Canada, 2002, Preamble

para. 5).

> More cases could be dealt with effectively outside the court process. Most cases in
> youth court are non-violent… and more than forty percent of the cases in youth court
> fall into four categories of less serious offences: theft under $5000; possession of stolen
> property; failure to appear; and failure to comply with a disposition. (Department of
> Justice Canada, 2009 September, Extrajudicial Measures, para. 2)

The Youth Criminal Justice Act also addressed the issue of youth having little

rehabilitation support after an incarceration period. "Under the YOA, a young person can be

released from custody with no required supervision and support to assist the young person in

making the transition back to his or her community" (Department of Justice Canada, 2009

September, Custody and Reintegration, para. 1). The Youth Criminal Justice Act attempts to

eliminate this issue by insisting that every custody sentence be followed by a supervision

period within the community. All reintegration plans have a set of standard provisions that

must be followed by all released individuals, such as refraining from drug use. A judge can

also impose other, more specific, requirements such as counseling, rehabilitation, and extended

supervision periods (Department of Justice Canada, 2009 September, Custody and

Reintegration, para. 3-4).

A final change that was brought forth within the Youth Criminal Justice Act involves

establishing very clear guidance and direction regarding the use of the new act and its goals.

> One of the problems with the YOA has been the lack of clarity in the fundamental
> principles of the legislation.   The Declaration of Principle is the primary source of
> principles to guide decision-making under the Act... However, the principles did not
> provide real guidance to decision-making under the Act because they lack coherence,
> are conflicting and are not ranked in terms of priority. Where principles are in
> conflict, there is no indication as to which one took precedence. (Department of
> Justice Canada, 2009 September, Preamble and Declaration, para. 1)

This issue left many features of the Young Offenders Act unknown and allowed essential

elements of the act, such as alternative measures, to be underutilized, and perceived as a

suggestion, rather than preferred procedure.

The Youth Criminal Justice Act contains a Preamble and a Declaration of Principle that

assists in guiding sentencing options and appropriate court proceedings. Statements included

in these sections make reference to many essential aspects of the Act such as a youth's rights

under the UN Convention on the Rights of the Child, the importance of reducing the over use of

incarceration, and the goal of communities and families working together to minimize youth

crime (Department of Justice Canada, 2009 September, Preamble and Declaration). By

including these statements in the Preamble of the new act, law-makers were able to emphasize

underlying philosophies of the Youth Criminal Justice Act and ensure that they remain central to criminal proceedings.

Although the Youth Criminal Justice Act is still relatively new and aims to help advance youth justice, mixed reviews remain. Criticisms generally centre on the belief that the new act is now too lenient and that it does more to protect the youth offender than community members or victims (Knudsen & Jones, 2008; Roberts, Crutcher & Verbrugge, 2007).   Restorative justice use within the Youth Criminal Justice Act is criticized for being nothing more than a slap on the wrist for youth offenders (Canadian Resource Centre for Victims of Crime, 2000). Concerns regarding the Youth Criminal Justice Act often stem from highly publicized cases, such as the local McEvoy case. In the McEvoy case a mother was killed when a repeat youth offender released from custody stole a car and hit McEvoy's vehicle, resulting in her death (Nunn & Messenger, 2006). Cases such as this leave community members feeling vulnerable, unprotected and with little confidence in the youth crime legislation.

Lack of community support can, in itself, result in a less effective youth justice legislation. Central features of the Youth Criminal Justice Act are rooted in community support and working collaboratively with local organizations to minimize the occurrence of youth crime. The opening preamble of the Youth Criminal Justice Act states that "society has a responsibility to address the developmental challenges and needs of young persons" and "communities and families should work in partnership with others to prevent youth crime by addressing its underlying causes, responding to the needs of young persons, and providing guidance and support" (Department of Justice Canada, 2009 September, Preamble and Declaration, para. 3).   In addition to this, the increased reliance on restorative justice in the Act

relies heavily on the communities' ability to support and reintegrate their youth. Without this essential piece, the foundation for which the Youth Criminal Justice Act was meant to be built on is unbalanced and at an inevitable disadvantage.

While criticisms continue, national statistics have shown a more positive view of the Youth Criminal Justice Act.

Thomas (2008) stated:

Consistent with the objectives of the *YCJA*, not only are there fewer youth appearing in court, fewer are being sentenced to custody. In 2006/2007, about 17% or 5,640 of all guilty cases resulted in a custodial sentence. This compares to 13,246 or 27% of all guilty cases in 2002/2003. (p. 6)

Taylor-Butts & Bressan (2008) report:

Police-reported data show that charges were laid or recommended against 42% of youth accused of a *Criminal Code* offence in 2006, while 58% of youth accused were given a warning, caution, referral to a community or extrajudicial program or handled through some other means in lieu of formal charges. (p. 4)

Such statistics portray an act which is meeting its goals of minimizing youth incarceration and providing youth with alternative rehabilitative options. Having said that, it's important to stress that societal concerns remain legitimate and need to be taken into consideration to truly grasp the effectiveness of the act.

In response to the earlier cited McEvoy case, an inquiry into the case was completed by a former Justice of the Supreme Court of Nova Scotia, D. Merlin Nunn. The Nunn report, as it came to be known, reviewed the McEvoy case in its entirety and made recommendations

accordingly. In total, 34 recommendations were made, six of which called specifically for amendments to the Youth Criminal Justice Act. These six recommendations are as follows:

- The Province should advocate that the federal government amend the "Declaration of Principle" in section 3 of the *Youth Criminal Justice Act* to add a clause indicating that protection of the public is one of the primary goals of the act.

- The Province should advocate that the federal government amend the definition of "violent offence" in section 39(1)(a) of the *Youth Criminal Justice Act* to include conduct that endangers or is likely to endanger the life or safety of another person.

- The Province should advocate that the federal government amend section 39(1)(c) of the *Youth Criminal Justice Act* so that the requirement for a demonstrated "pattern of findings of guilt" is changed to "a pattern of offences," or similar wording, with the goal that both a young person's prior findings of guilt and pending charges are to be considered when determining the appropriateness of pre-trial detention.

- The Province should advocate that the federal government amend and simplify the statutory provisions relating to the pre-trial detention of young persons so that section 29 will stand on its own without interaction with other statutes or other provisions of the *Youth Criminal Justice Act*.

- The Province should advocate that the federal government amend section 31(5)(a) of the *Youth Criminal Justice Act* so that if the designated "responsible person" is relieved of his or her obligations under a "responsible person undertaking" the young person's undertaking made under section 31(3)(b) nevertheless remains in full force and effect, particularly any requirement to keep the peace and be of good behaviour and other conditions imposed by a youth court judge.

- The Province should advocate that the federal government amend section 31(6) of the *Youth Criminal Justice Act* to remove the requirement of a new bail hearing for the young person before being placed in pre-trial custody if the designated "responsible person" is relieved of his or her obligations under a "responsible person undertaking." (Nunn & Messenger, 2006, pp. 289-290).

The Youth Criminal Justice Act in its current state is by no means flawless. Progression, however, has to be recognized as Canada's youth crime legislation has made significant changes since the Young Offenders Act and its predecessor the Juvenile Delinquents Act. Current youth crime legislation strives to be based on up-to-date research and best practices. Community safety and victim rights are now readily acknowledged as important pieces of the youth justice puzzle. However, many would argue that putting this acknowledgement into practice has yet to take place. With some pieces figured out and others unresolved the youth crime legislation pendulum continues to swing with continued momentum towards what we hope is the "right" direction.

The History of Canadian Restorative Justice

Restorative justice roots trace back to traditional responses to injustice in Aboriginal communities. Aboriginal tradition approaches *any* situation from a holistic and healing perspective.

> Hunter, Logan, Goulet & Barton (2004) summarized the principles by stating: Principles shared by the broader Aboriginal healing movement and the healing traditions used by Aboriginal communities include positive aspects of the following principles: (a) reconnecting with the Creator; (b) healing of people, families, and

communities; (c) shifting from an illness to a wellness approach; and (d) transforming

the self in terms of a mental, emotional, physical, and spiritual Aboriginal worldview

in relation to political, economic, social, and cultural contexts that guides all aspects

of their lives. (p. 273)

It is these principles that guide all aspects of Aboriginal community life, including their criminal

justice response. Criminal behaviour within Aboriginal tradition has always been viewed

holistically and as a community matter rather than an individual's problem.

The purpose of a justice system in Aboriginal culture is to restore the peace and

balance within the community and to reconcile the accused with his or her own

conscience and with the individual and family that has been wronged. In the

traditional way of our culture, wrongdoing is a collective responsibility and the

process involves all parties acknowledging the wrong, allowing for atonement and

installing a system of reparation or compensation in order to restore harmony to the

community. (Baskin, 2002, p. 133)

Guided by this philosophy, Aboriginal communities use processes called *circles* to respond to

criminal offending. *Sentencing circles* are a way to bring all individuals affected by a criminal act

together in an attempt to recreate balance, allow individuals to take responsibility for their

actions, and allow all voices to be heard. Traditionally, the outcome of these circles is an agreed

upon solution that addresses the needs of all individuals and communities affected (Baskin,

2002). *Healing circles* are also used within criminal offending situations. Healing circles bring

together individuals affected by a criminal offence but the focus of this circle is on healing the

harm rather than sentencing decisions. (Spiteri, 2002, pp. 12-13).

While restorative justice philosophies are rooted in Aboriginal tradition, the first use of restorative justice in Canadian criminal cases occurred in 1974 with the launch of Victim Offender Mediation Programs (VOMP) by the Mennonite Central Committee in Kitchener – Waterloo, Ontario (Cormier, 2002, p. 3). The first reference to restorative justice practices in *youth* crime legislation occurred in 1984 with the Young Offenders Act's mention of alternative measures.

> The term Alternative Measures… refers to formalized programs other than judicial proceedings which may be at the pre or post-charge stage, and that are designed to balance society's right to protection with the needs of youth and adults in conflict with the law. (MacKillop, 1999, p. I)

These measures were used in cases of more minor offences and included options such as written or in person apologies, counseling, community service, and restitution/compensation to the victim. Alternative measures were made available in an effort to minimize youth incarceration and to provide more meaningful consequences for youth offenders. (MacKillop, 1999).

Today, the Youth Criminal Justice Act refers to alternative measures as extrajudicial measures and restorative justice is considered to be one of these extrajudicial options (Legal Information Society of Nova Scotia, 2006). Current crime legislation, both in youth and adult court, places great emphasis on using restorative justice practices and operates under the belief that jail-time should be viewed as a last resort and more supportive sentences should be explored first. The sentencing principles in Canada's Criminal Code were amended in 1996 to suggest the use of "community-based sentencing and focus on restorative elements" (Canadian

Resource Centre for Victims of Crime, p. 3). In addition to Canada's Criminal Code, one of the

key objectives of the Youth Criminal Justice Act is "to increase the use of effective and timely

non-court responses to less serious offences by youth" (Department of Justice Canada, 2009

September, Extrajudicial Measures, para. 1).

Canada's use of restorative justice within the Youth Criminal Justice Act involves the

incorporation of restorative justice *into* criminal justice legislation. As restorative justice

principles are quite different than criminal justice principles, some researchers feel restorative

justice will be restricted within the confines of any criminal justice legislation. (Feld, 1999;

Walgrave, 2004). "The participatory philosophy of restorative justice, which aims at maximum

openness for informal dialogue and process, is difficult to combine with the need for

formalization and legalization" (Walgrave, 2004, pp. 580-581).

> Walgrave (2004) further articulates his concerns:
> Isolated practices run great risks. Paradoxically, the greatest threat to restorative
> justice may be the unbridled enthusiasm of policy-makers, police, magistrates, judges,
> and social workers for integrating a few techniques into traditional rehabilitative or
> punitive justice systems. A taste of mediation, a bit of conferencing, or a pinch of
> community service are added to the system without questioning the fundamental
> principles. (p. 583)

These concerns link back to the research problem: *With ambiguity surrounding the concept*

of restorative justice, what are program stakeholders' perceptions of restorative justice and how do these

perceptions affect their program implementation? Further research into whether restorative justice

stakeholders in the researched municipality of Nova Scotia understand the restorative justice

paradigm can help to guide future restorative justice training and implementation practices. In

addition to this, drawing attention to the possibility of undermining restorative justice by ignoring the fundamental principles will help to educate stakeholders on its importance.

Restorative Justice in Youth Crime Legislation

The official process a youth will partake in throughout a youth criminal justice proceeding can be extensive and multi-faceted. With the first police intervention, a youth can be placed in a detention facility until court proceedings begin, be released and required to return to court on a designated date, be released with a warning, or be released with a referral to additional extrajudicial programming (Justice Quebec, 2007, Measures Applied by the Police Officer). Youth court proceedings are similar to adult proceedings in regard to entering a plea of guilty or not-guilty and continued judicial measures persist from this point on. Sentencing options under the Youth Criminal Justice Act are large in number and can include a wide range of extrajudicial options, in addition to incarceration. Restorative justice is one such extrajudicial option available in either a pre or post charge position or a post-sentencing position. The pre-charge scenario occurs when a police officer does not charge a youth but rather refers them to a restorative justice program. Post-charge restorative justice would take place without any criminal proceedings and would be decided on after an assessment by the Attorney General's prosecutor or equivalent.   Restorative justice at a post-sentencing position would be an aspect of a sentencing decision after a youth has gone through a trial situation. (Justice Quebec, 2007; Canadian Resource Centre for Victims of Crime, 2000)

While restorative justice programs in Canada vary by jurisdiction (Department of Justice Canada, 2000, Restorative Justice in Canada), within the researched municipality of

Nova Scotia restorative justice services are dealt with through a local restorative justice agency contracted by the Department of Justice Nova Scotia. Case workers within the restorative justice agency are assigned to a designated area within the municipality. All cases occurring within their assigned area become part of their case load and are dealt with accordingly. Case workers remain with their youth throughout all components of the restorative justice process facilitating discussions and supporting their youth through treatment programs. (D. Cromwell: personal communication, January 24, 2008).

The restorative justice process generally begins in the form of a sentencing circle, similar to a round-table discussion. Ideally, this circle includes the offender, victim, sentencing police officer, and community representatives, as well as any additional support people for either victim or offender. All individuals sit face to face and discuss the offending situation; how it happened, why it happened, the impact it had, and how it can be most appropriately fixed while meeting everyone's needs. The final outcome is a sentencing decision which can include things such as restitution to the victim, community service, or mandatory attendance of a weekly rehabilitation program. Once an adequate plan has been established, the youth offender must agree to the outlined terms and must complete all elements in order to satisfy the restorative justice sentencing requirements. The restorative justice program is considered voluntary. However, should a youth choose to take part in the process, upon completion of the requirements an offenders current offence will be removed from their criminal record. If not completed, a case can be referred back to courts and additional sentencing determined, with the offence staying on a youth's criminal record. (D. Cromwell: personal communication, January 24, 2008; Canadian Resource Centre for Victims of Crime, 2000). Other types of restorative

justice that may be used include Victim Offender Mediation, Family Group Conferencing and

Healing Circles (Canadian Resource Centre for Victims of Crime, 2000, Types of Restorative

Justice Programs). Descriptions of these restorative justice programs and evaluations of their

effectiveness are discussed in the sections below.

Restorative Justice Programming

Identifying restorative justice programs throughout Canada is a task made complicated

by the ambiguity of the term. Cormier (2002) highlighted this dilemma in *Restorative Justice:*

Directions and Principles – Developments in Canada, reiterating that "there is no single, universally

accepted definition of restorative justice" (p. 1).   Many organizations, government departments

and provincial legislations provide their own definition of restorative justice, all with similar

elements, but lacking standardization. A Department of Justice Canada (2000) consultation

paper identifies the importance of clarifying definitional ambiguity.

> It is important to be clear and consistent on the basic principles and goals of
> restorative justice. As programs are developed, the number of definitions increase as
> well, and there are already programs that claim to be restorative but do not seem to
> embrace this philosophy. (Department of Justice Canada, 2000, The Nature and
> Principles, para. 4)

The following definitions come from a range of programs and government sites and

provide some insight into definitional discrepancies.

> Restorative justice programs involve the voluntary participation of the victim of the
> crime and the offender and ideally members of the community, in discussions. The
> goal is to "restore" the relationship, fix the damage that has been done and prevent

further crimes from occurring. Restorative justice requires wrongdoers to recognize the harm they have caused, to accept responsibility for their actions, and to be actively involved in improving the situation. Wrongdoers must make reparation to victims, themselves and the community. (Department of Justice Canada, 2009 October, What is Restorative Justice?, para. 2-3)

Restorative justice is a way of thinking about crime and conflict. It is not a particular practice or type of program, but rather a philosophy, or a set of principles. (Government of Nova Scotia, 2008, What is Restorative Justice?).

A response to crime that focuses on restoring the losses suffered by victims, holding offenders accountable for the harm they have caused, and building peace within communities. (Canadian Resource Centre for Victims of Crime, 2000, p. 1)

These definitions highlight many elements that are considered to be restorative in nature, but as previous studies revealed, no definition is accepted and the full understanding of restorative justice use within the criminal justice system remains unknown.

Amongst the ambiguity and misunderstanding there are some common principles which remain constant across organizational and provincial lines. One such consensus is the awareness that restorative justice views crime from a different vantage point than the criminal justice system (Canadian Resource Centre for Victims of Crime, 2000; Zehr, 2002; Johnson, 2003; Souza & Dhami, 2008).

Cormier (2002) provides an example:

Whereas crime in the mainstream system is defined as a violation of the state, restorative justice sees crime as harm done to victims and communities. Whereas the victim in the mainstream system is largely prevented from speaking about the real losses and needs resulting from the crime, in restorative justice the victim plays a

central role in defining the harm and how it will be repaired. Whereas the mainstream system is operated and controlled by professionals, restorative justice allows the community to play an active role in holding offenders responsible, supporting victims and providing opportunities for offenders to make amends. (p. 2)

This understanding remains true across the majority of restorative justice research but does not necessarily translate into Canadian practice. At present time restorative justice programs are incorporated into the criminal justice system. This incorporation allows the foundational understanding of crime interpretation to remain in the mainstream system.

In addition to agreement on how restorative justice views crime, much consensus is available regarding core program models that can be identified as restorative justice models. Johnson (2003) and Latimer, Dowden, & Muise (2001), identify three core program models that encapsulate restorative justice programming throughout Canada. The first, *victim-offender mediation or reconciliation*, refers to the process of bringing together victim and offender with a mediator in an attempt to discuss the offence, its effects and how it should be reconciled. The second programming type, *family-group conferencing*, brings a larger group of effected individuals together, including families of both offender and victim. The hopeful outcome is essentially the same as the victim-offender mediation process - establishing remorse within the offender and providing the victim with a say and a voice in the process. The final program model, *circles*, incorporates many types of circles, including sentencing, healing, and release. The circle process brings together all individuals affected by the offence. Offender, victim, support people and community members are brought together in a circle to discuss the offence with a judge, police officer, caseworker, or lawyer in order to determine what the appropriate

response is at this point (Johnson, 2003, p.8; Latimer et al. p.2). While this understanding helps to alleviate the haze surrounding restorative justice, a clear and national definition of restorative justice is still absent from current research and policy. Evaluations, research, and programming are therefore operating under individual presumptions of restorative justice and this limits the comparativeness of any results. Future efforts should be made to identify what restorative justice is to Canadian criminal legislation and how it is intended to be implemented.

Restorative Justice Stakeholders

Police Officers

As highlighted throughout the explanation of a youth's process through the Youth Criminal Justice Act, there are several key stakeholders within the realm of restorative justice. The first individual engaged with an offending youth is the police officer. Police officer's decide a youth's initial justice path, whether it be referral to additional programming, release, or charging the youth with a criminal offense. Alana Abramson (2002) evaluated police perspectives of restorative justice within the context of the "Circles" Community Youth Justice Program (CYJP) (agency name was changed for anonymity) operating in British Columbia. The Community Youth Justice Program operates independently of the RCMP and municipal police services in British Columbia but receives referrals from these parties. The model most often used by the Community Youth Justice Program is a hybrid model which incorporates both Victim Offender Mediation and conferencing, facilitated by highly-trained volunteers (p. 3; p. 7). Abramson's study surveyed municipal police officers within the area in an attempt to gauge their "attitudes, perceptions and beliefs about youth, justice, restorative justice and this

program" (Abramson, 2002, p. 4). Abramson (2002) found that most police officers did not perceive restorative justice to be a philosophy. "Most officers viewed restorative justice as a program (i.e. victim-offender mediation) rather than a philosophy and way of dealing with all conflict, not just criminalized behavior. (2002, pp. 18-19)

Additional findings identified the police officer's sources for information on restorative justice.

> It is interesting to note that the entire sample reported that the CYJP was one of the places that had informed their knowledge of restorative justice. No respondents reported being educated about this philosophy by depot or college and only 28.6% reported to have gained this knowledge through university education. (Abramson, 2002, p. 20)

Abramson's (2002) findings which suggest misinformed police officers received restorative justice training from the coordinating program questions the understanding of program administration and staff. It also identifies that the burden of informing and training police officers is largely that of the Community Youth Justice Program (p. 20). Additional studies regarding Canadian police officer perceptions of restorative justice are limited. This gap in research further identifies the importance of the current research study. Police officers are an integral part of a youth's justice and restorative justice experience. Further investigation into municipality police officers is essential to the understanding of local restorative programming and police perceptions.

Restorative Justice Program Staff

Restorative justice program staff and administrators play an important role in a youth's restorative justice experience. As mentioned previously, the process of restorative justice within

Nova Scotia involves a youth caseworker. This caseworker guides a youth through the restorative justice process from the initial sentencing circle to the completion of the decided contract. Caseworkers are involved directly with the youth, working with them one-on-one. This personal involvement has a direct link with a youth's restorative justice experience. A caseworkers understanding of restorative justice transcends through all levels and elements of any restorative justice program.

