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1. Preliminary Assessment

1.1. Broad-Based Advisory Group

A diverse range of interests influences community justice. The justice committees, communities, criminal justice personnel, government (First Nations Territorial and Federal), non-governmental organizations, and the business community all have views of value to contribute to the Review. Although individual meetings were held with most of these stakeholder groups and the range of disparate perspectives are weaved into this Research Framework (to the extent practicable) it did not enhance a process for a shared coherent understanding, collective dialogue nor support for the issues. It is critical that the stakeholders discuss the issues in the *same venue*. In some instances, concern was raised that this phase of the Review appeared to be an in-house Government study without any independent advisory/consulting group. Such a *perception* could jeopardize the credibility of the Review.

It is recommended an advisory group – those who have a stake in community justice - be formed. The group would (a) enhance understanding of the issues; (b) provide input to the consultant as requested, on data gathering and analysis of results; (c) facilitate communication of issues between members of the group; (d) examine proposed directions; (e) assess their implications and (f) generate broad based support for an integrated set of recommendations. *Suggested membership for this