Research specific to caseworker perceptions of restorative justice is difficult to find as each province operates restorative justice practices differently and does not necessarily employ a caseworker in the process. Personal communications with Doug Cromwell (2008), a caseworker at the local restorative justice agency, provides some insight into his personal perception of restorative justice. Cromwell stated that restorative justice has tremendous potential for the "first time shoplifter" but can also be seen as a joke to a more savvy and repeat young offender, who very easily takes the restorative justice process for granted. He also described restorative justice as a promising and helpful endeavour but suggested that some tweaking to the services may be needed (D. Cromwell: personal communication, January 24, 2008). Individual understanding of the term *restorative justice* was not discussed. Additional stakeholders within the restorative programming group may include corrections workers implementing restorative justice programming for institutionalized youth or other individual's provincially equivalent to Nova Scotia's caseworkers. These groups were not investigated for this research study.

Community Volunteers

A community volunteer offers a unique perspective on the effects of crime. Their participation in restorative justice is considered invaluable for many reasons. Within the researched municipality of Nova Scotia community volunteers are trained at the contracted restorative justice agency to facility the restorative justice sessions. In addition to this, community members are often asked to sit in a sentencing circle to provide the youth with a community impact perspective. By engaging community members in this process the youth is privy to an additional viewpoint on their crime and the community member is privy to an in-depth understanding of the youth justice system and restorative justice.

> Souza and Dhami (2008) define the importance of community:
> RJ [restorative justice] recognizes the community as an important stakeholder in justice, such that it situates crime in a social context to enable community members to provide solutions to crime control and prevention that are specific to the needs of the community. (p. 33)

Community volunteers are able to provide youth with an understanding of how widely their behaviours impact and offer youth insight into the full effect of their criminal behaviour. Community involvement also aims to show youth that they are supported by their surrounding community. The Nova Scotia Department of Justice (n.d.) acknowledges the importance of community members in their restorative justice program. In an effort to promote community involvement a brochure was developed which further identifies how community members are involved in Nova Scotia's restorative justice program. An excerpt from this brochure is included below.

Restorative justice actively involves community members by providing an
opportunity to:

- Take responsibility for, and actively participate in, achieving justice in your
  community
- Focus on the causes of crime and do something about them
- Support the victim and ensure there are opportunities in the community for
  the offender to make amends (Nova Scotia Department of Justice, n.d., para. 3)

Evaluations of community member's involvement in restorative justice processes are limited as the majority of research focuses on the broader societal perception of restorative justice. Souza and Dhami's (2008) article, *A Study of Volunteers in Community-Based Restorative Justice,* does provide some indication of the types of community volunteers that participate in restorative justice, the training they receive and their satisfaction with the criminal justice system. Results from this study indicate that the majority of community volunteers are Caucasian women above the age of 50. The majority of the individuals surveyed had some post-secondary education and were employed in fields relevant to restorative justice such as education and training (6.67%) or professional services and healthcare (14.67%) (p. 41). Research into community volunteer's satisfaction with the criminal justice system identified "RJ [restorative justice] volunteers were generally most dissatisfied with the CJS [criminal justice system] in its ability to reduce the risk of reoffending" (Souza & Dhami, 2008, p. 45). Community volunteers understanding of restorative justice and its philosophies were not discussed in Souza and Dhami's (2008) study.

Mental Health Professionals

Ruest (2000) describes one of the many roles of mental health professionals as "support[ing] other professionals in dealing with children in difficulty" (para. 2). Due to this role, mental health professionals are often key players in a youth's justice experience. Mental health professionals come in contact with youth offenders in many different contexts. They are often enlisted to assess an offending youth to determine their level of mental health and to identify appropriate sentencing options. Their knowledge of youth behaviour, assessment procedures and treatment strategies makes them essential stakeholders in the restorative justice field. In addition to this there is a growing body of research which identifies mental health issues as a risk factor for youth offending (Viljoen, 2008, Intersections Between Mental Health & Offending; Nicol et al, 2000).

> A range of psychosocial factors are associated with offending and predisposition to mental health problems among young offenders, such as parental criminality or drug and alcohol abuse, early onset conduct problems, family conflict or breakdown, harsh or inconsistent parenting practice, socio-economic disadvantage and exposure to traumatic events such as abuse, neglect or abandonment. (Callaghan , Pace, Young & Vostanis, 2002, p. 186)

With an identified correlation between youth mental health and criminal offending many youth involved in restorative justice will have some interaction with mental health professionals throughout their adolescent years. No research specific to mental health professional's perceptions of restorative justice was found. However, research in this area would be considered beneficial due to their direct involvement and impact on a youth's justice experience.

Society

The role of society and the larger community in restorative justice is a significant and often overlooked role. Restorative justice relies heavily on societal resources and community acceptance for its effective implementation. Restorative justice programs are often established and run by community organizations. Although the restorative justice initiative in Nova Scotia was not developed by a community organization, community partnerships are the foundation of the province's restorative justice initiative (Archibald & Llewellyn, 2006, pg. 303). Community agencies across the province are contracted by the Department of Justice to complete restorative justice programming within a specific community. "The Department of Justice has entered into service agreements with a network of eight community justice agencies and one tribal organization which offers services specific for Aboriginal youth" (Province of Nova Scotia, 2008). Restorative justice programs are run similarly across Canada. Programs such as Restorative Resolutions in Winnipeg (Maloney & Lloyd, n.d.), The Youth Advocacy and Mediation Services Program in Calgary, The Victim Offender Reconciliation Program in British Columbia and the Dispute Resolution Centre for Ottawa-Carleton (Umbriet, Coates, Kalanj, Lipkin & Petros, 1995) are all examples of community based organizations which provide restorative justice programming within their communities.

Beyond societies direct involvement in restorative justice programming, societal support also plays a significant part in restorative justice initiatives. The concept of restorative justice is based on the premise of rebuilding peace within communities after a crime has occurred. Providing an offender with community support and an understanding of societal impact are key aspects of restorative justice. (Canadian Resource Centre for Victims of Crime, 2000).

Although this support is acknowledged as an essential element of restorative justice, a lack of

support has been identified in many instances. One such example is a lack of societal resources

and community programming. Restorative justice stakeholders interviewed in Andersons

(2007) study identified a "lack of coordinated service, particularly with the mental health sector,

and the existence of lengthy health service waitlists for young offenders upon release from

custody" (p. 56) as a professional challenge. Further results indicated that stakeholders "often

referred to various agencies and programs as 'strapped' and doing the best they could based on

resources" (p. 67).

This lack of societal resources is a problem felt by many social programs across Canada

and internationally. Gaining societal support for programs such as restorative justice is a

persistent problem which requires a significant shift in public mindset for true reform. Society's

role in restorative justice is substantial and a lack of societal support can impact all levels of

restorative justice initiatives from programming available for youths to employee satisfaction

and motivation. Societal perception of restorative justice was not researched in the current

study. However, research participants were asked questions directly related to their

perceptions of societal responsibility and the need for societal support.

Victims

A victim's role in restorative justice is central to the process and provides the youth with

a true understanding of the impact of their criminal act. The use of restorative justice has been

perceived positively in many instances because of its acknowledgement of the victim in its

processes. Bonta, Wallace-Capretta & Rooney (1998) describe restorative justice as having two

important features one of which is "victim and community participate in the administration of justice" (p. 2). Restorative justice aims to provide healing for the victim in addition to the offender which is a feature often overlooked in criminal justice.

Engaging a victim in restorative justice can be a difficult process. Many victims do not wish to see their offender or be involved in restorative justice because they feel it may re-victimize them (Canadian Resource Centre for Victims of Crime, n.d.). Cormier (2002) also identified victim concerns which link back to our research problem. "There are concerns about the ad hoc approach to restorative justice programmes and the absence of guidelines, especially in relation to victim participation, power imbalance, serious crimes and the training of facilitators" (p. 13). As there are currently no national standards for restorative justice programs, concerns are raised regarding victim rights and restorative justice experience. Victim advocates also voice concern regarding the fact that restorative justice programs are often run by community agencies which are mandated to serve youth offenders. Concerns stem from the fear that the victim may be overlooked in this situation and emphasis will be placed on assisting the youth offender rather than the victim. (Cormier, 2002, p. 13).

In looking beyond these concerns, studies of restorative justice impact have shown high victim satisfaction rates. Umbriet's et al. (1995) study of four Canadian restorative justice programs found higher rates of satisfaction among victims who participated in a mediation session versus victims who did not participate in a mediation session (p. 6). A similar study of thirteen restorative justice programs found that "participation in a restorative justice program resulted in higher victim satisfaction ratings when compared to a comparison group in all but one of the 13 programs examined" (Latimer, Dowden & Muise, 2001, p. 12). Archibald &

Llewellyn's (2006) study of Nova Scotia' restorative justice programming supports this notion as well. "Eighty-six per cent of victims agreed or strongly agreed with the statement 'I would recommend conferences like this to deal with offences like this on'" (p. 308).

Follow-up studies of victim satisfaction have found that satisfaction rates drop somewhat over time which is most often associated with an offender's non-compliance of agreed upon conditions or tasks (Morris & Maxwell, 1998, Satisfaction with Outcomes, para. 2; Clairmont, 2005, p 107; Triggs, 2005). Studies such as these indicate key factors in victim satisfaction which should be taken into consideration during restorative justice sessions. Awareness of the victim as a client should be central to restorative justice and increased efforts to ensure positive outcomes beyond the initial session should take place. Due to confidentiality issues, victim participants were not researched in the current study. However, participants from the researched stakeholder groups were asked questions specific to victim impact and satisfaction in order to gain some insight into stakeholder's experiences with victims of crime.

Family

Family members of both the victim and offender play a distinct role in a restorative justice session. Family members of all affected parties are generally invited into a restorative justice session to act as a support person. Often time's family members will be given the opportunity to describe the impact of the criminal act on their life and the life of the offender or victim. This interaction can provide all parties involved in a restorative justice session an additional vantage point and perhaps a further understanding of a youth's background and upbringing.

A youth's family is often the most influential force in their lives. The impact of family history has been researched extensively and direct connections between familial factors and youth crime rates have been identified. Factors such as poverty, family discord, abuse or neglect and a history of mental health issues have all been identified as offending risk factors for youth (Arthur, 2007; Smith, 2007; Rosenbaum, 1989). Anderson's (2007) study of restorative justice stakeholders in Nova Scotia found that interviewed stakeholders repeatedly brought up family issues as causes of youth criminal offending. "In the view of participants, all too commonly the family backgrounds of these youth involved elements of inadequate parenting and care, marital discord, home conflict and/or violence, parental separation, divorce, and the absence of positive male role models" (pg. 47). Callaghan et al. (2002) also identified familial factors such as poverty, family breakdown, exposure to neglect or abuse and parental conflict with the law as risk factors which can increase a youth's chance of criminally offending (p. 186). Studies of family influence on youth outcome are large in number and continue to support the notion that families are a powerfully influential force in a youth's life and one that is difficult to compete with. The current study did not research family perception of restorative justice but questions specific to family impact and responsibility were asked to research participants. Information obtained from participants aims to provide some insight in participant's experiences with families and the role of family in restorative justice.

Evaluations of Restorative Justice Practices

Canadian evaluations of restorative justice practices are most commonly evaluations of individual restorative justice programs. Evaluating restorative justice as a whole is much more

complicated as the term itself is often individually interpreted (Johnson, 2003). Research within

New Zealand, however, in which restorative justice is central to their youth crime approach,

provides an excellent source of information regarding the use and effects of restorative justice.

It is important to note that the implication of restorative justice in Canada is significantly

different than implementation in New Zealand. Restorative justice is New Zealand's main

approach to offending behaviour (Morris & Maxwell, 1998) whereas Canada takes a criminal

justice approach and implements restorative justice elements. Youth offending procedures in

New Zealand require that a family-group conference take place prior to any court proceeding.

"Youth Court cannot make a disposition unless a family group conference has been held, and it

[Youth Court] must take into account in its decisions any plan or recommendations put forward

by the family group conference" (Morris & Maxwell, 1998, The Practice of Youth Justice, para.

2). These elements highlight the differences between Canada and New Zealand's youth justice

systems and the distinct restorative justice foundations found in New Zealand's youth crime

approach.

Evaluations of New Zealand's restorative justice practice have shown high-rates of

satisfaction amongst most groups. Morris & Maxwell's 1998 article *Restorative Justice in New*

Zealand: Family Group Conferences as a Case Study, looked at family group conferencing

satisfaction rates for offenders, victims and parents of offenders. Overall, satisfaction rates were

found to be high amongst parents and offenders. Victims as a whole were also satisfied,

however, the unsatisfactory rate was found to be higher within this group than others.

> Eighty-four percent of the young people and 85 percent of the parents said that they
>
> were satisfied with the outcomes of the family group conference. About half of the

victims we interviewed said that they were satisfied with the outcomes from conferences. About a third, however, were dissatisfied. For some, this was because they saw the decision of the family group conference as too soft or too harsh. But, more frequently, victims were dissatisfied because the promised arrangements fell down afterwards or they were simply never informed about the eventual outcome of the family group conference (Morris & Maxwell, 1998, Satisfaction With Outcomes, para. 2).

Analysis of the long-term effects of New Zealand restorative justice also produced some interesting results. Morris & Maxwell completed a follow-up study to their previous research on youth processed under the New Zealand restorative justice system between 1990-91 (Morris & Maxwell, 1997). The results showed that reconviction rates within the year following the participant's original family group conferencing experience were no higher and "possibly better than samples dealt with in the criminal justice system" (Morris & Maxwell, 1998, Family Group Conferences, para. 1). In addition to this, Morris & Maxwell (1998) were able to isolate specific factors that seemed to correlate with a youth's reconviction rate.

> There is some evidence from this study that the probability of reconviction was *reduced* when certain of the potentially restorative aspects of family group conferences were achieved. The factor 'victim satisfaction' was least often reported for persistent recidivists; this group was also least likely to have completed the tasks agreed to at the family group conference.

> Regression analysis also suggested that those offenders who failed to apologize to victims were more likely to be reconvicted than those who had apologized. The initial modeling of whether or not reconviction occurred identified the following as independent significant predictors: offending prior to the family group conference;

being Maori; having extended family or *whanau* present at the family group

conference; the failure to apologize; and the greater seriousness and number of family

group conference offenses (Morris & Maxwell, 1998, Family Group Conferences, para.

2).

More recent research based out of New Zealand seems to indicate similar results. Trigg

(2005) completed a study of youth offenders and victims of crime who participated in a

restorative justice conference. Victims and offenders were interviewed after the conference,

after the offender completed their sentence and one year after the conference. Results from the

post-conference interview found that 92% of victims "were pleased they took part in a court-

referred restorative justice conference" (p. 2). The study also found that "eighty-three percent

of pilot victims said that nothing had happened since the conference to make them regret taking

part" (p. 2) and "almost three-quarters of the pilot victims said that their offender understood

how they felt" (p. 2). Although generally positive results were found victim satisfaction did

decline to some extent during the one year follow-up interview. This decline in satisfaction was

associated with the victims feeling that the agreed upon conditions were not met or their

reparation was not paid (Trigg, 2005)

Canadian evaluations of restorative justice use within the Youth Criminal Justice Act are

program specific and few in numbers. However, studies that have been completed provide

interesting insight into Canadian use of restorative justice. One such study completed in 1997

evaluated the effectiveness of Community Justice Forums (CJFs) in British Columbia. Results of

this study found high satisfaction rates for both offenders and victims. "Eighty-five percent of

offenders and 94% of victims reported they felt either 'quite' or 'very much' satisfied with the

CJFS" (Chatterjee, 1999, para. 6). The Department of Justice Canada (2000) further described the results of Chatterjee's (1999) study by stating "virtually all the offenders who participated in the study indicated that the process helped them to understand the consequences of their actions and to take responsibility for their behaviour" (Restorative Justice and the Offender, para. 3). The Department of Justice Canada (2000) also describes victim satisfaction with restorative as generally positive. "Studies have indicated that victims who take part in these processes are often more satisfied with the justice system and more likely to receive restitution. Involvement can also help victims with emotional healing and lessen their fears about being re-victimized" (Restorative Justice and the Victim, para. 1).

Past research on alternative measures (the predecessor program to restorative justice programming) also provides some insight into the potential effects of restorative justice use. In 1997, Andrew Montgomery developed a comprehensive review of alternative measures in Nova Scotia. Within this review, Montgomery asked many individuals involved with this program, such as youth offenders and police officers, whether or not they felt it was effective. "Close to 80% of respondents suggested that the Alternative Measures hearing in general was either effective or very effective. Only 2% suggested it was ineffective" (Montgomery, 1997, p. 64). An experimental and control group were also established to compare youth that went through alternative measures and those that did not. "First time offenders re-offended at three times the rate of *alternative measures* youth. Forty-three percent of the 148 youth appearing in court for the first time re-offended within 30 months of completing their first sentence. Of the 225 alternative measures youths, 19% re-offended within 30 months" (Montgomery, 1997, p. 138).

Studies such as these support the notion that programs which are restorative in nature have positive impacts for both victims and youth. Montgomery's (1997) also provides encouraging results regarding decreased recidivism rates being associated with programs that offer alternatives to the court system and additional support for the youth. Continued research into restorative justice impact is required to gain a better understanding of its effectiveness and garner further support for increased funding and restorative justice programming.

Chapter 3

METHODOLOGY

Framework

The current study was completed within a pragmatic paradigm and used both qualitative and quantitative methods to answer the research questions. Pragmatism, introduced by William James and John Dewey, suggests that social research does not fit within the mainstream paradigms often used to understand scientific research (Fishman, 1999, p. 2). The pragmatic model proposes that "actual cases – in all their multisystemic complexity and contextual embeddedness – should be the starting and ending points of psychological research that purports to be effective in contributing to the solution of real-life problems" (Fishman, 1999, p. 2). Less emphasis is placed on ensuring methodology fits within a paradigm and focus shifts to ensuring the current study contributes to problem resolution. Methodology is the means to achieving this overarching goal and therefore many different methods can be employed (Yutachom & Khumwong, 2004, p. 3).

In keeping with this model, the central focus which remained fundamental throughout the research study was the restorative justice process employed with youth in a selected Nova Scotia municipality. Both surveys and interviews were utilized to fully grasp the context of the research questions. Weirsma & Jurs (2005) describe the use of surveys as a method that enables the determination of the representative beliefs and understandings of self-identified restorative justice stakeholder groups (pp. 13-14). The pragmatic model acknowledges and embraces human beings social and interactive tendencies and anticipates the impact of these items

(Fishman, 1999, p 156). The research survey asked several open-ended questions as well as

questions regarding individual beliefs, values, and understandings. Questions such as these

shed light onto each individual's personal reality which inevitably plays a role in their daily

interactions and program implementation.

In addition to survey data, interviews were also conducted with an additional

stakeholder group as well as several administrative figures. Questions were open-ended and

the researcher encouraged discussion of perceptions, beliefs, and values. These items facilitated

an understanding of the participant's perceptions of the research problem. Upon completion of

data collection from both the surveys and interviews both qualitative and quantitative analysis

were used. Interview questions as well as open-ended survey questions were analyzed

qualitatively. Denzin and Lincoln (2008) describe the qualitative researcher as looking to

understand the "social constructed nature of reality" (p. 14). The current research strived to

comprehend each participant's personal perception and how it influenced their program

implementation. Themes were allowed to emerge from this data helping to understand the

participant's beliefs and values. The themes found in the responses of participants were

identified and further utilized to develop an understanding of the research question from the

perspective of the participants. This lead to insights, commonalities, conclusions and

recommendations. In keeping with the pragmatic paradigm, these recommendations aimed to

provide some resolution or improvement in the restorative justice area.

Quantitative analysis was also implemented for some sections of the survey and

interview results. Demographic frequencies were calculated for both the interview and survey

participants. Section 3 of the survey also employed the use of Likert scale responses which required quantitative analysis to determine the distribution of *agree* and *disagree* responses.

Participants

Individuals from four different restorative justice stakeholder groups within the identified Nova Scotia municipality were surveyed and/or interviewed. The identified stakeholder groups included caseworkers from the municipality's restorative justice agency, volunteers from the municipality's restorative justice agency, municipality police officers and local mental health professionals. Three of the stakeholder groups (caseworkers from the municipality's restorative justice agency, volunteers from the municipality's restorative justice agency and mental health professionals) were surveyed. The fourth stakeholder group (municipality police officers) completed a 5 question demographic survey and an individual interview.   Three administrative figures representing different elements of the local restorative justice agency were also interviewed. One administrative participant represented the restorative justice agencies caseworkers, a second administrative participant represented the restorative justice agencies volunteers and a third administrative participant represented the governmental counterpart to the restorative justice agency.

Research Measure

The study employed the use of surveys to obtain the stakeholder perspective (Appendix I). Dillman (1991) describes the use of surveys as being beneficial for research as it allows

researchers "to estimate quantitatively the distribution of a characteristic in a population, and to accomplish this by obtaining information (answers to questions) from only a small portion of that population" (pp. 226-227). Survey completion provided descriptive research which was "used to obtain information concerning the current status of the phenomena" (Key, 1997, Descriptive Research, para. 1). The research plan involved the use of descriptive research to survey pre-existing stakeholder groups in an attempt to determine conditions that currently exist (Key, 1997, Descriptive Research, para. 1). As the research study was focused on understanding *multiple* restorative justice stakeholder perspectives, it was impractical to personally interview all individuals from each group. Through the use of surveys a large amount of information on several stakeholder groups was gained in a more reasonable time frame (Mertens, 2005, p. 167).

The current research study resulted in very few surveys being returned from each stakeholder group. A total of only 8 surveys were received from three stakeholder groups [restorative justice caseworkers (2), restorative justice volunteers (2) and mental health professionals (4)]. Hackshaw (2008) describes the limitations of a small sample size; "The main problem with small studies is interpretation of results… When conducting a research study, the data is used to estimate the true effect using the observed" (p. 1141). With the small representative group resulting from this study the researcher was unable to claim any statistically significant findings and only group tendencies were able to be reported. In addition to this, stakeholder group comparisons were not possible as the individual group responses were too few in number. Further identified by Hackshaw (2008) is the need for careful balance when reporting findings from a small sample number study. "There needs to be a careful

balance between not dismissing outright what could be a real effect and also not making undue claims about the effect" (p. 1142). The researcher has made every effort to identify to the reader the limitations of the study occurring as a result of the small sample size. Also, no results were described as statistically significant and the reader is advised to review all results with caution.

Myers & Hansen (2002) describe survey research as allowing the researcher "to gather data about experiences, feelings, thoughts, and motives that are hard to observe directly" (p. 69). This element was essential to the present study as the focus was not on surface implementation of restorative justice programs but rather on the broader experience and understanding of such programming. This "beneath the surface" understanding provided the researcher with a better comprehension of restorative justice use and assisted in identifying future recommendations for implementation and further research. The survey determined some general background information on each participant and asked a range of open-ended and Likert scale questions in an effort to comprehend their personal perceptions and beliefs regarding restorative justice use. In addition to this, practical implementation of their perceptions was indentified through a series of scenario driven questions and a procedure grid (see Appendix I, Section 5).

Semi-structured interviews were also completed with selected municipality police officer's (Appendix II) as well as the restorative justice administrative figures (Appendix III). Britten (2006) describes semi-structured interviews as being "on the basis of a loose structure consisting of open-ended questions that define the area to be explored, at least initially, and from which the interview or interviewee may diverge to pursue an idea or response in more

detail" (p 13). Interview questions mirrored many of the survey questions and focused on

obtaining a more in-depth perception of the stakeholder's experience and understanding.

> When you are interviewing, you see life in the round, from all angles, including
> multiple sides of a dispute and different versions of the same incident. Observing life
> from separate yet overlapping angles makes the researcher more hesitant to leap to
> conclusions and encourages more nuanced analysis (Rubin & Rubin, 2005, p. 4).

This well rounded information obtained from two key stakeholders (police officers and

restorative justice administrative figures) coupled with the survey data provided keen insight

into multiple stakeholder's experience and understanding.

Procedure

Upon ethics approval the study began by establishing contact with a representative from

each stakeholder group. Each representative was initially contacted by both phone and also

sent a standard invitation e-mail (Appendix IV). Representatives were provided with

background information on the current study as well as an invitation to take part in an

interview and/or allow distribution of survey packages to their employees. Representatives

were asked to contact the researcher if interested in participating in the current study.

Three of the four stakeholder representatives (restorative justice caseworkers, restorative

justice volunteers and mental health professionals) agreed to allow distribution of surveys to

their employees. The fourth stakeholder group (police officers) representative suggested that

completing interviews with this group would solicit a better response. For the three

stakeholder groups that agreed to participate in the survey research, the method of survey

distribution differed depending on the representative's wishes. A mass mail out of fifty-seven

survey packages was sent to local mental health professionals working with children and

adolescents. Distribution to the restorative justice caseworkers and restorative justice

volunteers involved the researcher discussing the research with a group of potential

participants and then leaving survey packages for any interested participants. Informal follow-

up took place for both the restorative justice caseworkers and volunteers with the researcher

identifying the low response rate to the group representative and asking for additional mention

of the survey to their employees. Table 3.1 outlines the response rate for each of the stakeholder

groups based on surveys distributed versus surveys returned.

Table 3.1 Response Rate

	Total Surveys Distributed	Total Surveys Returned	Response Rate
Restorative Justice Volunteers	5	2	40%
Restorative Justice Caseworkers	7	2	29%
Mental Health Professionals	57	4	7%

The lowest response rate was found within the mental health professionals group. This low

response rate can be somewhat attributed to the mass mail-out distribution method. Surveys

were distributed to all Nova Scotia Board of Examiners in Psychology (NSBEP) members in the

identified municipality who listed as working with children and adolescents. There was no

way of identifying whether these NSBEP members worked directly with youth offenders. Due

to this fact it is expected that many of the non-returned surveys were the result of surveys being

distributed to mental health professionals that did not work in the researched area and

therefore declined to participate. It is believed that this response rate is more in line with the

actual number of NSBEP members who work with youth offenders.

The distributed survey packages contained a survey booklet (Appendix I), an overview

letter providing a description of the study and any relevant contact information (Appendix V)

and a stamped, self-addressed return envelope. This stamped and addressed return envelope

ensured that each survey was viewed only by participant and researcher. Participants were

instructed to place the survey in the provided envelope and mail it directly to the researcher

upon completion. Participants were given two weeks to complete and return the survey.

Upon receiving the returned surveys the data was entered into a database for future analysis.

The stakeholder representative for the police officer's group requested that interviews be

conducted with his employees. This representative put the researcher in contact with another

police representative who subsequently invited potential police officers to participate in the

interview process. Police officers who agreed to participate read and signed a free and

informed consent letter (Appendix VI) prior to any interview questions being asked. They also

completed a five question demographic questionnaire (Appendix VII) in addition to a fourteen

question interview (Appendix II). The interviews were semi-structured and were guided by a

set of standard questions to facilitate discussion. Additional conversation was encouraged

throughout the interview by asking interviewees for additional information on topics of interest

and by further inquiring into their question responses. Interview participants were asked to

provide information regarding their understanding of restorative justice and its use within the

Youth Criminal Justice Act, issues of concern within their area of restorative justice

implementation, and their beliefs and values regarding the effectiveness of restorative justice with the youth offender population. All interviews were audio-recorded and were subsequently transcribed.

Administrative interview participants were initially contacted by both phone and e-mail. Participants who agreed to take part in the interview process read and signed a free and informed consent letter (Appendix VI) prior to any interview questions being asked. Each participant was asked fourteen questions similar to the questions asked to the police officer participants but with some slight variations (Appendix III). The interviews were semi-structured and were guided by a set of standard questions to facilitate discussion. Additional conversation was encouraged throughout the interview by asking interviewees for additional information on topics of interest and by further inquiring into their question responses. Interview participants were asked to provide information regarding their understanding of restorative justice and its use within the Youth Criminal Justice Act, issues of concern within their area of restorative justice implementation, professional development procedures and their beliefs and values regarding the effectiveness of restorative justice with the youth offender population.   All interviews were audio-recorded and subsequently transcribed for analysis.

Data Analysis

The researcher used mixed methodologies to analyze the study data. "A mixed method design is one in which both quantitative and qualitative methods are used to answer research questions in a single study" (Mertens & McLaughlin, 2004, p. 112). First, quantitative data from the surveys and demographic questionnaires distributed to police officers were statistically

analyzed. Frequencies were calculated and any group tendencies were identified. Although the initial research plan involved comparing group data to identify any significant differences, due to low response rates any type of comparison was not practical. Information from this analysis has been reported in a variety of tables to help the reader gain insight into the respondent's views.

Second, qualitative data gathered through open-ended survey questions and interviews was analyzed using a modified grounded theory approach as described by Whiteley (2004): "Theory is to be generated from emergent data. The data is speaking for itself and the researcher is helping this process by way of systematically analyzing, comparing, questioning and allowing concepts to emerge" (p. 32). Grounded theory does not begin with a developed theory but rather allows the themes and theories to emerge from the data inductively (Bernard, 2000, pp. 443-445). These elements make the use of grounded theory appropriate for a qualitative research analysis such as the current study. Weirsma & Jurs (2005a) describe the close connection between grounded theory and qualitative research:

> Qualitative research does not emphasize a theoretical base for whatever is being studied at the beginning of the research. A theory may develop as the research is conducted, if it does it may be changed, dropped, or refined as the research progresses. If a theory develops based on the data, we have a "grounded theory," that is, a theory grounded in the data. (p. 14)

To begin the grounded theory process interview transcripts were transcribed and the researcher invited interview participants to review their transcript to ensure its accuracy. This process is known as member checking. "A member check occurs when outsiders examine the

notes and data of the researchers to make sure these data are saying what the researchers claim they say" (Shank, 2006, p. 114). After allowing interviewees to review their transcripts, first level codes were pulled from the data using a line by line analysis. Bernard (2000) describes the process of coding text and identifying themes as "the heart of grounded theory" (p. 444). The researcher completed inductive or open coding which invites all pieces of the data to be coded freely without any predetermined theme in mind (Giske & Artinian, 2007, p. 72; Bernard, 2000, p. 444). Each transcript was reviewed line by line with first level codes being extracted through careful and repeat review of the text. With the creation of a list of first level codes the codes were repeatedly read through by the researcher in order to identify any similarities, commonalities and differences. This process created a more refined list of second level codes. Through careful analysis and review of the second level codes a third level of codes emerged which captured the most salient themes. All levels of coding were initially coded by the researcher and then reviewed by the supervisor to ensure accuracy. The final emergent themes are identified in Chapter 6 and a sample of the coding completed is provided in Appendix IX.

Shank (2006) highlights four concepts associated with qualitative research: dependability, credibility, transferability and confirmability. These concepts are considered to be the qualitative equivalent to the quantitatively based concepts of reliability, validity and generalizability (p. 114). The researcher has addressed each of these qualitative concepts as they apply to the current research study in order to establish rigor. Burns & Grove (2005) describe rigor as "associated with openness, scrupulous adherence to a philosophical perspective, thoroughness in collecting data, and consideration of all the data in the subjective theory development phase" (p. 55).

The current study ensured dependability, which is identified as "our ability to know where the data in a given study comes from, how it was collected, and how it was used" (Shank, 2006, p. 114), through clear and concise description of the research from its inception. All survey distribution procedures, interview procedures, data analysis techniques, results and study limitations have been clearly identified to the reader. In addition to this, the researcher's use of interview member checking further increased research dependability by allowing interviewees to confirm the accuracy of the transcripts (Shank, 2006, p. 114; Murphy & Dingwall, 2003, p. 187).

Credibility, which "asks if there is a correspondence between the way the respondents actually perceive social constructs and the way the researcher portrays their viewpoints" (Mertens & McLaughlin, 2004, p. 105), was meet through both data triangulation and member checking. Data triangulation was completed through the implementation of multiple data sources including the demographic questionnaire (Appendix VII), participant survey (Appendix I) and interview schedule.   This triangulation ensured credibility of the study as described by Shank (2006): "Triangulation in data collection is also an important tool because credibility is improved if multiple data sources tell you the same thing" (p. 114). The researcher's process of member checking as described above also helps to establish credibility. Mertens & McLaughlin (2004) identify member checking as "the most important criterion in establishing credibility" (p. 106).

Transferability involves the "degree to which the results of a given qualitative study can be transferred to a different setting, or used with a different population" (Lincoln & Guba (1985) as cited in Shank, 2006, p. 115). In order to establish transferability the researcher thoroughly

described all levels and elements of the current research study and process. By providing this type of information the reader is able to determine if the study can be "transferred" to another setting or scenario should they wish to do so (Mertens & McLaughlin, 2004, p. 107; Shank, 2006, p. 115).

The final qualitative concept of is confirmability. Confirmability is associated with the details provided regarding the research methods and data analysis techniques used throughout a research study (Mertens & McLaughlin, 2004, pp. 104-108; Shank, 2006, pp. 114–115). Both Mertens & McLaughlin (2004) and Shank (2006) identify an audit trail as the most effective means to achieve confirmability in a qualitative research study. A detailed audit trail of the current research study has been given to the reader by providing clear and descriptive information on the sources of data collection, research methodologies and data analysis procedures. The reader is able to grasp the research process from its initial phases through to the final analysis and description of results.

Through the above mentioned processes of triangulation, member checking, audit trails and by establishing dependability, credibility, transferability and confirmability, the current research and data analysis process aims to establish trustworthiness as described by Shank (2006) "simply the degree to which we can depend on and trust given research findings" (p 115).

Ethical Considerations

Informed Consent

Each interview participant was given a letter of consent to read and sign prior to interview participation (Appendix VI). This letter outlined the purpose of the study and further identified their role. Participants were informed that all of their responses would remain confidential and any identifying features would be removed from interview responses. It was also highlighted that participation in the interview is completely voluntary and if at any time the participants would like to withdraw from the study they may. Contact information for both the researcher and thesis supervisor was provided in addition to contact information for the University Research Ethics Board at Mount Saint Vincent University.

Included in the survey participants survey package was an explanatory letter (Appendix V) which described the research, their role in the research and outlined their confidentiality rights. Contact information for both the researcher and thesis supervisor was provided in addition to contact information for the University Research Ethics Board at Mount Saint Vincent University. Survey participants were not required to sign a free and informed consent letter as consent was implied if the participant returned their survey to the researcher.

Confidentiality

Confidentiality was maintained throughout the research study. The researcher had no direct contact with the survey participants as surveys were distributed to interested participants via a group representative. Each voluntary participant was provided with a survey package which contained an introductory letter outlining their participation rights, a survey booklet, and

a stamped and addressed envelope. Individual envelopes were provided to participants to ensure confidentiality as they sealed their personal survey themselves and mailed it directly to the researcher. All surveys and interview transcripts were kept in a locked filing cabinet accessible only by the researcher. Any electronic analysis was completed on a password protected computer. As specific quotes were used in the final thesis presentation the researcher ensured any identifying information was removed from the quotes and no names were associated with them.

Voluntary Participation

Within the letter of consent for interview participants and introductory letter for survey participant's voluntary participation was highlighted and outlined. Each participant was ensured that if at anytime they did not feel comfortable with completing the survey or interview they had no obligation to continue. It was also identified that if participants desired to not answer specific questions within the survey they had no obligation to fill out each question asked. Interview participants were also instructed that should they withdraw from the research their interview tape and transcript would be destroyed immediately.

Issues of Harm

This research study presented very little potential issues of harm as survey and interview questions were focused on the personal beliefs and values of the identified participants and did not require intrusive or sensitive information to be disclosed. Surveys were not directly linked to any individual so any concerns or issues raised could in no way be

traced back to a specific individual and therefore can have no impact on employment status or

job security.

Chapter 4

SURVEY RESULTS

Introduction

Chapter 4 provides the survey results developed through the data analysis process. Survey responses were analyzed using both quantitative and qualitative methods. Quantitative analysis was completed on Section 1, Section 3, Section 4 and Section 5 of the survey. Section 1, the demographic section of the survey, was completed by all of the survey participants. Frequencies were calculated for this section in order to understand each participant's demographic characteristics. Section 3 included sixteen Likert scale questions. Frequencies were calculated for this section in order to determine the rate of agree, disagree and neutral responses. These frequencies are reported in tables to allow for clear presentation of data. Section 4 of the survey asked participants to describe their educational and training experiences. Section 5 of the survey provided participants with four youth offending scenarios. Participants were then asked to identify through an "X" on a grid how they felt the youth cases should proceed. Frequencies were calculated for this section in order to identify any group tendencies.

Section 2 of the survey was qualitatively analyzed through the use of coding. Section 2 focused on three discussion topics: individual understanding of key terms, roles and responsibilities, and recommendations for change. Each of these topics produced their own thematic results.

Surveys were distributed to three of the fours stakeholder groups (restorative justice caseworkers, restorative justice volunteers, and mental health professionals). In total, eight

surveys were returned. Two surveys were returned from the restorative justice caseworker group, as well as two surveys from the restorative justice volunteer group. The remaining four surveys were received from the mental health professionals group. Refer to Table 3-1 on page 46 for a breakdown of the survey response rate.

Survey Results

Individuals were surveyed from three separate stakeholder groups: restorative justice caseworkers, restorative justice volunteers, and mental health professionals. Although the original intent of the research was to draw comparisons between stakeholder groups, low response rates rendered such comparisons meaningless. Results were therefore analyzed as a whole to determine whether any themes were evident among responders. As well, in scanning the responses, any differences among responses were further investigated to determine whether these differences were specific to one stakeholder group. While stakeholder group tendencies may be drawn from these results they should be reviewed with caution, as any identified trends are based on minimal stakeholder response. The completed surveys contained five sections: *Section 1: About You, Section 2: Preliminary Information, Section 3: Beliefs, Values, Attitudes, Section 4: Training* and *Section 5: Individual Youth Scenarios.* Survey results are organized within the same section headings.

Section 1: About You

Section 1: "About You" was the demographic section of the survey. Survey participants

were asked to identify their age, gender, role in restorative justice process, years of experience

in the youth justice field, and prior work or volunteer experience.

Eight completed surveys were returned. Six of the returned surveys were completed by

females and two by males. The age range of survey participants varied. Two participants

identified as being between the ages of 30-40, one participant was between 40-50 years of age,

two were between 50-60 years of age and three identified their age as 60+ years. Mental health

professionals accounted for four of the returned surveys. Two surveys were completed by

restorative justice caseworkers and the remaining two surveys were completed by restorative

justice volunteers. Of the eight survey participants, six had been working or volunteering in the

youth justice field for 0-10 years. One of the participants identified that he/she had been

working or volunteering in the youth justice field for 10-20 years and the remaining participant

had been working or volunteering in the youth justice field for 30+ years. Five participants

identified that prior to their current position they had also worked or volunteered in the youth

justice. These demographic results are summarized in Table 4-1.

Section 2: Preliminary Information

Section 2: "Preliminary Information" asked the survey participants six open-ended

questions associated with their general understanding of the Youth Criminal Justice Act,

restorative justice, and changes they would recommend associated with their current

Table 4-1 Survey Demographic Results

Respondent Number	Stakeholder Group	Gender	Age Range	Years of Experience in Youth Justice Field
001	Restorative Justice Caseworker	Female	40-50	10-20 years
002	Restorative Justice Caseworker	Female	30-40	0-10 years
003	Restorative Justice Volunteer	Female	60+	0-10 years
004	Mental Health Professional	Male	60+	30+ years
006	Mental Health Professional	Female	50-60	0-10 years
007	Mental Health Professional	Male	30-40	0-10 years
008	Mental Health Professional	Female	60+	0-10 years
009	Restorative Justice Volunteer	Female	50-60	0-10 years

employment. Section 2 of the survey has been divided into three discussion topics: individual understanding of key terms, roles and responsibilities, and recommendations for change. These discussion topics were developed by grouping the questions in Section 2 into smaller topic areas based on the specifics of each question. Each of these topics produced its own thematic results.

Individual understanding of key terms

Participants were asked to discuss their understanding of the Youth Criminal Justice Act and restorative justice. When describing their understanding of these terms the theme that emerged

was *process outcomes*. Participant's responses generally articulated the process outcomes of the

Youth Criminal Justice Act and/or restorative justice. Identified process outcomes included

righting a wrong or allowing the youth to learn and grow from their experience:

> A chance to make right the wrong.

> Encourage youth to take responsibility for actions and see consequences more
> clearly.

Participants also described process outcomes associated with the programming involved

in restorative justice and/or the Youth Criminal Justice Act:

> Restorative justice is a system in which the community, victim, and the youth have
> an opportunity to take part in righting the wrong that a person has done.

> Provide appropriate sentencing options for minors

Further included in this theme was the notion of restorative justice as providing youth with an

alternative to the court system:

> RJ [restorative justice] is an educational/voluntary process available to youth as an
> alternative to court system.

> The purpose was originally to provide youth an opportunity not to be incarcerated
> at a young age.

By identifying process outcomes, participants were able to articulate their understanding of the

key terms associated with restorative justice and the Youth Criminal Justice Act.

Roles and responsibilities

The second discussion topic was roles and responsibilities. The encompassing theme that emerged related to respondent's characterization of their role in the youth justice field was *helping their client*. While most respondents felt their client was the youth offender, one restorative justice volunteer described their role as facilitating the group sessions and ensuring all participants have a voice. A respondent from the mental health professionals group also identified their role as working with the offender's parents. Regardless of their client group, all respondents felt their main responsibility was to help these individuals:

> Encourage everyone in the group to be able to speak and to help the young person understand the effects of their actions.

> Support the person who has offended to learn new strategies and understandings of their rights and responsibilities.

> Counsel children and adolescents [to] develop moral perspectives.

> I work with youth with social/emotional issues and their parents.

Recommendations for change

A third discussion topic was recommendations for change. Survey participants identified elements of their employment that they value highly, as well as areas where they would recommend change. Coded responses identified that the majority of participants highly valued some level of interaction and relationship. Participants valued relationships with their co-workers, as well as interactions with the youth offenders, community members, and victims:

As a volunteer, it is very interesting and challenging to meet with and facilitate such a diverse group of people.

Opportunity to work with young offenders to help establish modes of responding to the risks they encounter.

I highly value victim input/community involvement as well as outside resource involvement.

Two other themes emerged when discussing recommendations for change. These were grouped into *logistical factors* and the notion of *care provided during the process*. *Logistical factors* included better communication with volunteer facilitators, improved intake procedures, and minimizing the time between the offence and the restorative justice session:

Improve overall intake procedure being that we receive and deal with clients earlier than we do now. Court system is very long and drawn out.

As a volunteer, there have been fifteen times driving in a distance only to find the forum was cancelled.

The theme *care provided during the process* emerged as participants spoke about improved experiences for youth, better treatment options, and more support for the youth offender:

Some co-facilitators who do a great deal of talking and chastising the youth, which is not appropriate.

Continued support for individuals coping in the system upon their return to feel well supervised.

Treatment techniques with antisocial personality.

Section 3: Beliefs, Values, Attitudes

Survey participants were asked 16 Likert scale questions. Participants responded on a

scale of 5 – 1 with 5 indicating a response of *strongly agree* and 1 indicating a response of *strongly*

disagree. For the purpose of analysis, responses were collapsed and a response of 4 or 5 was

considered an *agree* response, a response of 3 was considered a *neutral* response and a 1 or 2

response was considered a *disagree* response. Questions were asked on a range of topics

including the Youth Criminal Justice Act, restorative justice use, victim and offender impact and

community involvement. Table 4-2 provides a breakdown of all Likert scale responses.

Responses to the Likert scale questions have been reported under two category

classifications: a strong majority response (indicated by at least 6 of 8 responses in one response

category) or a split response (indicated by fewer than 6 of 8 responses in one response

category). Likert scale questions have been identified as fitting into one of five categories:

Youth (questions 1, 11 and 15), Community (questions 2, 3, 5, 12 and 16), Restorative Justice

(questions 4, 6 and 7), Victims (questions 8, 9 and 10) and Family (questions 13 and 14).

All questions pertaining to *Community* (questions 2, 3, 5, 12 and 16) resulted in a strong

majority response (at least 6 of 8 responses in one response category) indicating that all

respondents have similar opinions of community support and responsibility.

- Question 2 resulted in 7 of 8 respondents (87.5%) stating that they agreed with the

  statement "Community support is essential for the Youth Criminal Justice Act to be

  as effective as possible."

Table 4-2 Likert Scale Responses

	Agree	Neutral	Disagree
1. Since the Youth Criminal Justice Act came into affect youth crime incarceration rates have dropped?	4	2	2
2. Community support is essential for the Youth Criminal Justice Act to be as effective as possible.	7	1	0
3. The majority of community members support the Youth Criminal Justice Act.	0	2	6
4. Restorative justice should only be used in cases of minor offences.	1	3	4
5. The majority of community members support the use of restorative justice practices.	1	1	6
6. Restorative justice should only be used for youth that have no previous criminal record.	3	2	3
7. Restorative justice should only be used one time per offending youth.	2	2	4
8. Restorative justice provides healing for the victims of crime as well as the offender.	6	1	1
9. Victims of crime should have a say in how their offenders are processed and sentenced under the law.	5	1	2
10. The current Youth Criminal Justice Act does more to protect the youth offender than the victims of crime.	6	1	1
11. Incarcerating a youth with adult offenders will have little effect on the youth reoffending.	1	0	7
12. Society has a responsibility to assist youth offenders in their rehabilitation.	7	1	0
13. It is a youth's parents/guardians that are responsible for a youth's actions.	3	3	2
14. A youth that has become a repeat offender most likely has a history of family problems.	7	0	1
15. Releasing a youth from their incarceration sentence prior to their scheduled release date is appropriate if a youth has shown good behaviour overall.	5	2	1
16. The issue of youth crime is a societal problem and not just the problem of the offending youth.	8	0	0

- Question 3 resulted in 6 of 8 respondents (75%) stating that they disagree with the

  statement "The majority of community members support the Youth Criminal Justice

  Act."

- Question 5 resulted in 6 of 8 respondents (75%) stating that they disagree with the statement "The majority of community members support the use of restorative justice practices."

- Question 12 resulted in 7 of 8 respondents (87.5%) stating that they agree with the statement "Society has a responsibility to assist youth offenders in their rehabilitation."

- Question 16 resulted in all 8 respondents (100%) agreeing with the statement "The issue of youth crime is a societal problem and not just the problem of the offending youth."

With strong responses found for all questions associated with community, a consensus was identified across stakeholder groups regarding community views of the Youth Criminal Justice Act and the role of community in both restorative justice and the Youth Criminal Justice Act.

Questions that were categorized as *Restorative Justice* questions (questions 4, 6 and 7) all resulted in a split response (fewer than 6 of 8 responses in one response category), indicating that respondents hold varying opinions of restorative justice and its impact.

- Question 4 resulted in 4 of 8 respondents (50%) disagreeing with the statement "Restorative justice should only be used in cases of minor offences" while 3 of 8 respondents (37.5%) remained neutral and 1 of 8 respondents (12.5%) agreed.

- Question 6 resulted in 3 of 8 respondents (37.5%) agreeing and 3 of 8 respondents (37.5%) disagreeing with the statement, "Restorative justice should only be used for youth that have no previous criminal record."

- Question 7 resulted in 4 of 8 respondents (50%) disagreeing with the statement "Restorative justice should only be used one time per offending youth" while 2 of 8 respondents (25%) agreed with this statement and 2 of 8 respondents (25%) remained neutral.

A finding of split responses for all questions pertaining to restorative justice indicates that restorative justice stakeholders hold varying opinions of restorative justice, its use, and its effectiveness.

Questions associated with *Youth* (questions 1, 11 and 15) resulted in both strong majority responses (at least 6 of 8 responses in one response category) and split responses (fewer than 6 of 8 responses in one response category).

- Question 1 resulted in 4 of 8 respondents (50%) agreeing with the statement "Since the Youth Criminal Justice Act came into affect youth crime incarceration rates have dropped while 2 of 8 respondents (25%) disagreed with this statement and 2 of 8 respondents (25%) remained neutral.

- Question 11 resulted in 7 of 8 respondents (87.5%) disagreeing with the statement, "Incarcerating a youth with adult offenders will have little effect on the youth reoffending."

- Question 15 resulted in 5 of 8 respondents (62.5%) agreeing with the statement, "Releasing a youth from their incarceration sentence prior to their scheduled release date is appropriate if a youth has shown good behaviour overall" while 2 of 8 respondents (25%) remained neutral and 1 of 8 respondents (12.5%) disagreed.

Likert scale questions pertaining to *Victims* (questions 8, 9 and 10) also resulted in both strong majority responses and split responses identifying mixed opinions regarding victim roles and impact.

- Question 8 "Restorative justice provides healing for the victims of crime as well as the offenders" resulted in 6 of 8 respondents (87.5%) agreeing with the statement.

- Question 9 resulted in 5 of 8 respondents (62.5%) agreeing and 2 of 8 respondents (25%) disagreeing with the statement "Victims of crime should have a say in how their offenders are processed and sentence under the law."

- Question 10 resulted in 6 of 8 respondents (87.5%) agreeing with the statement "The current Youth Criminal Justice Act does more to protect the youth offender than the victim of crime."

The final question category *Family* (questions 13 and 14) also resulted in both split and strong majority responses.

- Question 13 "It is a youth's parents/guardians that are responsible for a youth's actions" resulted in 3 of 8 respondents (37.5%) agreeing, 3 of 8 respondents (37.5%) remaining neutral and 2 of 8 respondents (25%) disagreeing.

- Question 14 resulted in 7 of 8 respondents agreeing with the statement "A youth that has become a repeat offender most likely has a history of family problems."

By categorizing these questions into topics such as family, victim, and restorative justice, the researcher was able to gain insight into areas of consensus across stakeholder groups and areas of varying opinion.

A closer look at questions which resulted in a split response was revealing. Questions 1, 4, 7 and 13 all resulted in split responses. However, each of these questions, because of the number of neutral responses, revealed a lot about the survey group's opinions. Question 1 resulted in only two respondents disagreeing with the statement, "since the Youth Criminal Justice Act came into affect youth crime incarceration rates have dropped." Although not all respondents agreed with this statement, a result of only two respondents disagreeing should be highlighted. Similarly, question 4 resulted in only one respondent agreeing with the statement, "restorative justice should only be used in cases of minor offences", question 7 resulted in only two respondents agreeing with the statement, "restorative justice should only be used one time per offending youth", and question 13 resulted in only two respondents disagreeing with the statement, "it is a youth's parents/guardians that are responsible for a youth's actions." Responses such as these provide some insight into opinions of respondents. While not as definitive as strong majority responses, they are worth noting for further dialogue.

Section 4: Training

Survey participants were asked to identify their educational and training backgrounds. Of the two restorative justice caseworkers, both had post-secondary degrees. One also held a college diploma, in addition to his/her degree. Both restorative justice volunteers held a masters degree, as did two of the mental health professionals. The remaining two mental health professionals both identified as having obtained their Ph.D.s.

Participants were also asked to identify whether or not they had received any professional development or workshop training in the following areas: the Youth Criminal

Justice Act, restorative justice programming, anger replacement/anger management,

communication strategies, and child and youth development. Four participants received some

form of professional development training pertaining to the Youth Criminal Justice Act. With

regard to restorative justice programming, anger replacement/anger management,

communication strategies and child and youth development, 5 of 8 participants identified that

they had received some training in each of these areas. Participants identified sources of their

training as either university or employee/volunteer programs, with results split evenly between

these two sources.

Section 5: Individual Youth Scenarios

Participants were asked to read four different youth scenarios. Each scenario described

a youth who had criminally offended. Scenarios were intentionally written to reflect a criminal

offending continuum ranging from minor one-time offending to repeat, violent offending. The

first scenario described a first-time male offender (Mac) arrested for a relatively minor

shoplifting incident. The second scenario described a female repeat, non-violent offender

(Paula) arrested for repeated minor offences, such as shoplifting and possession of marijuana.

The final two scenarios described a male (Luke) and female (Janice) with repeat violent offences,

including home invasion and armed robbery. Upon reading the scenarios, participants were

asked to indicate what they felt was the most appropriate action or actions to take. They were

given five grids each of which dealt with a separate issue: *initial response, post arrest, sentencing

decision, post sentencing,* and *predicted effectiveness. (*See Section 5 of the participant survey in

Appendix I for the complete youth scenarios and survey grids). Responses have been reported

under two category classifications: a strong majority response (indicated by a minimum of 6 participants choosing a particular option) or a split response (indicated by fewer than 6 participants choosing a particular option). Respondents often choose more than one option, so total responses do not always equal the total respondent value of eight.

Initial response

The *initial response* section allowed participants to identify what they felt was an appropriate initial response to each youth scenario. Grid options for *initial response* included: release with a warning - no parental contact, release after speaking with parents/guardians and providing a warning, release with an order for restitution, arrest and incarcerate youth until sentencing, arrest and place child in protective care until sentencing, and an "other" option.

Strong majority responses were received at both ends of the scenario continuum. Six of eight respondents agreed that for Mac (one time minor offender) releasing him after speaking with his parents/guardians and providing a warning was the most appropriate response. All respondents felt that Luke (repeat violent offender) should be arrested and incarcerated until sentencing, and the majority of respondents (6 respondents) felt Janice (repeat violent offender) should also be arrested and incarcerated until her sentencing. Paula (repeat minor offender), considered to be the middle of the criminal offending continuum, received split responses with some participants (3 respondents) feeling an order of restitution and release was the most appropriate, while others felt that arresting her and either incarcerating (2 respondents) or placing her in protective care until sentencing (2 respondents) was most appropriate. Table 4-3 provides a breakdown of *initial response* grid results.

Table 4-3 Initial Response Grid Results

INTIAL RESPONSE	Mac	Paula	Janice	Luke
Release with a warning - no parental contact				
Release after speaking with parents/guardians and providing a warning	6	1		
Release with an order for restitution	2	3		
Arrest and Incarcerate youth until sentencing		2	6	8
Arrest and place child in protective care until sentencing		2	2	
Other	1	1		

Post arrest

The *post arrest* section allowed participants to identify what they felt was an appropriate post arrest response to each youth scenario. Grid options for *post arrest* included: conduct a family group conferencing session, conduct a victim-offender mediation session, complete a sentencing circle with all parties involved to determine an appropriate sentence, process youth through standard court system, and an "other" option.

Both Mac (one time minor offender) and Paula (repeat minor offender) elicited split responses. Respondents seemed to lean towards conducting a family group conferencing session for Mac, with five participants indicating this as the best option. Responses for Paula ranged across all the options, but some form of restorative justice (family group conferencing, victim-offender mediation or sentencing circle) seemed to be the most likely choice, with five of eight respondents choosing one of three restorative justice program options. One respondent identified that Paula should take part in a family group conferencing session. Three

respondents indicated that Paula should complete a victim-offender mediation session and four

respondents indicated that Paula should complete a sentencing circle. Two respondents also

thought that Paula should be processed through the standard court system. Strong majority

responses resulted for both Luke and Janice (repeat violent offenders), with the majority of

participants (6 respondents) feeling that both youths should be processed through the standard

court system. Table 4-4 provides a breakdown of *post arrest* grid results.

Table 4-4 Post Arrest Grid Results

POST ARREST	Mac	Paula	Janice	Luke
Conduct a family group conferencing session	5	1	1	1
Conduct a victim-offender mediation session	1	3	2	1
Complete a sentencing circle with all parties involved to determine an appropriate sentence	1	4	2	2
Process youth through standard court process {plea - trial - sentence}		2	6	6
Other - Please explain		1	1	1

Sentencing decision

The *sentencing decision* section allowed participants to identify what they felt was an

appropriate sentencing decision for each youth scenario. Grid options for *sentencing decision*

included: require youth complete a restorative justice program (no criminal record upon

completion), place youth on probation for a maximum of 1 year, place youth on probation for a

maximum of 3 years, place youth in group home setting, incarcerate youth, and an "other" option.

All eight respondents felt that Mac (one time minor offender) should be required to complete a restorative justice program with no criminal record upon completion. A strong majority of respondents (7) felt that Janice (repeat violent offender) should be incarcerated. An additional respondent choose the "other" response and indicated that "a residential setting where assessment (educational, mental health) and intervention takes place" would be the best response. Similar results were found for Luke (repeat violent offender), with six respondents indicating that he should be incarcerated and an additional respondent again identifying the residential facility as the best option. Paula, who represents the middle of the criminal offending continuum, received relatively split responses, although seven respondents felt that some form of probation (maximum 1 year or maximum 3 years) would be the most appropriate sentencing decision. One respondent recommended a residential option as the most appropriate option for Paula.

> A residential facility dedicated to educating youth while providing adequate treatment would be more beneficial. The residential setting where assessment (educational, mental health) and intervention takes place (involving family and community).

Table 4-5 provides a breakdown of *sentencing decision* grid results.

Table 4-5 Sentencing Decision Grid Results

SENTENCING DECISION	Mac	Paula	Janice	Luke
Require youth complete a Restorative Justice program - no criminal record upon completion	8		1	
Place youth on probation for a maximum of 1 year	1	5		
Place youth on probation for maximum of 3 years		2	1	1
Place youth in group home setting		1		
Incarcerate youth			7	6
Other - Please explain			1	1

Post sentencing

The *post sentencing* section allowed participants to identify what they felt was an appropriate post sentencing response to each youth scenario. Grid options for *post sentencing* included: release with no restrictions, maintain contact and follow-up for 3 months post completed sentence, place youth on probation with some restrictions and required follow-up, required post-sentencing therapy, and an "other" option.

Post-sentencing results produced a split response for Mac (one time minor offender), with most respondents feeling that a release with no restrictions (3 respondents) or maintaining some contact for 3 months (4 respondents) would be most appropriate. A strong majority response resulted for Paula (repeat minor offender), with six respondents indicating that she should be placed on probation with some restrictions and required follow-up. Janice and Luke

(repeat violent offenders) elicited identical responses, with a strong majority response (6 respondents) towards requiring them to attend post-sentencing therapy. Two of these six respondents also indicated that Janice and Luke should be placed on probation, with some restrictions and follow-up in addition to the post-sentencing therapy. Table 4-6 provides a breakdown of *post sentencing* grid results.

Table 4-6 Post Sentencing Grid Results

POST SENTENCING	Mac	Paula	Janice	Luke
Release with no restrictions	2			
Maintain contact and follow-up for 3 months post completed sentence	4	1		
Place youth on probation with some restrictions and required follow-up		5	3	3
Required post-sentencing therapy	1	2	6	6
Other - Please explain	1			

Predicted effectiveness

The *predicted effectiveness* section allowed participants to identify what they felt the predicted effectiveness was for each youth scenario. Grid options for *predicted effectiveness* included: youth will have no further problems with the law, youth will have minor continued run-ins with the law but will eventually grow out of it, youth will continue to have major run-ins with the law and long-term outcome could go either way, sentencing procedure and any treatment will have little effect on youth, and an "other" option.

All respondents felt that Mac (one time minor offender) would have no further problems with the law, while responses for the other three youth scenarios were split. Predicted effectiveness for Paula (repeat minor offender) resulted in a split response between predicting that she will have minor run-ins but will grow out of it (3 respondents) and predicting that she will have major run-ins with the law and long-term outcome could go either way (4 respondents). Most respondents predicated that Janice (repeat violent offender) would continue to have major run-ins with the law, but responses were split between the "outcome could go either way" option (5 respondents) or "sentencing and treatment will have little effect on youth" (1 respondents) option. Luke (repeat violent offender) had similar results, with six respondents predicting that Luke would continue to have major run-ins with the law. Of these six, four respondents felt that "the outcome could go either way" and two respondents felt that "treatment will have little effect on the youth". Table 4-7 provides a breakdown of *predicted effectiveness* grid results.

Table 4-7 Predicted Effectiveness Grid Results

PREDICTED EFFECTIVENESS	Mac	Paula	Janice	Luke
Youth will have no further problems with the law	8			
Youth will have minor continued run-ins with the law but will eventually grow out of it		3		
Youth will continue to have major run-ins with the law and long-term outcome could go either way		4	5	4
Sentencing procedure and any treatment will have little effect on youth			1	2
Other - Please explain			1	1

Chapter 5

INTERVIEW RESULTS

Introduction

Chapter 5 provides the interview results developed through the data analysis process. Interview results were qualitatively analyzed through the use of coding. Although the initial research plan was to conduct an interview with an administrative figure from each of the four identified stakeholder groups, administrative interviews were only completed with three administrative figures representing different facets of the local restorative justice agency. Administrative figures from other stakeholder groups (police and mental health professionals) were not available for an interview. An administrative figure from the Department of Justice Nova Scotia, responsible for the local restorative justice agencies funding and governmental counterpart, was interviewed. In addition, an administrative figure from the restorative justice caseworker's stakeholder group and an administrator representing the restorative justice agency volunteer's stakeholder group were interviewed. These administrators were asked a series of fourteen questions pertaining to the Youth Criminal Justice Act, restorative justice, community involvement, family impact and training (Appendix III).

In addition to the administrative interviews, four municipality police officers from the police stakeholder group were interviewed. Police officers were asked fourteen questions similar to those for the administrative figures with slight variations to a few questions (Appendix II). Police officers also completed a demographic questionnaire (Appendix VII) prior to their interview which contained five questions regarding their age, gender, and

experience.   In total, seven interviews (three administrative interviews and four police interviews) and four demographic surveys were completed. Questions for both the administrative figures and the police officers focused on four main topics: the Youth Criminal Justice Act, restorative justice, community/society involvement, and supports and training. Following the presentation of the demographic data interview results will be presented using the four topic classifications.

Interview Results

Demographics

Administrative interview participants did not complete a demographic survey as only the stakeholder group participants were required to do so. Although this demographic questionnaire was not completed, some demographic features, such as their gender, were apparent. All the administrative interview participants were female. Of the four interviewed police officers, three were male and one was female. Ages of the police officers varied. One officer was between 20-30 years of age, one between 30-40 years of age, one between 40-50 years of age, and one between 50-60 years of age. Three of the four police officers had been employed as a police officer for 5-10 years, while the remaining police officer had been a police officer for 20-30 years. These demographic results are summarized in Table 5-1.

Interview Question Results

The following section provides the interview question results using the four identified

question classifications: Youth Criminal Justice Act, restorative justice, community/society

involvement, and supports and training.

Table 5-1 Interview Demographic Results

Respondent Number	Stakeholder Group	Gender	Age Range	Years of Experience in Youth Justice Field
010	Police Officer	Female	30-40	0-10 years
011	Police Officer	Male	40-50	0-10 years
012	Police Officer	Male	50-60	20-30 years
013	Police Officer	Male	20-30	0-10 years
014	Administrator	Female		
015	Administrator	Female		
016	Administrator	Female		

These classifications were developed by grouping the interview questions into smaller topic

areas based on the specifics of each question.

A. Youth Criminal Justice Act

Interview participants described their personal understanding of the Youth Criminal

Justice Act and how it impacts youth crime rates. Interview questions pertaining to the

discussion of the Youth Criminal Justice Act included:

1) Share with me your understanding of the Youth Criminal Justice Act.

2) Based on your experience, how has the Youth Criminal Justice Act impacted youth crime rates?

Three themes emerged from this discussion: *Youth Criminal Justice Act parameters*, *participant outcome*, and *changes implemented with the Youth Criminal Justice Act*. *Youth Criminal Justice Act parameters* refers the specifics of what the Act is, who it is meant for and what it entails. The *participant outcome* theme involves the impact of the Act and how it influences participants. The final theme, *changes implemented with the Youth Criminal Justice Act*, involves the respondent's identification of changes that have occurred since the implementation of the Act.

Youth Criminal Justice Act Parameters

Interview participants from both groups indicated their understanding of the Youth Criminal Justice Act by identifying the parameters of the Act, such as who the Act was meant for, how it addressed criminal matters, and the response options available for youth who criminally offended. Respondents from both interview groups identified logistical parameters, such as the age limitations of the Act, the fact that it is a piece of legislation, and the date the Act came into effect. The excerpts below provide an example of logistical parameters identified by both the administrators group and the police group:

> It's a very broad piece of legislature that was brought into being back in 2003.
> [Administrative respondent]

That would fall into the concept of the national criminal justice framework in that it's designed and formulated around rehabilitation rather than punishment. Obviously targeting a youth under the age of 18. [Police respondent]

It's a modified criminal code for youth. [Police respondent]

It's for youth between the ages of 12 and 18 who commit a crime. [Police respondent]

Other respondents identified more philosophical parameters of the Youth Criminal Justice Act, such as the Act's terminology change, its effort to protect the rights of the youth, and the research which facilitated the Acts inception. The following quotations articulate this discussion of philosophical parameters:

Give cautions to young persons and also the terminology and that changed in terms of instead of calling the person who committed the crime offender, um that says that we should call them young persons. [Administrative respondent]

An act to do a number of things. One is to protect the rights of the youth offender. Another one is to allow a restorative process to allow the youth to accept responsibility if they wish to for their act. [Police respondent]

They've recognized through past practices and maybe some scientific studies that youth respond differently to different measures designed to prevent them from becoming recidivists and getting involved in crime again. [Police respondent]

Program parameters associated with the Youth Criminal Justice Act were also described. These parameters included discussions of rehabilitation programming and a reliance on extra-judicial sanctions, such as restorative justice:

In looking at the strength of community responses, the legislation actually speaks to the promise of restorative justice. [Administrative respondent]

Requiring every jurisdiction to develop a program of extra-judicial sanctions created an informal, administratively driven, accountability process. [Administrative respondent]

Well I understand that it's for youth between the ages of 12 and 18 who commit a crime so they don't have to go through court, so they have alternative measures for their actions. [Police respondent]

It's designed to provide police officers, justice officials and outside agencies the ability to work extra-judicially, to bring about resolution to an issue. [Police respondent]

Taking these comments together appears to indicate that respondents have a common understanding that the Act is intended to provide opportunities to work with youth in a variety of ways.

Participant Outcome

The second emerging theme from the discussion of the Youth Criminal Justice Act was participant outcomes. Interview respondents from both groups often described anticipated outcomes when discussing the Youth Criminal Justice Act. Respondents described how youth were able to avoid the court system, be rehabilitated, and have an opportunity to heal and make amends. Provided below are examples of youth outcome, as described by interview participants:

 Giving young people an opportunity to right some of the wrongs that they've been doing in a different way… And I think it's to give the young person an opportunity to learn from their mistakes from a young age and to inform. [Administrative respondent]

I think for the kids it was intended to service, the – I'll say the relatively innocent or naïve kids, it's probably done well for them. For the fringe kids that get involved in criminal activity it's probably involved them in the process and maybe persuaded them not to continue but for the hardcore kids who are going to be criminals it's done nothing for them. [Police respondent]

While the main focus within the participant outcome theme was a *youth's* outcome, two police respondents did mention victim outcome, identifying that the Youth Criminal Justice Act allows the victim to have a voice:

To have a more meaningful impact on the victim as well as a more meaningful impact on the offender. [Police respondent]

It allows the victim to participate to a degree. [Police respondent]

Changes Implemented with the Youth Criminal Justice Act

The Youth Criminal Justice Act was implemented in April 2003. Prior to this, the Young Offender's Act was in effect. Due to the Youth Criminal Justice Act being a fairly recent piece of legislation, interview participants spoke about changes associated with the "new" Act. One identified change, articulated by administrative respondents, was the way to which crime is now responded. Two administrative respondents described the Youth Criminal Justice Act as

giving individuals involved in the youth justice field more options for handling a youth crime situation:

> Police were given a whole new set of discretionary tools that would allow them to essentially decriminalize a lot of the adolescent inappropriate behaviour and they left the discretion of whether to decriminalize or not with the police – so a huge shift. [Administrative respondent]

> So instead of having just that one choice – somebody did something wrong, you know, they get a caution or they get thrown in jail. This is a new opportunity. [Administrative respondent]

An additional change, described by one administrator, involved the way in which a criminal act is now defined. When discussing the impact of the Youth Criminal Justice Act on youth crime rates, one interview participant indicated that crime rates may be changing because the definition of crime is changing. This administrative respondent felt that the new Act invites police to determine which criminal acts are defined as crimes. By providing police with a range of response options, from "do nothing" to incarceration, police are essentially determining which acts are crimes and which acts are not. Crime statistics are likely to change as a result of this police discretion. For example, if a police officer decides not to charge a youth for underage drinking, that criminal act is not included in crime rate statistics. This respondent felt that the current process allows for a more realistic crime rate to be identified. Reporting of minor "community disruptions" is minimized, while the rate of major crime of most importance to community members, is still accurately reflected:

We've decided to call that behaviour something other than crime. We're not labeling it as crime until the Police decide it's a crime and then they'll respond appropriately. So if they're feeling they can manage the issue with cautions then that's just a community disruption and the Police are managing it.

We put so many, what I consider, community disruptive behaviours into the crime basket. So you know every shoplifter, every kid who was loitering, all those things that are now handled more through cautions, were showing a particular crime rate and I think the crime rate that is of tremendous interest to us is the stuff that is being captured now. [Administrative respondent]

It is interesting to note that throughout interview discussions of the Youth Criminal Justice Act the *participant outcome* theme was most often attributed to police officer respondents, while the *changes implemented with the Youth Criminal Justice Act* theme only emerged during administrative interviews.

B. Restorative Justice

Interview questions pertaining to restorative justice touched on three distinct elements: personal understanding of restorative justice, restorative justice use, and restorative justice impact. Each of these elements produced its own thematic outcomes, further identified within each section below.

Personal understanding of restorative justice

Interview participants described their understanding of restorative justice and its purpose in response to the following questions:

1) How would you define restorative justice?

2) In your opinion, what is the purpose of employing restorative justice within the Youth Criminal Justice Act?

Two themes emerged from the data: *restorative justice processes* and *anticipated outcome and goals*. The *restorative justice processes* theme involves the description of what restorative justice entails, its programming and a participant's experiences. *Anticipated outcome and goals* includes the aim of restorative justice programming and what restorative justice hopes to accomplish.

Restorative justice processes

When asked to describe restorative justice, the emerging theme outlined by interview participants was the processes involved in restorative justice, such as healing circles and the element of bringing people together:

> It's likened to a healing circle where all pertinent parties involved, all stakeholders involved in the issue, aside from just the ones that are obvious (i.e. the victim and the complainant) but you get other people involved like the Police Officers to say what the impact is on our profession, how we see the situation. You get the parents of the offender involved, the parents of the victim involved. Anyone who may have been impacted in any way, shape or form by the offence is asked to come into this situation – in some cases – to kind of reach a resolution. [Police respondent]

> A process which enables a young person who has committed a crime, the community and victims to be able to sit in a room together, in a conference and talk about and discuss – have a discussion about what happened, why it happened and how the young person can make amends. [Administrative respondent]

While both groups talked about restorative justice processes, the administrative figures were unique in describing restorative justice as a different way of looking at crime:

> It's another way of looking at crime and of looking at crime and why it happened. [Administrative respondent]

> Giving young people the opportunity to right their wrong, to face their victim, to be responsible to community and to find ways to repair the harm they have caused and there's many ways to do that. It's also giving them an opportunity to see their life differently, or even their families. [Administrative respondent]

This view by administrative participants may be related to the differing employment environments experienced by both of these interview groups. While restorative justice administrative figures are more actively involved in restorative justice promotion and implementation, police officers are only involved in the initial recommendation process and restorative justice sessions. Responses seem to, therefore, be geared towards the elements of restorative justice most often experienced by each group.

Another interesting result was the tendency of police officers to refer to restorative justice as an alternative sentencing option. This view was articulated in the following comments:

> It would be to make them learn about what they did so they can't do that again and have some consequences for it that are not monetary or going to jail – so it's kind of an alternate punishment. [Police respondent]

> The restorative justice process is that sentencing aspect where an alternative to sentencing which covers the above, the areas I previously mentioned. [Police respondent]

> Restorative justice is a means, an alternative means for a young person to make amends. [Police respondent]

> Restorative justice is extra-judiciary so there's no court, formal court procedure. [Police respondent]

All police respondents described restorative justice as an alternative programming option for youth to complete instead of court.

Anticipated Outcome and Goals

A second theme emerging from the discussion of personal understanding of restorative justice was *anticipated outcome and goals*. Respondents from both interview groups (police officers and administrative figures) discussed the anticipated goals and outcomes of restorative justice. Respondents suggested goals of creating a more meaningful impact for the youth, changing a youth's behaviour, and saving money. Selected comments reflecting this element of the theme are provided below:

> Giving young people the opportunity to right their wrong, to face their victim, to be responsible to community and to find ways to repair the harm they have caused. [Administrative respondent]

> You can hold someone accountable through a process that invites them to be more focused on their relationships than on, sort of, individual responsibility; and so how does your behaviour affect the victim, family, your sense of yourself in the community, your sense of yourself moving forward. [Administrative respondent]

It's about forgiveness but it's… something, something along the lines of a 2nd chance. [Police respondent]

Provides an opportunity for the offender to understand the error of their ways and more meaningful contact than simply being told they've been bad and their on probation for the next 6 months. [Police Respondent]

Respondents from both groups also identified outcomes and goals for the community, such as saving taxpayer money or building social capacity. The following quotations illustrate the outcome and goals theme as it relates to community:

It's [restorative justice] giving young people the opportunity to become good citizens who have been in conflict with the law. Building social capacity, um, for those young people, for communities and victims that have been involved. [Administrative respondent]

It [restorative justice] eliminates and reduces the caseload in some cases for the judicial processes and instead of paying judges, and police officers, and lawyers, and court support officers, and personnel you have a much smaller and most times voluntary group of individuals that come together. [Police respondent]

It gives the police officer, independent people, the relatives or parents of the offender access to the process. [Police respondent]

Only two respondents (both from the administration group) identified outcomes and goals associated with the victim:

The person who's caused the harm has an obligation to make things right but we recognize that often the person who's caused the harm doesn't fully grasp their obligation and so the community has a responsibility to support the offender's

grasp of obligation and to support the victims need for reparation and so those are sort of the three key dynamics in our understanding of restorative justice. [Administrative respondent]

And more importantly the victim, um, hasn't really seen the person who did the crimes so this is sort of the first time that they are face to face. [Administrative respondent]

Restorative Justice Use

The second element of restorative justice which respondents discussed was restorative justice use. Respondents were asked about the types of offences they felt were appropriate for restorative justice, and also whether they felt restorative justice should be used one time per offending youth or each time a youth offends. Questions pertaining to restorative justice use included:

1) What types of criminal matters do you believe are best suited for a restorative justice response?

2) Based on your experience, do you believe restorative justice should be employed one time per offending youth or available each time the youth offends?

Two themes emerged from this discussion: *criteria for restorative justice use,* which involves the identification of when respondents felt restorative justice was appropriate and *complexities surrounding the use of restorative justice,* which involves the identification of issues with restorative justice and situations that make its use complicated.

Criteria for restorative justice use

Opinions on when restorative justice should be used differed across interview groups. All police respondents felt that restorative justice should only be used for minor, low level crimes. Typical comments included:

> Your level 1 offences, your property crime – not including theft of motor vehicle. So we're talking around, you know, your standard shoplifting offence. [Police respondent]

> Things that are not violent. For me I would think that – not so much – I mean obviously if it's a very serious crime than maybe that's not an appropriate means but even crimes that aren't deemed serious but, for example, something that would, you know, cost $200,000 and someone damaged it then I don't think that's really appropriate to say oh well you can do 420 hours of community service to pay back for that kind of damage. [Police respondent]

> Low level stuff, minor shop lifting. I'd probably be even, even open to low level, extremely low level assaults. [Police respondent]

> Minor assaults it does very good, property damage. [Police respondent]

Respondents from the administrative group all felt that restorative justice could be used in all types of offences:

> I'm one of those weirdo's who thinks pretty well anything is suited for restorative justice… So when you look at our program the referrals can be made pre-charge, post-charge, after a finding of guilt and before sentence and after sentence. So there are opportunities all along that continuum for restorative justice to play a role. [Administrative respondent]

All. I think there's restorative practice processes that can engage everybody. It's just figuring out, figuring out how to do it. Everybody needs healing. Everybody needs to be able to be forgiven. Everybody needs to be able to have an opportunity to, you know, set things right. Everybody, even, you know, even the worst murders in the world need an opportunity… I mean there are some people that restorative justice probably would not work for but I don't think it should be lack of opportunity. [Administrative respondent]

I think all of them… whatever, whatever goes on in jails and so to me, is that a good solution? If I've done a crime, is that a good solution? No, I don't think so. I think, I think you, I think it's better when people can sit down and talk about it. [Administrative respondent]

Police respondents seemed to associate restorative justice with a court diversion program, which would lead them to the understandable suggestion that it should only be used in minor cases. Restorative justice administrative figures see restorative justice as a philosophy with processes that could be incorporated into sentencing for any offence, minor or major. While the administrative figures suggest that restorative justice can be used in any criminal case, they are not suggesting that *only* restorative justice should be used, but rather that restorative justice elements can be used in any criminal sentence. The following interview excerpts further articulate this point:

I don't think it's appropriate for somebody say who is involved in gun play or using a gun in the commission of a crime to be referred to restorative justice at the low end. That's a very serious offence and it needs to be responded to appropriately… But at some point that young person will probably be released back into the

community… There's an opportunity there, if the parties are ready, to use a restorative process. [Administrative respondent]

That young person may need to be incarcerated. It doesn't mean that they can't still do restorative, have restorative processes even when they're incarcerated. [Administrative respondent]

All respondents felt that at some point restorative justice processes should stop if they are not showing any positive results. Some respondents felt that restorative justice should be used onetime while others identified factors that should be taken into consideration when deciding restorative justice is no longer appropriate. Interview quotations provided below offer further articulation of respondent's opinions of the extent of restorative justice use:

I think at some point the decision needs to be made whether this young person is really learning anything and then there needs to be a decision made to do something else and so that young person may need to be incarcerated. [Administrative respondent]

On the other side, on the flip side of that is that without a lot of supportive programming the restorative justice intervention in and of itself may not be enough service for a kid with really profound issues. [Administrative respondent]

I don't know at this point as to how many times, I would personally say enough is enough. I think probably if I had my way one time is enough but that could be argued against as well. [Administrative respondent]

There should be a cut-off – I think 2. [Police respondent]

I would be in favor of a campaign that said guess what you know the restorative justice program is being revamped, you get one shot and one shot only after that, you know, expect your child to end up in Waterville. [Police respondent]

I do believe that there comes a point where restorative justice ceases to have the impact that it normally would. Yes, I believe that given the offence and totality of the circumstance, if warranted, everybody should get a crack at restorative justice. [Police respondent]

Complexities surrounding restorative justice use

The second theme emerging from the discussion of restorative justice use was *complexities surrounding restorative justice use*. When asked about when to use restorative justice, respondents from both groups described several factors that made the decision of when to use restorative justice a complicated one. All of the administrative respondents, and one police officer, suggested that the decision to use restorative justice should be based on the totality of each individual case and youth circumstance rather than the type of offence:

We see multiple referrals of kids who are for instance, in a group home environment where they're there because they have treatment issues and many of their acting out behaviours are related to their particular challenging life circumstances and so are you wanting to criminalize that or are you wanting to use other methods to hold the young person accountable? [Administrative respondent]

Well I won't say every time but I won't say one time because a kid that's twelve years old and is involved in crime might not be the same kid at fifteen… I personally wouldn't want to see a number but I would like to see how those cases [repeat offender cases] are handled. [Administrative respondent]

It's one thing to say that offence A, B and C will always be involved in restorative justice but I think there has to be an examination of the totality of the circumstances involving that because you have to take into consideration the overall impact on the victim. [Police respondent]

Two police respondents described complexities associated with determining the use of restorative justice based on a criminal charge. These respondents felt that a specific criminal charge can apply to a range of acts and the severity of the act needs to be taken into consideration rather than referring to restorative justice based on a charge. For example, a charge of assault can be given to a high school student involved in a minor fight at school or a gang member involved in a gang related fight. Restorative justice may be appropriate for the high school student but inappropriate for the gang member. Interview excerpts below further articulate this point:

It's kind of hard to say like specifically the crimes, like because for example if it was property damage that might be $10 or it might be $200,000 so it's the same crime but the value of what was damaged might be different so it's kind of hard. [Police respondent]

Then you get into splitting hairs and you got well how do you describe a robbery? You know is it really just a shop lifting with you know a minor assault? [Police respondent]

Restorative Justice Impact

The final element of restorative justice which respondents discussed was the impact of restorative justice. Respondents were asked about the impact of restorative justice on both the victims and youth offenders. Questions pertaining to restorative justice impact included:

1) Please share with me your thoughts on the impact of restorative justice for victims of
   crime.

2) What impact do you believe restorative justice for the youth offenders?

Three themes emerged from this discussion: *contributing factors*, *outcomes*, and
perception/experience of restorative justice. *Contributing factors* was evident as respondents
described many factors that impact the effectiveness of restorative justice. The theme *outcomes*
involved respondents' identification of the impact and results of restorative justice use.
Perception/experience of restorative justice covers respondents' personal experiences with
restorative justice and their perceptions of its effectiveness.

Contributing factors

The theme *contributing factors* emerged as respondents stated that the success and overall
impact of restorative justice depends on many different factors.

> There's a lot of factors and a lot of variables that are put into play and you do really
> have to get the right mix of effecter and victim and crime in order to have a positive
> outcome. [Police respondent]

> There are a lot of things. The rehabilitation process in the criminal justice system is
> not, you know, encapsulated within the paperwork, the paper framework. It really
> in an amalgam of factors that, you know, are the ebb and flow of society and the
> people involved so it's very, very challenging. It's very much an alive process.
> [Police respondent]

Three police officers and one administrative figure identified contributing factors which involved a youth's behavior, a victim's ability to express themselves, and the type of offence. Factors associated with youth included the type of offender (first-time, repeat, or other) and whether or not the youth offender was truly remorseful and open to the process:

> If the young person has strong family support and finishes their contract, basically that's all they need. They don't need anything else. They don't need to be followed, they don't need to be evaluated but there is that group of kids who have huge issues that really do need after care because once that artificial community is resolved, dissolved around them, they're going back to same old stuff they've gone back to. [Administrative respondent]

> For the minor offender or one time offender maybe that was the moment that woke them up and they realized that I shouldn't steal or with this one they may turn around and never do it again. But for the hardcore kids you see I think there's got to be more of a process involved. [Police respondent]

> That depends when they're going through the process if they actually felt bad about it and they actually wanted to make things right then they may learn from that and it may be a good positive experience for them. But if they're just doing it to get out of trouble than I think that there's not really much that's going to be learned. [Police respondent]

One police respondent also spoke about a victim's satisfaction being contingent on how long they have waited to see a response to their crime.

> I think sometimes the people [victims], especially when a long period goes by, they've gotten nothing for so long that by the time it comes even if they get that little bit it's like better than nothing and they're thinking we'll take what we can get kind

of thing, because we're not expecting anything at this point cause it's been so long. [Police respondent]

Outcomes

The second identified theme in the discussion of the impact of restorative justice was the *outcome* of restorative justice. Police respondents all identified both positive and negative outcomes associated with restorative justice. Selected positive and negative outcomes stated by the police are provided below:

If they're just doing it to get out of trouble that I think than there's not really much that's going to be learned. It's just going to be what's the right thing to say to get out of trouble. [Police respondent]

I'm not sure that the victims gain the satisfaction that they, you know, that's been sold to them to go through the process. [Police respondent]

It gives… it gives the opportunity to express themselves emotionally. [Police respondent]

It provides them [youth] with the opportunity to say "you know what, here's what happened, here's how it impacted somebody, how it made them feel." And the potential for positive and meaningful impact is there. [Police respondent]

I've seen both sides. I've seen "yah, it's really great it got me a chance to see the kid who did this, got me a chance to tell them to their face that was very therapeutic for me." On the other side I've had people sit down and go "that was the biggest waste of time I've ever been part ever. Don't ever, ever come to me again for restorative justice because I want nothing to do with it." [Police respondent]

Administrative respondents focused solely on positive outcomes for both victims and youth offenders. Identified outcomes included allowing all parties to express themselves and providing youth with an opportunity to makes amends. These outcomes are further identified below through interview excerpts:

> Our experience with victims has been very, very positive. The victims that have participated have reported a high level of satisfaction with the process and they've also indicated that they, they feel – not quite as high – but a reasonably good level of satisfaction. [Administrative respondent]

> I think it has a huge impact because I think, you know, during our restorative circles our young people are kind of, they're held responsible, and they also have to be embraced. [Administrative respondent]

> Having a criminal record is definitely a stigma that will stay with them forever so if you're able to get that erased and move on with your life I think that's wonderful. [Administrative respondent]

> I think victims that participate walk away with insights that they would never get through the courts… I would say that probably most of them walk away feeling that the experience has been helpful and answering some of the questions they have. [Administrative respondent]

Perception/experience of restorative justice

The third theme emerging from the discussion of restorative justice impact was *perception and experience of restorative justice*. When discussing the impact of restorative justice on either the victim or offender, respondents often described their personal experiences or

perception of restorative justice. This theme was generally attributed to police officer

respondents rather than administrative respondents. Police respondents spoke about their

experiences with victims and youths, what they feel is lacking in the current restorative justice

system, and about what victims and offenders need for better healing:

> For me that's what I'm looking for, for you to say I'm sorry and really mean it – and
> then it's like okay, alright as long as you get that than we can move on from that.
> [Police respondent]

> I've seen youth offenders walk away changed people. It's like the skies opened up,
> the heavens cleared and they've had an epiphany that everything should be good
> and right, I've done something wrong and I'm going to change my wicked ways.
> And others that afterwards were smug and said I'm glad that crap is over I can't
> wait to get back and have a smoke. [Police respondent]

> You see some just sit there and they are counting the minutes until we leave the
> room and they're apathetic, they are smug and it just, it sours, it's almost as if you
> can see them [the victim] – ok, they're coming in, you know, I'm willing to try this,
> they sit down and they see "Johnny Done Bad" and all of a sudden they see that
> smile on their face and they see that attitude and they just, they check right out.
> [Police respondent]

> They're smart. I deal with, I deal with organized gangs and they always, the lowest
> level guy is the one that's going to take the rap next time because they know what's
> going to happen - he gets restorative justice. Yah, you're going to do restorative
> justice or you might get a little, or you might get a curfew or something like that.
> That'll be over in two months and then go talk to your officer and he'll change the
> conditions because he knows the sentencing's coming up and you go home and then
> you're free. They know the system. [Police respondent]

One police respondent spoke about a time when he/she was a victim of a crime and participated in a restorative justice session. This respondent described feelings of insincerity from the youth:

> I was not, my experience, I wasn't impressed because I thought he was basically full of shit. He didn't have any sincerity. He just - "we were high and we did it". [Police respondent]

The officer also identified personal satisfaction with having some say in the sentencing outcome:

> What was great and maybe this was probably by design by the restorative justice people – they asked him for his opinion on what would be an appropriate penalty and I had in my head 100 hours and he goes "well I was kind of thinking maybe, you know, 30 hours". Which was great because I was sitting there and I was about to lose it and I said "I was thinking 100 hours, maybe more" and I looked at the his Dad and his Dad said "I think 100's appropriate" and they went, boom – 100 hours. [Police respondent]

Although only one victim's experience, this participant's perspective provided unique insight into the victim stakeholder group.

C. Community and Society

Respondents were asked several questions regarding community and society and their role in the Youth Criminal Justice Act and restorative justice. These questions focused on the impact of family on a youth offender, the role of community and society in youth rehabilitation, and community understanding of the Youth Criminal Justice Act. Interview questions pertaining to the discussion of community and society included:

1) What impact do you believe community support has on the overall effectiveness of the Youth Criminal Justice Act?

2) How do you think the majority of community members feel about the Youth Criminal Justice Act?

3) What impact does a youth's family have on the likelihood a youth will criminally offend?

4) What role, if any, do you think society should play in the rehabilitation of youth post offending?

Following the analysis of the responses by participants four themes emerged from these questions: *roles and responsibilities*, *perceptions of community support, family and community impact*, and *barriers*. The theme *roles and responsibilities* emerged through respondents' identification of community and societal responsibility. The *perceptions of community support* theme includes respondents' personal perceptions of the level of community and societal support. *Family and community impact* describes the effect that respondents feel the family and community have on participant outcome. Finally, the *barriers* theme includes respondents' identification of barriers to service associated with the level of community and societal support available.

Roles and responsibilities

Respondents from both interview groups identified the importance of families, communities, and society at large, by describing the overall importance of their roles and responsibilities. All facets of a youth's community (family, surrounding community, and

broader society) were identified as playing a substantial role in a youth's life. The interview

excerpts below provide an example of respondents' description of roles and responsibilities:

> Community plays a huge role and a very important role and I don't think we
> understand the power of that as well as we could. [Administrative respondent]

> Family plays a huge role and we still see kids slip through the cracks who come
> from, you know, strong family backgrounds. … I think less and less now
> communities raise, you know, I think there was a time when they played a role in
> raising kids. [Police respondent]

> I think it's the responsibility of everybody in the community. Whether it be the
> schools, parents, other groups, other parents… It's sort of everyone's responsibility
> to try to help that child understand what they did was wrong. [Police respondent]

All respondents felt that community and society had some role to play in helping youth

offenders.   Two police respondents and one administrative respondent identified specific roles,

such as offering business opportunities to youth or providing them with programming to

occupy their time:

> Some of these youth, it's a matter of them not having anything to do. So I think
> society has a role to play there in terms of making sure that they have programs and
> services available for youth after they offend. [Administrative respondent]

> Society is important in providing opportunities, whether it be businesses allowing
> kids to participate or taking classes in business or it could be a work opportunity.
> [Police respondent]

> It would be nice if society played a role in it and I'm thinking in terms of… if you've
> got a kid that's done something and he's got community hours… the things he

could do is go to the, you know, a public park or a green space and plant flowers… somebody from the community could say "hey, that looks great, good job". And it may change, it might change one kid. [Police respondent]

While all respondents felt the community should support a youth in his/her recovery, one unique response is worth noting. When asked what role society should play in the rehabilitation process of a youth after they have offended, a police officer respondent identified some additional points to consider when discussing a community's roles and responsibilities:

Do I believe it [societal support] plays an integral part, yes. Do I believe it's feasible and do I believe it's fair to society at large are other questions which I don't know if I have a particular answer for. To say that "Junior" has offended and that it's now the responsibility of everybody else – I like to think that "Junior" would be a willing participant in this, in such a process. But I also worry that it might give him the impression that everybody else needs to fix me and it's everybody else's responsibility and job and everybody else needs to give me attention and fix me and help me rather than take some ownership… I think it poses unfairly upon them a duty which I don't necessarily think they are obliged to fill. [Police respondent]

Perceptions of community support

The second theme, emerging from the comments of participants in response to the questions on community and society, dealt with *perceptions of community support*. Respondents identified their personal perception of community support and how they felt this support impacted youth and community outcome. All respondents felt that community support was an essential element of both the Youth Criminal Justice Act and restorative justice. "I think the

whole framework of restorative justice falls apart if you don't have community support."

However, all respondents also stated their perception that the majority of community members do not support the Act or are uneducated about the Act:

> I think maybe some more education around it would help communities have informed discussion about the impact on their communities as opposed to the typical community that has, um their own interests around what that would look like, right. [Administrative respondent]

> When you read the principles of the Act there's quite a vision there of how the community will step up and play a dynamic role in supporting the system to hold kids accountable and it really identifies that the community has a responsibility to take care of its children… But one of the problems you see in the way the Youth Criminal Justice Act was invested in across the country, and this is what community groups will say, is that there wasn't any recognition that the community infrastructure is strained as it is. [Administrative respondent]

> Most people are resistant to get involved in anything that has to do with the Youth Criminal Justice Act because they see it as soft on the offender. [Police respondent]

> Well the feedback I've gotten is that it's ineffective, that it promotes criminal behavior because it provides what the public perceives as less harsh or less realistic punishment for them. [Police respondent]

Another interesting element identified within this theme was the importance of victim support and involvement. Two of the four police officers interviewed articulated that the need for community support extends to the need for victim support:

For clarification, when I'm talking about community support, I'm talking about the victim, as well, because one of the challenges that I've faced in my application to this process is getting the victims to a restorative justice session. [Police respondent]

I see some community support but participation would probably be another area where there's, there would be a problem because everybody's too busy to do something and even now without the victims showing up. Big businesses and schools, things like that, not showing up it becomes a problem and they're part of the community as well. [Police respondent]

Administrative respondents and the remaining police officers did not comment on victim support and involvement.

Family and community impact

A third theme identified throughout the discussion of community and society was the impact that the larger community, and, more specifically, family can have on a youth offender and on a youth's community. Respondents from both interview groups identified the family relationship as one of great importance:

When you look at profiles of risk, what makes an adolescent at risk to engage in harmful behavior… often there's a level of dysfunction in the family. Families struggling as an entity, folks are fighting or they're in poverty or family members don't have a lot of social capacity. That seems to be a really high risk predictor. [Administrative respondent]

The youth's family is the reason why they're there. I am a firm believer that the apple doesn't fall far from the tree and that we are inherently good people. But it is

to upbringing, not genetics – well sometimes genetics – but mostly upbringing that determines the way a child will end up in life. [Police respondent]

More specifically, respondents identified the strong impact that family has on a youth by describing both the positive and negative potential outcomes of family influence.

We can see that when young people come through here that have strong family supports do really well and those who don't tend to re-offend. [Administrative respondent]

If they've come from a family that... there's a history of criminal activity than those are the, those are the ones you're probably going to see 1 time, 2 times, 3 times, 4 times, maybe multiple times… What you see in your home you mirror that, you mirror what you have seen in your home as you were growing up and if you have been surrounded by criminal activity all your life than you're more bound to do that. [Administrative respondent]

It's very challenging that the inroads you make if the parent isn't supporting them and the parent themselves is criminal or has anti-social behaviour or promotes anti-social behaviour it is – you may as well pound your head against a wall – it's very, very challenging… I can take them in a restorative justice session for 4 hours, they take it in, they breakdown, they cry, "yes, I won't do it again" and the second they walk about that door and get back in their home environment things are immediately erased. [Police respondent]

In addition to family impact, one respondent from the administrative group identified the negative impact that community can have on youth outcome:

Our government people, our doctors, those professionals have not always set a really great standard for young people. I mean young people see people get away

for stealing billions of dollars of other people's money and I'm going to jail because I'm carrying around, you know, a wad of marijuana. The messages we give to young people are extremely confusing and if we don't get a hold of that, if we're not looking at societies that are healthy and that are educated to give our young people that step up than we need to look at how our communities are working. [Administrative respondent]

Two police respondents articulated the potential for positive impact by describing specific scenarios for more meaningful community impact:

Perhaps it should be part of the restorative justice process that an offender should, part of their conditions or part of their contract be that they seek out and they go out to the agency and "will you… this is what I've done, I need some help, can you help me?" I think that would be a humbling experience. I think it would be an experience in which they really have to take ownership, they have to confess what they've done and realize that yah, there's some ramifications to this. [Police respondent]

All that stuff, rehabilitation, restorative stuff could use some rejuvenation…You know, if you got a, you know, I don't know like a rotten, steal old fence enclosing a graveyard that maybe you get the kid to, you know, power wash it, sand it down and then hand paint it, you know. Something that makes something that looked neglected into something that you can be proud of and, um, maybe these kids can catch on, you know, that maybe they can play a role in improving stuff rather than being a drain. [Police respondent]

Through this theme respondents were able to clearly articulate the powerful impact that both family and community can have on a youth.

Barriers

The fourth theme that emerged from the discussion of community and society was that of *barriers*. Respondents spoke of a variety of barriers associated with community, society, and family. One of the most articulated barriers identified by all respondents was the overall lack of community support for the Act and restorative justice processes. This lack of support was often explained as a result of strained resources:

> The infrastructure isn't there so the Probation Officer does what they can and the Act seems to propose that the infrastructure is there, that the community jurisdictions can step in and create a robust series, or a robust network of community programs and supports so that the kid can work through his difficult issues without being incarcerated but that network isn't there. Particularly in rural areas, there's really just nothing. [Administrative respondent]

> It's about, you know, where your communities are and whether your communities are able, as a society, to bring the kind of supports and resources to the young person. [Administrative respondent]

One administrative respondent also described a lack of community support due to a negative societal view of adolescents:

> That really plays into youth being sort of a tribe of their own and separate from adults and so they, they have a lifestyle and existence that's so distinct from ours and instead of celebrating that and celebrating their energy I find people dislike that, they dislike the things kids are interested in… So automatically kids in trouble with the law are bad, they should be locked up, it's the Acts fault. And so it's an easy fallback position for people to take because they're not comfortable with adolescents anyway so just write them all off. [Administrative respondent]

Additional barriers included an increased need for education for all parties and a lack of

commitment from the youth offenders:

> I think they [community members] have an understanding of what restorative
>
> justice is but not Youth Criminal Justice Act per say. If you asked someone to
>
> explain the Youth Criminal Justice Act they'd have no idea what you're talking
>
> about but if you said tell me a little bit, have you had any experience with
>
> restorative justice or has your neighbor or someone in your family then probably
>
> yes, probably touched you. [Administrative respondent]
>
> The kids got to want it, too. You don't just go to a hardcore criminal and say come
>
> out here and drive the zamboni on a Friday night and he thinks it's great and then
>
> he joins the choir. [Police respondent]

D. Supports and Training

Respondents from both groups were asked similar questions regarding supports and

training. The administrative figures group was asked to describe their current training and

support procedures. Police officer respondents were asked what types of training they have

received and what types of training they would like to receive or think are necessary. Interview

questions pertaining to supports and training included:

1) What types of training do you provide your employees that would impact their

   understanding and implementation of restorative justice?

2) Based on your experience, what type of training do you think is necessary for adequate

   implementation of restorative justice into the Youth Criminal Justice Act?

3) Based on your experience, what type of training would you like to see?

4) What supports does your organization receive in order to employ restorative justice?

Two themes emerged from this discussion: *Current training and supports,* which describes

respondents understanding of current training practices and service supports, and *future*

training and support needs, which emerged through respondents identification of training and

supports still needed.

Current training and supports

Respondents from the administrative group described current training for employees

and volunteers at the local restorative justice agency. Training for employees and volunteers at

the restorative justice agency was described as taking place over a 5 week long period covering

elements of the Youth Criminal Justice Act, restorative processes, and job specifications:

> We go over the Act, we help them understand what's in the Act and where the
> work, mainly where our work falls with under the Act and our responsibilities for
> that and then we teach them how to do a workshop, how to facilitate a session, like
> the sessions they have… So once that's established for real then you know the
> training, the training around that is like how do you talk to a victim, how do you get
> a victim involved, how do you get the other support teams involved.
> [Administrative respondent]

On-going professional development and hands-on experience was identified as an essential

component of continued training within the local restorative justice agency. One administrative

respondent identified that many of the essential skills that the individuals working in the

restorative justice field need comes from participation in the work, "It comes from experience.

It comes from doing the work over and over and over again."

Another interesting finding emerging from this theme was the identification that there is no standard training package for restorative justice employees/volunteers that extends province wide. Each contracted organization is responsible for their own training standards, which are based on the province of Nova Scotia's restorative justice practice standards. An administrative respondent describes this process as follows:

> We contract with the agencies who are responsible for designing their own training, but what we have done to support the agencies is that we've established a set of practice standards for how restorative justice is delivered… Because Nova Scotia came up with the model that sort of identified that the government's role was to provide the resources and establish the legal framework for rights protection and you know, proper application of due process but that the agencies, the communities would figure out how to deliver restorative justice; That they would be the experts on that. [Administrative respondent]

Another administrative respondent spoke about certain restorative justice training procedures coming out of the United States:

> This comes out of the restorative practice training out of the United States and we do have a trainer here in Nova Scotia who does training on that kind of thing. [Administrative respondent]

Police officer respondents described their current training as mainly focused on the Youth Criminal Justice Act, with some additional focus on restorative justice as a whole and the referral forms necessary for restorative justice. This training takes place at the beginning of their policing career:

About the Act and about the steps and the forms that we have to fill out and that kind stuff but we're not involved in the process of how you get from committing a crime and arrested to sitting down in the circle. [Police respondent]

We do the basic. We talk about what the restorative justice process is. We talk about how the process comes about, what type of offender. [Police respondent]

One respondent also mentioned a small flip book that is distributed to the officers which covers the essential pieces of restorative justice in the hopes of being a quick reference guide:

We give them the little, a little flip book of all the different… That's all well and good, that looks good on paper. I don't know, I can't say with any degree of certainty that any officer has taken that book and used it on the street. It is, yes, a compact document that condenses that, I'm sure much larger version, down into some quick cheat notes and what not but I wonder if it's too much for what they need to know. [Police respondent]

Two of the four police officers noted a lack of time for any additional training:

Cops don't have a lot of time, they don't have a lot of time… We have a tendency to just do stuff because they're required to submit a file and you are pounded with calls and calls and calls and calls so you just gotta get through it. [Police respondent]

Remembering that if I was a patrol officer I'm carrying at anytime probably 20 different files, that's 20 different plus offenders and that I'm charged with giving out parking tickets, summary offence vehicle checking, warrant checks, managing my own files and doing my other tasks that are assigned to me. Very much there's a quick disconnect because officers realize that I don't have time to follow "Johnny" through his court process. [Police respondent]

Included in this theme was also a discussion of supports. Current supports for the local restorative justice agency were largely described as funding supports from the Nova Scotia Department of Justice. Respondents from the administrative figures group had varying opinions of the funding currently provided. One respondent described the funding as a substantial amount in comparison to many larger provincial jurisdictions:

> Nova Scotia's not a very wealthy province. We have a lot of challenges in terms of our fiscal reality and yet we're putting more money into this type of community intervention than much larger and more wealthy jurisdictions. So, you know, this program is a 1.8 million dollar a year investment by the province. That to me is pretty significant and, um, we're probably recognized, you know, internationally for the fact that the government has taken responsibility to build this network of community based restorative practitioners. [Administrative respondent]

Another respondent felt that the current financial contribution from the province was not enough and that more support is necessary for adequate training and programming:

> Everything's very limited in terms of resources and supports. We hardly get any money for training at all… They [Department of Justice] do maybe, um, for all the agencies they may do one or two sessions around our protocol. [Administrative respondent]

In addition to funding supports from the Department of Justice, administrative respondents described their current need to secure other sources of funding, such as grant funding from organizations:

> They [Department of Justice] provide the funding for a certain number of caseworkers and the administrative support staff to support the workers… Any

other funding that [is received] to do other things around the program [is] found through other funding sources… We hardly get any money for training at all. [We] find that money [ourselves]. [Administrative respondent]

The Department of Justice doesn't give us money to do restorative justice, they just give us money for staff to do the work but not for training. We have to get other sources of funding to do the training. [Administrative respondent]

Police officer respondents were generally unsure of funding supports, as they were not involved in this administrative role. Most respondents from this group described professional development and training supports from local or governmental agencies when asked about supports.

Our unit, Community Relations Crime Prevention, which is most Community Response Officers and School Officers, had one of the reps from [the local restorative justice agency] at one of our professional development days. [Police respondent]

We receive the basic package that the Department of Justice creates. So they give us the materials to deliver the PowerPoint presentations. They give us the binders that outline the process, they give us the flip cards, then we give to the officers. [Police respondent]

Future Training and Support Needs

Another developed theme from the discussion of supports and training involved future needs associated with training and support. Respondents from both interview groups described specific needs related to their current training and support situations. Both administrative figures and police officers described a need for additional funds and resources:

We know it's just a constant issue in terms of the wage rates and operating budgets and opportunities for professional development. They're simply just not as – from the community agency perspective they're just not as robust as they should be. [Administrative respondent]

I think staff who are working with, you know, a high needs group of young people need other kinds of training. They need, you know, suicide intervention workshops, they need workshops to do with the victims and how to handle them better. [Administrative respondent]

Just like most things in justice, the justice field, it's underfunded. There's never enough resources. I'll always complain about that. It's not just me being cynical it's just me saying legitimately that there's not enough resources to do the program the way it was intended. And you'll always hear that. Anything publically funded is never publically funded enough. And no one wants to spend money to rehabilitate "Johnny Dirtbag". They don't want to do that. So it's a very tough sell. [Police respondent]

An additional future need was described by one respondent from the administrative figures group as the need for standardized restorative justice training across the province for all restorative justice agency employees:

The feedback we're getting from the community agencies is that maybe it's time now to develop a sort of corporate training model that is lead by government and so it's something that we're looking at doing. Up until now we took the position that the practitioner community – that's about 55 strong across the province – they're the experts in restorative justice. What we're hearing back from their Boards of Directors is that we're not sure we have resources to do this as well as we need to

over time and that having that corporate training package would help us out.

[Administrative respondent]

Police officer respondents described several different training needs. One police officer respondent articulated the importance of training that is quick and concise:

> I believe that we need a good visual summary of the program and I mean visual as in like really sharp, summary video that encompasses everything…Something that's impactful, short and sweet and it gets them going "oh yah, that's why we do that." [Police respondent]

Another officer spoke about the importance of training associated with mental health issues and causes of criminal behaviour:

> I think it would be necessary for your, for your average patrol officer that responds to these calls to have a little bit more in-depth knowledge, a little bit more understanding about mental health as it relates to criminality, specifically with your anti-social behaviours. We're talking about, you know, how bi-polar disorders or, you know, ADHD might cause all those different things. Personality disorders, how they might play into it so instead of just looking at some kid they think is just a dirt bag and he's doing stuff because he can, realize that wait a second it may be something more, it may be the chemistry is just wrong in their brain. [Administrative respondent]

Yet another police officer respondent described a need for increased lateral communication between police officers and the local restorative justice agency. This officer felt that there was very little communication between the restorative justice agencies and the police officers involved with the offending youth:

> If they were engaged beyond the referral … if it was beyond that, I think if the average police officer was meant to feel as a meaningful component of this and we weren't just feeding things into the machine and never saw the product come out. It would be nice to have a follow-up.

> Talk about the communication framework and it's usually a sender, receiver, receiver then processes the information, receiver then synthesizes it, returns it back to the sender and feedback all the way around so there's a closed communication system where everybody understands what's going on. Whereas *we* have a very open-ended, open-ended meaning that it doesn't come back. Goes out and we don't get it back… until we see the offender again. [Police respondent]

Conclusion

Although limitations do exist with the current research study, this research provided a unique look at restorative justice stakeholders. Interview data provided keen insight into the thinking, issues, and concerns of administrators and police officers. Developing from this insight was an identified need for further exploration into communication practices and stakeholder training. The information obtained through this research will help to further benefit the restorative justice field and highlight opportunities for growth. Further discussion of these results and their impact is provided in Chapter 6: Discussion.

Chapter 6

DISCUSSION

The use of restorative justice in the youth justice field has been a popular trend in Canada since the implementation of the Youth Criminal Justice Act (Department of Justice Canada, 2009 October). As popularity and use continues to grow, further research in this field is needed to identify best practices, areas of necessary improvement and implementation standards. The current research provides some insight into stakeholder experiences and recommendations. This chapter is organized according to the research questions posed in the study.

Research Questions

1. What perceptions do stakeholder groups hold regarding restorative justice and restorative justice programming?

Due to the low response rate experienced throughout this research it is hard to truly identify stakeholder group perceptions of restorative justice. Some group tendencies were evident however. Few research participants described restorative justice as a unique philosophy. The Government of Nova Scotia (2008) describes restorative justice as "a way of thinking about crime and conflict. It is not a particular practice or type of program, but rather a philosophy, or a set of principles." Many of the current research participants understood restorative justice to be a program, describing the different elements of programming and the process for a youth. Johnson (2003) described three core programming

models associated with restorative justice: family group conferencing, circles and victim offender mediation (p 8-9). Most research participants spoke about restorative justice programming when describing restorative justice. Research participants often described restorative justice as the process of bringing people together to voice their opinions and to decide on an appropriate sentence. While all of the programming and processes described were accurate depictions of restorative justice programming, the deeper understanding of restorative justice was not central to their discussion.

This finding correlates with previous research, as well. Abramson's 2002 study of police officers operating in British Columbia found that police involved in a local restorative justice program did not have a clear understanding of restorative justice as a philosophy. "Most officers viewed restorative justice as a program (i.e. victim-offender mediation) rather than a philosophy and way of dealing with all conflict, not just criminalized behaviour" (Abramson, 2002, p. 18-19). The current research study found similar tendencies with interviewed police officers. Survey respondents from other stakeholder groups (restorative justice caseworkers, restorative justice volunteers, and mental health professionals) often described restorative justice as a program, as well.

There were exceptions to this finding, however. Survey and interview respondents working directly with restorative justice programs, such as administrators in the restorative justice field or restorative justice caseworkers, were more likely to describe restorative justice as more than a program. Although only one participant actually described restorative justice as a "philosophical, theoretical movement", respondents from these groups were more likely to describe elements of restorative justice that went beyond programming. These respondents

spoke about restorative justice being a different way to look at crime or a unique opportunity for youth to understand their actions. Responses such as these indicate a clearer grasp of the philosophies associated with restorative justice.

In addition to the above mentioned perceptions, all police officers also perceived restorative justice to only be appropriate for minor, low-level offences. Contradicting this was the finding that all administrative respondents identified that restorative justice should be used in any criminal offending scenario, regardless of the offence type. As mentioned previously, these results seemed to be an indication of a varying understanding of restorative justice. Police respondents were more likely to identify restorative justice as a court diversion program, whereas administrative respondents had a better understanding of restorative justice as a philosophy. These contrasting interpretations of restorative justice likely influenced respondents' recommendation of restorative justice use for only minor offences, versus all criminal offences.

Although the philosophy of restorative justice was not always fully understood, research respondents had a better understanding of the anticipated outcome and goals of restorative justice. The Department of Justice Canada (2009 October) describes the goal of restorative justice as follows:

> The goal is to "restore" the relationship, fix the damage that has been done and prevent further crimes from occurring. Restorative justice requires wrongdoers to recognize the harm they have caused, to accept responsibility for their actions, and to be actively involved in improving the situation. Wrongdoers must make reparation

to victims, themselves and the community. (Department of Justice Canada, 2009

October).

The majority of these goals were identified by both survey and interview participants. In

describing their understanding of restorative justice many research participants spoke about

allowing youth to take responsibility for their actions and finding a way for the youth to fix the

problem he/she created. However, a goal which seemed to be overlooked was that goal of

helping the victim. Results from the survey data found that 6 of 8 respondents (87.5%) agreed

with the statement, "The current Youth Criminal Justice Act does more to protect the youth

offender than the victim of crime." Interview results supported this statement to some extent,

as well. When discussing respondents' personal understanding of restorative justice only two

interview participants, both from the administrative group, identified outcomes and goals of

restorative justice associated with the victim.   These results mirror concerns articulated in

research by Cormier (2002) and the Canadian Resource Centre for Victims of Crime (n.d.).

These reports identified concerns of victims' rights and victim satisfaction being overlooked in

restorative justice settings which operate from a youth-centred approach.

Understanding goals and outcomes is essential to effective programming and

implementation practices. Ensuring that all stakeholders maintain a synchronized

understanding of restorative justice goals is an important step in providing youth, victims, and

communities, with high quality restorative justice experiences.   It is encouraging to know that

all stakeholder groups seemed to have an accurate understanding of the basic restorative justice

goals. However, additional clarification of goals associated with victim empowerment and healing may be needed.

2. Is restorative justice programming perceived by the individuals implementing it as an effective practice?

There are mixed opinions concerning both the Youth Criminal Justice Act and restorative justice (Cullen, Fischer, & Applegate, 2000). Both are often criticized by community members, news media outlets, and political figures. Public opinion is freely available through newspaper editorials and online public forums associated with specific youth crime cases. A recent court outcome in which a youth charged with attempted murder received a 14 year sentence produced the following online comments from the public, "Better 14 years as an adult than a slap on the wrist as a teen" (Valinns, 2010). "Nova Scotia laws are a joke. Murder someone do half your sentence, no wonder he's smiling and thumbs up!! Utterly disgusting. What a joke our legal system is." (LMacLean, 2010). "Violent criminal activity such as this should be made public and gun toting thugs no matter what age should be prosecuted as adults and fully publicized, including histories and pictures. It's time to stop handling these criminals with kid gloves when youth violence escalates to make a city appear like a low budget television crime show" (Richards beachlife, 2010).

While these opinions are very strong and clearly unsupportive of current justice responses, more refined research into public opinions of court responses shows some support for restorative justice procedures. A study completed by Roberts, Crutcher, and Verbrugge (2007) compared public opinion results from a 1985 survey of crime response to results from a

similar study completed in 2005. In the 1985 results, only 2% of the sample supported

restitution (a concept strongly associated with restorative justice) while 40% of respondents in

the 2005 study rated restorative responses as the most important. Roberts et al. (2007) describes

the meaning of this finding, "These findings suggest that Canadian attitudes towards the

purposes of sentencing offenders may well have evolved away from a punitive and toward a

restorative approach to sentencing" (p. 87).

Mixed findings such as these were similarly found within the current study results. The

majority of respondents directly involved with the actual implementation of restorative justice

(restorative justice administrator, caseworkers, and volunteers) felt it was an effective practice.

Many respondents spoke about its strong potential for positive outcome in any type of criminal

case. These respondents seemed to truly support the restorative justice process and felt its use

was something worth investing in. Police officer respondents seemed to have a more critical

view of restorative justice. All police officers felt that restorative justice was appropriate for

minor, non-repeat offenders, which is an opinion often shared by the general public, as well

(Cullen, Fisher, & Applegate, 2000, p. 41). Many concerns were voiced from this group

regarding the number of chances that youth offenders receive and whether or not restorative

justice is an effective practice for the more seasoned offender. In addition, police officers

described restorative justice as a "softer" sentence than court proceedings. Several police

officers relayed personal experiences of youth taking part in restorative justice sessions,

showing little remorse, and taking no responsibility for their actions. While police did not have

entirely negative opinions of restorative justice, they were much more inclined to place

limitations on restorative justice use and generally felt that restorative justice should be reserved for minor, low end offending situations.

Many research respondents also described the importance of community and societal support for the effective implementation of restorative justice. Results from the survey data found that seven of eight respondents agreed with the statement, "society has a responsibility to assist youth offenders in their rehabilitation." Interview participants from both the administrator and police officer group also articulated the important role of community in restorative justice. "Community has a responsibility to take care of its children, including those children who are straying away from the, sort of, the righteous path." However, participants also believed that there was very little community and societal support for restorative justice. Six of eight survey participants identified that they did not believe that the majority of community members supported the use of restorative justice. A lack of community resources and program funding were also identified by research participants as persistent problems in the restorative justice field. Anderson (2007) found similar identifications with stakeholder groups interviewed throughout her research, "Contributors agreed that the Act is failing youth by not providing adequate resources in the communities from them to utilize" (p. 78). Although research participants identified the importance of societal and community support, they also indicated that very little support is available. These findings likely have a direct impact on stakeholder's perception of restorative justice being an effective practice.

It is important to note when discussing this research question, that the word "effective", as stated in the question, is likely to mean different things to different stakeholder groups. Police officers and community members are likely to consider a justice response "effective" if a

youth has stopped offending. However, one restorative justice administrator spoke about the need to consider factors other than recidivism, when determining whether restorative justice use is effective. For example, a youth may gain better communication skills from a restorative justice session or family relationships may improve. Stakeholders directly involved in restorative justice programming are more apt to see the smaller changes in a youth, such as a youth's ability to talk about his feelings, and consider restorative justice to be effective based on those factors in addition to recidivism.

3. **How do participant's beliefs, values, and perceptions of restorative justice impact their procedures for dealing with hypothetical cases that could be addressed with restorative justice?**

Rokeach (as cited in Glenn, 1999) describes values as "determinants of social behaviour; they are the internalized standards and criteria for guiding actions, developing and maintaining attitudes, and making moral judgements" (p 204). In keeping with Rokeach's understanding, the current study attempted to gauge survey participants' beliefs, values, and opinions of restorative justice and the Youth Criminal Justice Act by asking value laden questions related to restorative justice and its use. The current study also provided survey participants with four hypothetical youth cases, for which they had to decide appropriate responses and outcomes for each youth. As only three stakeholder groups participated in this part of the study (restorative justice caseworkers, volunteers and mental health professionals), this question can only be answered based on these eight returned surveys.

The majority of youth scenario responses did not indicate a direct association with a participant's values and beliefs. All survey participants, regardless of their overall opinions of restorative justice, felt that a repeat, violent offender should be incarcerated. Similarly, all survey participants felt that a repeat, non-violent offender should be placed on some sort of probation. Strong consensus was also established when faced with a first time, non-violent offender. All respondents identified that this youth should take part in some type of restorative justice programming and upon completion would likely have no further contact with police.

Only in one situation did opinions of restorative justice seem to correlate with survey respondents' procedures for dealing with hypothetical cases. Participants who "disagreed" with the following two statements, "Restorative justice should only be used for youth that have no previous criminal record" and "Restorative justice should only be employed one time per offending youth", were more inclined to suggest that a repeat, non-violent offender should be "released with an order of restitution". Although restitution is not a restorative justice program, it is considered to be restorative in nature as it is associated with repairing the harm caused to the victim (Maiese, 2003). This finding is not entirely unexpected as participants' responses showed a level of support for repeat use of restorative justice sentences. It can therefore be assumed that when faced with a repeat, non-violent offender they would likely choose to continue restorative justice use.

Constructivist theorists argue that an individual's reality is inevitably shaped by their values: "realities are multiple and they exist in people's minds" (Guba, 1990, p. 26). Although difficult to identify in the present study, an individual's value system is likely a strong influential factor in respondents' decision making processes. Individual value systems and the

role they play in human interaction is an area worth further study when researching restorative

justice use.

4. Despite any definitional ambiguity, are there identified gaps in restorative justice

 programming within the researched municipality of Nova Scotia?

 Identified gaps in restorative justice programming within the local area were associated

with communication, education, and support. Communication was identified by both

restorative justice volunteers and police officers as an area which required some improvement.

Police officer respondents identified a lack of communication between their organization and

the local restorative justice organization. Police officers felt that receiving a follow-up e-mail or

phone call after a youth's restorative justice session would help them feel more involved in the

process. Involving police beyond the initial restorative justice invitation promotes a better

understanding of the process and seeks to garner further support for restorative justice use.

Comparable studies resulted in similar findings. Abramson's (2003) study found that 71.4% of

surveyed police officers felt that "providing regular updates to officers on the progress of the

case they referred" (p. 397) would help to enhance the relationship between the restorative

justice agency and the local police force. Abramson (2003) further identified in her study that

"the value underpinning all of these initiatives seems to be maintaining and improving the lines

of communication between the police and the program" (p. 397).

 Restorative justice volunteers also identified a lack of logistical communication

regarding cancellations of restorative justice sessions. One survey respondent articulated

frustration with repeatedly driving to cancelled restorative justice sessions. The importance of

community involvement in restorative justice is essential. As noted by Souza and Dhami (2008), "RJ [restorative justice] recognizes the community as an important stakeholder in justice, such that it situates crime in a societal context" (p. 33). Respondents from the current research study also identified the importance of community for providing programming support, social resources, and opportunities for youth offenders. Ansari and Philips (2001) further identify a strong connection between volunteer commitment and job satisfaction. Improving cancellation policies and other logistical communication practices will ensure community volunteer satisfaction and lead to enhanced volunteer sustainability.

An additional programming gap associated with restorative justice programming is related to education. Although all research participants had a clear understanding of restorative justice programming, fewer participants seemed to understand the *philosophy* of restorative justice. As in Abramson's (2002) study, interviewed police officers in the current study often portrayed restorative justice as a specific program and alternative to court sentencing. They also described their restorative justice training as minimal and generally occurring onetime throughout their career. Police respondents seemingly associated restorative justice with alternative measures. MacKillop (1999) described the use of alternative measures as "formalized programs other than judicial proceedings which may be at the pre or post charge stage" (p. 6). Alternative measures were used within the Young Offender's Act (MacKillop, 1999) and with the implementation of the Youth Criminal Justice Act in 2003 were replaced with restorative justice (Legal Information Society of Nova Scotia, 2006). Abramson (2002) describes the main difference between alternative measures and restorative justice. "The goals of AM [alternative measures] programs are related to the formal court process and do not operate

within a different paradigm or way of thinking about conflict" (p. 23). Although the phrase "alternative measures" is no longer used, the overarching association of restorative programming being an "alternative" seems to remain today amongst the interviewed police respondents. Additional education and training into restorative justice philosophy and its expanded use would allow for increased understanding and better utilization of the service.

The final identified gap in local restorative justice programming is associated with support. The foundational roots of the Youth Criminal Justice Act imply a high level of community support and stakeholder interaction. "Society has a responsibility to address the developmental challenges and needs of young persons... Communities and families should work in partnership with others to prevent youth crime "(Department of Justice Canada, 2002, p. 2). The view that there is a lack of stakeholder support, including community members and society, was articulated at several points in this research study and identified by all stakeholder groups.

With reliance on community based programming for criminally-based intervention growing over the last few decades, community support is integral to restorative justice use. "In 1996 the sentencing principles in the Criminal Code were amended to encourage the use of community-based sentencing and focus on restorative elements" (Canadian Resource Centre for Victims of Crime, p. 3). In addition, the implementation of the Youth Criminal Justice Act brought with it an additional push for community based intervention (Department of Justice Canada, 2009 October). However, research participants often spoke about a lack of community and societal support. Several participants also identified a lack of funding and community programming, especially in rural areas.

Police support for restorative justice seemed to be contingent on several factors, such as youth commitment, offence type, and family support. Police officers often articulated that restorative justice was soft on crime and, at times, ineffective. All police officers felt that restorative justice should only be used with minor, non-repeat offenders. Police officers are key stakeholders in the youth justice field. Their initial interaction and referral plays a powerful role in a youth's justice experience. Every effort should be made to gain their support, as an integral part of the restorative justice process. In addition, a lack of community and government support results in ineffective programming, as restorative justice relies heavily on such support. Strong community and government support is essential for the effective implementation of restorative justice and should be readily available throughout all levels of restorative justice programming.

5. **What recommendations regarding professional development do stakeholders see as essential for effective restorative justice practice?**

Several professional development recommendations were identified by the stakeholder groups. Overall, more training and professional development could be provided to all restorative justice stakeholders. Police respondents described only minimal restorative justice training occurring onetime throughout their employment. Additional research has identified that the majority of police officers' understanding of restorative justice comes directly from restorative justice agencies rather than their employment organization (Abramson, 2003). Restorative justice administrators also described a lack of funds for training and a need for a standardized provincial training program. Dhami and Souza's 2008 study also suggested a

need for community volunteer training in restorative justice programs with 63% of restorative

justice volunteers indicating that they "needed more training to improve their effectiveness as

volunteers"(p. 46).

More specifically, additional mental health training was suggested by police officers,

restorative justice administrators, and mental health professionals. "A range of psychosocial

factors are associated with offending and predisposition to mental health problems among

young offenders" (Callaghan, Pace, Young, & Vostanis, 2003, p. 186). In keeping with this

understanding, continued professional development associated with mental health and risk

factors provides stakeholders with a more accurate understanding of the youth with whom they

work. This type of training allows stakeholders to maintain empathy when working with youth

offenders and provides them with a more complete picture. A new mental health training

initiative for all police officers in the area was described by a police officer respondent. This

training will focus on providing police officers with a more in-depth understanding of their

offender and potential causes of criminal behaviour. Continued training in mental health issues

for all restorative justice stakeholders will benefit both the stakeholders and youth offender.

Professional development specifications were also described within this research study.

The need for hands on, practical training was identified as an essential piece of effective

training. Souza and Dhami (2008) identified that "volunteers found interactive training

techniques significantly more helpful than informational methods" (p. 47). Similar findings

were present in this study with several participants across stakeholder groups indicating the

effectiveness of hands-on, interactive training. Informational training was only seen as one

piece within the complicated puzzle. Restorative justice administrators spoke about training

their volunteer facilitators, in communication and facilitating techniques, and then letting them learn through practical application and continued follow-up. Police officer respondents felt that many of their skills were learned through field training and being in the active environment. Providing professional development to restorative justice stakeholders in the fashion that they feel is most effective will lead to more impactful training and a quicker intake of information.

A second professional development specification suggested by police respondents was the need for quick and concise training due to their minimal free time and sporadic schedules. Current restorative justice training for police in the research area involves the distribution of a restorative justice flip book. The goal of this book is to be compact and act as a quick reference guide, however, one police respondent suggested that the use of this book is likely minimal, citing that "we tell them to put them in their kit bag and they probably promptly throw them right in the garbage". Determining how to translate complex restorative philosophies in a brief or limited amount of time is a complicated task, yet warrants further research as these principles are essential to the effective implementation of restorative justice. Further research into knowledge translation models may help in determining appropriate training and professional development practices.

Chapter 7

RECOMMENDATIONS & LIMITATIONS

Chapter 7: Recommendations and Limitations provides a list of recommendations specific to research, the Government of Nova Scotia, restorative justice agencies, police officers, community programs, and community education. These recommendations were generated from the current analysis of the research surveys and interviews and aim to support improved restorative justice programming in Nova Scotia and across Canada. Study limitations have also been identified to provide the reader with factors that have the potential to impact current research results.

Recommendations

Research

Additional restorative justice research is needed in order to develop a national restorative justice framework.

- Further research into the use of restorative justice in Canada's criminal justice system is necessary. Obtaining a better understanding of current restorative justice programs, training standards, and stakeholder perceptions will provide a solid foundation for effective restorative justice use.

- Research on knowledge translation models and strategies should take place in order to determine the most effective means to educate stakeholders and community members about restorative justice philosophy, programming, and processes.

- Evaluations of restorative justice programs, including program effectiveness and youth outcomes, should be completed on an annual basis. Results from these evaluations should be readily available to the public in an effort to increase public access and promote the benefits of restorative justice use.

Government of Nova Scotia

The Government of Nova Scotia should expand their restorative justice initiative to include community and program development, professional development days for all restorative justice stakeholders, and concept training for police officers.

- A standardized restorative justice training program should be developed for restorative justice volunteers and employees. This program should be provided to all contracted restorative justice agencies and the use of both informational and interactive training should be incorporated into the training. Training standards should be based on current research, restorative justice principles, and best practices.

- Additional funding should be provided for a restorative justice community education program. Restorative justice week is held annually in November and provides the ideal backdrop for a community education campaign. Educating community members about restorative justice will help to garner community support and allow community members to have educated debates and discussions about restorative justice use.

- Communication practices within restorative justice agencies should be enhanced to facilitate collaboration of all stakeholders. Funding should be provided for an additional staff member at each of the restorative justice agencies. This employee will act as a

liaison between restorative justice agencies and other stakeholder groups, ensuring

adequate communication and follow-up with all parties.

- Additional support, such as funding, workshops, and training should be provided to

  community programs in order to provide better support for at-risk youth. This support

  should be focused on rural areas which currently have little programming in place for

  at-risk youth.

Restorative Justice Agencies

Restorative justice agencies should continue to build capacity in order to enhance programming

and establish better communication and collaboration with other restorative justice

stakeholders.

- Mechanisms for enhanced communication should be employed to ensure adequate

  communication across stakeholder groups. One such option is the hiring of a

  Communications Coordinator whose responsibility would be to ensure adequate

  communication between all stakeholders involved in restorative justice sessions.

- Additional effort should be made to ensure adequate communication with local police

  officers. Maintaining increased e-mail, phone, or in-person contact will allow police to

  feel they are a part of the restorative justice team and increase their overall support.

- A new procedure should be adopted by restorative justice agencies which would

  provide all stakeholders involved in a restorative justice session with a closing letter

  after the completion of each youth's restorative justice session. This letter would

provide a brief overview of the session, its outcome, and additional follow-up on the youth's status. This practice would ensure better communication across stakeholder groups.

- Community workshops and education sessions should be provided to the public at large in an effort to educate community members on the use of restorative justice. Advertising of these sessions should extend to the larger community in order to educate and involve all community members.

- Continued effort should be made to include all stakeholders in restorative justice sessions. Police, community members, and victims all play a key role in these sessions, and a substantial amount of effort should be made to include all pertinent parties. An increased restorative justice profile in the community may help to increase community and victim participation, as well.

Police Officers

Police officers should have a better understanding of restorative justice philosophy and their integral role in restorative justice sessions.

- Professional development sessions, focusing on restorative justice and its programming, should be provided to all police officers working with youth. These sessions should be provided on a semi-annual or annual basis and would provide police officers with a clear understanding of restorative justice philosophy, practices, and effectiveness.

- Having police officers attend restorative justice sessions should be a priority. Every effort should be made to provide flexibility in an officer's schedule to allow him/her to attend these sessions. A police officer plays a key role in a restorative justice session and their participation should be essential to the process.

Community Programs

Additional social programs for children and youth in communities across Nova Scotia are needed.

- Community needs assessments should be completed in communities across Nova Scotia. These assessments should aim to identify the areas of programming need within the community and necessary programs should be developed based on recommendations from these assessments. This increase of programming should be focused on rural areas.

Community Education

Nova Scotian communities should be better educated on restorative justice, its programming, and the role that community members can play.

- A community education and awareness program should be developed through collaboration of government and agency support. This programming should focus on a continuous effort to educate community members on youth crime and restorative justice use and effectiveness.

- Restorative justice volunteer recruitment sessions should take place annually within the community. These sessions should be advertised in multiple venues in an effort to increase volunteer recruitment, and to provide further education and information to the average community member.

Limitations

- Due to confidentiality issues, no victims or youth offenders were included in this research. Both of these stakeholder groups are of substantial importance to the discussion of restorative justice. Not including their perspective in the researcher study allowed only assumptions to be made regarding the impact and satisfaction rates of restorative justice for these two crucial groups.

- Interview participants were only met with on one occasion. Repeat interactions with the interview participants may have increased the study's credibility. Credibility is increased by the researcher truly getting to know the study participants and further understanding the participants' perspectives. Having only met with interview participants on one occasion, the researcher's interpretation of the data is based solely on this single discussion.

- Due to a low response rate for both surveys and interviews, all of the results should be reviewed with caution. Any type of identified finding is based on a minimal number of

responses and should not be considered to be the opinion of a larger group. This low response rate can also influence the study's transferability. With minimal responses from each stakeholder group, it is more difficult to say whether similar results would be found if the study is replicated.

- As the research was conducted in one municipal location, results are only representative of the researched individuals and are not intended to represent any larger geographical location.

- It was often the case that participants from a particular stakeholder group were all employed at one organization. It is, therefore, possible that any type of identified finding could be a result of the employment environment rather than an individual's personal beliefs, values or perceptions.

- As certain stakeholder groups were surveyed (restorative justice caseworkers, restorative justice volunteers, and mental health professionals) and others were interviewed (police officers and restorative justice administrators), it is possible that an overrepresentation of certain groups and opinions was articulated. Through the use of interviews, the researcher was able to ask participants for additional information and delve more deeply into specific topics. This was not possible with survey participants and may have resulted in more focus being given to the interview responses.

- Conducting both face-to-face interviews and surveys may have resulted in differing

  responses. As survey completion is more anonymous than face-to-face interviews,

  survey respondents may have felt more comfortable answering questions honestly,

  while interview participants could be influenced by the interviewer's presence and

  respond in manner that may alter or elaborate their views.

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APPENDIX I

Participant Survey

The Use of Restorative Justice within the Youth Criminal Justice Act: A

Multiple Stakeholder Perspective

Thank you for participating in this research project by completing this survey. Brief

instructions are provided at the beginning of each section. A list of definitions has also

been provided so that you can reference them at anytime throughout the survey completion.

Estimated Time to Complete: 30 minutes

DEFINITIONS:

<u>**Victim-Offender Mediation**</u> - Refers to the process of bringing together victim and offender

with a mediator in an attempt to discuss the offence, its effects, and how it should be reconciled.

<u>**Family-Group Conferencing**</u> - Brings a larger group of effected individuals together, including

families of both offender and victim. The hopeful outcome is to establish remorse within the

offender and provide the victim with a say and a voice in the process.

<u>**Circles**</u> - Incorporates many types of circles, including sentencing, healing, and release. In this

process all individuals affected by the offence, offender, victim, support people, and community

members, are brought together in a circle to discuss the offence with a judge, police officer,

caseworker, or lawyer in order to determine what the appropriate response is at this point.

Section 1: About You

Please complete each question to the best of your ability.

1. Gender   ___ M   ___ F

2. Age range   ___ 20 - 30   ___ 30 - 40   ___ 40 – 50   ___ 50 - 60   ___ 60 +

3. Identify the group which best describes your role within the Restorative Justice process.

   ___ Police Officer   ___ Case Worker

   ___ Community Volunteer   ___ Mental Health Professional

   Other _____

4. How long have you been working or volunteering in the youth justice field?

   _____

   _____

5. Prior to your current position, had you previously worked or volunteered within the youth

   justice field? If so, please explain.

   _____

   _____

   _____

   _____

Section 2: Preliminary Information

Please complete each question by providing as much information as possible.

1. Describe your understanding of the **purpose** of the Youth Criminal Justice Act.

   _____

   _____

   _____

2. How would you define Restorative Justice?

   _____

   _____

   _____

   _____

3. What do you think is the **purpose** of using Restorative Justice in the Youth Criminal

   Justice Act.

   _____

   _____

   _____

   _____

   _____

4. What role do you feel you play within the overall implementation of the Youth Criminal

    Justice Act?

    _____

    _____

    _____

    _____

    _____

5. What elements in your current employment/volunteer capacity, if any, do you value highly

    and hope to maintain?

    _____

    _____

    _____

    _____

    _____

6. What elements in your current employment/volunteer capacity, if any, do you hope to

    improve on or change?

    _____

    _____

    _____

    _____

Section 3: Beliefs, Values, Attitudes

Please circle the number that best represents your opinion on the following statements.

Five(5) indicates you strongly agree with the statement while 1 indicates you strongly

disagree.

Statements	SA 5 4 3 2 1 SD
1. Since the Youth Criminal Justice Act came into affect youth incarceration rates have dropped.	SA 5 4 3 2 1 SD
2. Community support is essential for the Youth Criminal Justice Act to be as effective as possible.	SA 5 4 3 2 1 SD
3. The majority of community members support the **Youth Criminal Justice Act.**	SA 5 4 3 2 1 SD
4. Restorative Justice should only be used in cases of minor offences.	SA 5 4 3 2 1 SD
5. The majority of community members support the use of **Restorative Justice** practices.	SA 5 4 3 2 1 SD
6. Restorative Justice should only be used for youth that have no previous criminal record.	SA 5 4 3 2 1 SD
7. Restorative Justice should only be employed one time per offending youth.	SA 5 4 3 2 1 SD
8. Restorative justice provides healing for the victims of crime as well as the offender.	SA 5 4 3 2 1 SD
9. Victims of crime should have a say in how their offenders are processed and sentenced under the law.	SA 5 4 3 2 1 SD
10. The current Youth Criminal Justice Act does more to protect the youth offender than the victims of the crime.	SA 5 4 3 2 1 SD
11. Incarcerating a youth with adult offenders will have little effect on the youth reoffending.	SA 5 4 3 2 1 SD
12. Society has a responsibility to assist youth offenders in their rehabilitation.	SA 5 4 3 2 1 SD
13. It is a youth's parents/guardians that are responsible for a youth's actions.	SA 5 4 3 2 1 SD
14. A youth that has become a repeat offender most likely has a history of family problems.	SA 5 4 3 2 1 SD
15. Releasing a youth from their incarceration sentence prior to their scheduled release date is appropriate if a youth has shown good behavior overall.	SA 5 4 3 2 1 SD
16. The issue of youth crime is a societal problem and not just the problem of the offending youth.	SA 5 4 3 2 1 SD

Section 4: Training

Please complete each question.

1. What is your highest level of education (please identify specific certificate, degree, or diploma).

   _____

   _____

2. Have you completed any professional development training or workshop training regarding:

   A) **Youth Criminal Justice Act?** If so, please describe.

   _____

   _____

   B) **Restorative Justice programming?** If so, please describe.

   _____

   _____

   C) **Anger Replacement/Management** and/or **how to approach anger in youth?**

   If yes, briefly describe or name the approach.

   _____

   _____

   D) **Communication strategies** and/or **how to talk to youth?** If so, please describe.

   _____

   _____

   E) **Child or youth development?** If so, please describe.

   _____

   _____

Section 5: Individual Youth Scenarios

Please review the 4 scenarios provided on the page below and indicate on the grid, by placing an "X" in the corresponding box, your perception of the most appropriate action or actions to take for specific scenarios. Each grid deals with a separate issue: *initial response, post arrest, sentencing decision, post sentencing,* **and** *predicted effectiveness***.**

Mac

Mac is a 14 year old boy stopped on his way out of a clothing store on suspicion of shoplifting. When his backpack was searched officers found a sweatshirt and baseball hat from the store. Mac apologizes to the officers and the store clerk and explains that he stole the items to give to his brother for his birthday. Mac has no previous criminal convictions and the police have not dealt with him previously.

Paula

17 year old Paula has just been arrested for the 7th time in the past 9 months. Her previous convictions included shoplifting, minor vandalism, and possession of an illegal substance (marijuana). Her arrest today is the result of spray painting graffiti on the exterior walls of downtown store fronts. She is currently on probation and has completed a family group conferencing session in the past.

Janice

18 year old Janice was arrested in connection to a violent home invasion in her neighborhood. The victims of the crime were an elderly couple who were beaten with household items such as a broom and a rolling pin. Both victims were tied up and locked in a closet as Janice and several of her friends ransacked the house and stole any jewelry or money present. Janice has an extensive criminal record with many minor convictions when younger and additional arrests for a gang beating, assaulting another female because she reportedly owed her money, and injuring her mother in a domestic argument. She has previously spent 6 months in a juvenile detention facility and has also completed two additional restorative justice sentences.

Luke

Luke is a 17 year old boy just arrested for an armed robbery that took place 2 days ago. Luke went into a local gas station with a gun and ordered the cashier to give him the money from the register. He was able to get away with approximately $350. Luke is currently on probation for a similar occurrence in which he held up several individuals at a local park demanding their money. Luke has additional items on his criminal record including driving under the influence, possession of an illegal substance with the intent to sell, and break and enter. Luke has been in a juvenile detention facility on two occasions and has completed restorative justice programming once.

INTIAL RESPONSE	Mac	Paula	Janice	Luke
Release with a warning - no parental contact				
Release after speaking with parents/guardians and providing a warning				
Release with an order for restitution				
Arrest and Incarcerate youth until sentencing				
Arrest and place child in protective care until sentencing				
Other - Please explain				

POST ARREST	Mac	Paula	Janice	Luke
Conduct a family group conferencing session				
Conduct a victim-offender mediation session				
Complete a sentencing circle with all parties involved to determine an appropriate sentence				
Process youth through standard court process {plea - trial - sentence}				
Other - Please explain				

SENTENCING DECISION	Mac	Paula	Janice	Luke
Require youth complete a Restorative Justice program - no criminal record upon completion				
Place youth on probation for a maximum of 1 year				
Place youth on probation for maximum of 3 years				
Place youth in group home setting				
Incarcerate youth				
Other - Please explain				

POST SENTENCING	Mac	Paula	Janice	Luke
Release with no restrictions				
Maintain contact and follow-up for 3 months post completed sentence				
Place youth on probation with some restrictions and required follow-up				
Required post-sentencing therapy				
Other - Please explain				

PREDICTED EFFECTIVENESS	Mac	Paula	Janice	Luke
Youth will have no further problems with the law				
Youth will have minor continued run-ins with the law but will eventually grow out of it				
Youth will continue to have major run-ins with the law and long-term outcome could go either way				
Sentencing procedure and any treatment will have little effect on youth				
Other - Please explain				

Thank You!

APPENDIX II

Police Interview Questions

1. Please share with me your understanding of the Youth Criminal Justice Act?

2. How would you define restorative justice?

3. In your opinion, what is the purpose of employing restorative justice within the Youth Criminal Justice Act?

4. Based on your experience, how has the Youth Criminal Justice Act impacted youth crime rates?

5. What impact do you believe community support has on the overall effectiveness of the Youth Criminal Justice Act?

6. Personally, how do you think the majority of community members feel about the Youth Criminal Justice Act?

7. What types of criminal matters do you believe are best suited for a restorative justice response?

8. Based on your experience, do you believe restorative justice should be employed one time per offending youth or available each time the youth offends? (If no elaboration, the participant will be asked or further explanation)

9. In your opinion, what impact does a youth's family have on the likelihood a youth will criminally offend?

10. Please share with me your thoughts on the impact of restorative justice for victims of crime. B) What impact do you believe restorative justice has for the youth offender?

11. What role, if any, do you think, society should play in the rehabilitation of youth post offending?

12. Based on your experience, what type of training do you think is necessary for adequate implementation of restorative justice into the Youth Criminal Justice Act?

13. What supports (financial, professional development, etc.) does your organization receive in order to employ restorative justice?

14. Are there any issues regarding restorative justice or the Youth Criminal Justice Act that you would like to mention that have not been discussed thus far?

APPENDIX III

Administrator Interview Questions

1. Please share with me your understanding of the Youth Criminal Justice Act?

2. How would you define restorative justice?

3. In your opinion, what is the purpose of employing restorative justice within the Youth Criminal Justice Act?

4. Based on your experience, how has the Youth Criminal Justice Act impacted youth crime rates?

5. What impact do you believe community support has on the overall effectiveness of the Youth Criminal Justice Act?

6. Personally, how do you think the majority of community members feel about the Youth Criminal Justice Act?

7. What types of criminal matters do you believe are best suited for a restorative justice response?

8. Based on your experience, do you believe restorative justice should be employed one time per offending youth or available each time the youth offends? (If no elaboration, the participant will be asked or further explanation)

9. In your opinion, what impact does a youth's family have on the likelihood a youth will criminally offend?

10. Please share with me your thoughts on the impact of restorative justice for victims of crime. B) What impact do you believe restorative justice has for the youth offender?

11. What role, if any, do you think, society should play in the rehabilitation of youth post offending?

12. What types of training do you provide your employees that would impact their understanding and implementation of restorative justice into the Youth Criminal Justice Act? B) Based on your experience what type of training would you like to see?

13. What supports (financial, professional development, etc.) does your organization receive in order to employ restorative justice effectively?

14. Are there any issues regarding restorative justice or the Youth Criminal Justice Act that you would like to mention that have not been discussed thus far?

APPENDIX IV

Invitation Email to Stakeholder Representatives

(Date)

Dear *(stakeholder representative),*

My name is Emily King and I am a graduate student in the Master of Arts (Child and Youth Study) program at Mount Saint Vincent University. As part of my degree requirements, I am conducting research to investigate restorative justice programming within the Youth Criminal Justice Act. The aim of this research is to gain a deeper understanding of stakeholder values, beliefs and perceptions of restorative justice programming within the municipality.

The *(organization name)* is host to a range of individuals that play a direct role in the restorative justice programming that youth within the municipality take part in. For the purpose of this study I am interested in surveying *(stakeholder group)* employed within your organization that may have participated in some form of restorative justice programming. In addition to survey data we would also like to request a brief interview with you to supplement the survey information. If you are willing to participate by distributing questionnaire packages to the appropriate employees and taking part in a brief interview, please contact me via telephone at *(researcher phone number)* or email at *(researcher e-mail address)*. We can then discuss further the details of the study, the number of potential survey participants under your supervision, and an appropriate interview time and location.

All information obtained in this study will be kept strictly confidential. Employees will not be asked any self-identifying questions and questionnaires will be numerically coded and destroyed 5 years after thesis completion. Surveys, audio-taped interviews, and interview transcriptions will be stored in a locked file cabinet in the researcher's office and electronic files will be kept on a password protected.

The results of this study will be presented as group data only, and no individual participants will be identified. Quotations from open-ended survey questions may be used in the thesis and in future publications and presentations to illustrate important findings. However, quotations will not be accompanied by any identifying information. A summary of the research findings will be shared with you and your organization upon your request.

Should you have any further questions or concerns regarding this study, please contact me, Emily King, at *(researcher phone number & e-mail address)* or my thesis supervisor Dr. Frederick French at *(supervisor phone number & e-mail address)*. If you have any questions and wish to speak with someone who is not directly involved with this study, you may contact the University

Research Ethics Board (UREB) c/o MSVU Research and International Office, by phone at 457-6350 or by email at research@msvu.ca.

I would like to thank you for considering my research project. It is my hope that this research will advance current knowledge surrounding restorative justice programming. I will contact you in the near future to follow-up.

Sincerely,

Emily King
Graduate Student
Mount Saint Vincent University

APPENDIX V

Letter to Survey Participants

(MSVU Letterhead)

(Date)

Dear (*Stakeholder Group),*

My name is Emily King, I am a graduate student in the Master of Arts (Child and Youth Study) at Mount Saint Vincent University, Halifax, Nova Scotia. As part of my degree requirements, I am conducting research on restorative justice programming within the Youth Criminal Justice Act under the supervision of Dr. Frederick French. The purpose of the study is to examine your perceptions regarding the use of restorative justice within the Youth Criminal Justice act and to ascertain your perceptions of the benefits, concerns, and issues that may still need to be addressed.

If you are willing to participate in this research, please complete the enclosed survey: *The Use of Restorative Justice within the Youth Criminal Justice Act: A Multiple Stakeholder Perspective.* The survey is divided into five sections, requiring you to provide information on your gender, age range, and experience with and understanding of restorative justice as well as your perceptions of how restorative justice programs are implemented. Other sections contain items focusing on your perceptions of youth crime, your professional development training, and your responses to typical youth scenarios. The completion of the attached survey should take approximately 30 minutes.

Please understand that your participation in this study is completely voluntary. You do not have to answer any questions on the survey that cause you discomfort. All information will be kept confidential. Only group results will be reported and no single person or organization will be identified. The surveys will be numerically coded and hard copies will be destroyed 5 years after the thesis completion. If you request a summary of the research findings they will be shared with you and/or your organization when the thesis is completed.

If you choose to complete the survey please enclose your completed survey in the self addressed envelope provided and return by *(place date here).*

If you have any questions about this study, please contact me at (*researcher phone number & e-mail address*) or my thesis supervisor Dr. Frederick French at *(supervisor phone number & e-mail address*). This research activity has met the ethical standards of the University Research Ethics Board at Mount Saint Vincent University. If you have any questions and wish to speak with someone who is not directly involved with this study, you may contact the University Research

Ethics Board (UREB) c/o MSVU Research and International Office, by phone at 457-6350 or by email at research@msvu.ca.

Sincerely,

Emily King
Graduate Student
Mount Saint Vincent University

APPENDIX VI

Free and Informed Consent Letter

Restorative Justice Programming within the Youth Criminal Justice Act: A Multiple Stakeholder Perspective
Emily King

I am a graduate student in the Department of Child and Youth Study at Mount Saint Vincent University. As part of my degree requirements, I am conducting research under the supervision of Dr. Frederick French. I am inviting you to participate in my study, *Restorative Justice Programming within the Youth Criminal Justice Act: A Multiple Stakeholder Perspective*. The purpose of the study is to examine your perceptions regarding the use of Restorative Justice within the Youth Criminal Justice Act.   Please read the information below and complete the form at the end of the document confirming that you understand the research project and your voluntary participation rights.

I have been informed that my time commitment for the individual interview will be approximately 40 minutes. I am aware that the interview will be audio-taped and that once the interview has been transcribed I can review it and suggest modifications. I understand that the audio tapes and transcripts will be kept in a locked file cabinet in the researcher's office and that electronic files will be password protected.

I understand that my participation in this research is entirely voluntary and that I can withdraw at any time without consequence and can choose to not answer any question that makes me uncomfortable. In the event that I withdraw from the interview I understand that any audio tape recordings and/or interview transcriptions will be destroyed immediately. I understand that all information obtained in this study is confidential and that no participant will be identified.

I am aware that all tapes, transcripts, and survey will have a numerical code to maintain anonymity and will be destroyed 5 years after the completion of the thesis. I also understand that quotes from interviews will be used in future publications and presentations to illustrate themes arising from the data. However, no identifying information will be reported and my identity will not be revealed in any way.

I am aware that, should I request a summary of the research findings, they will be sent to me when the thesis is completed.

I understand that this research has been approved by the Mount Saint Vincent University Research Ethics Board (UREB), Halifax, Nova Scotia. If I have questions, I may freely contact

either Emily King at (*researcher phone number & e-mail address*) or Dr. Frederick French at (*supervisor phone number & e-mail address*).

If I have questions about how this study is being conducted and wish to speak to someone who is not directly involved in the study, I may contact the Chair of the University Ethics Board (UREB) c/o MSVU Research and International Office, at 457-6350 or via e-mail at research@msvu.ca.

I have read the information provided above. I understand that by signing below I am agreeing to participate in this research study.

Signature:_____ Date:_____

Address: _____

Phone number(s) I may be reached at:_____

Times I may be reached at:_____

Researcher's signature:_____

Postal address or e-mail where a summary of the results may be sent:

_____

_____

_____

_____

APPENDIX VII

Police Demographic Survey

About You

1. Gender   ___ M   ___ F

2. Age range   ___ 20 - 30   ___ 30 - 40   ___ 40 – 50   ___ 50 - 60   ___ 60 +

3. Identify the group which best describes your role within the Restorative Justice process.
   ___ Police Officer   ___ Case Worker
   ___ Community Volunteer   ___ Mental Health Professional
   Other _____

4. How long have you been working or volunteering in the youth justice field?

   _____

5. Prior to your current position, had you previously worked or volunteered within the youth justice field? If so, please explain.

   _____

   _____

APPENDIX VIII

Sample Coding Responses

Question 2: How would you define restorative justice?

Level 1	Level 2	Level 3
Avoid typical responses No court More humane criminal response	Criminal response changes	
Learn about what they did Understand the impact See the impact More meaningful contact Right their wrong Take responsibility Face victim Repair harm See alternative ways of behaving Develop community for offenders Allows them alternative views of things Restore misdeeds Make amends Offender to understand mistakes	Offender benefits	Restorative Justice Outcomes/Goals
Reach a resolution Support victims needs Make things right Restore something that's lost Repair relationships	Restorative justice goals	
Money saving tool Building capacity	Community/Society benefits	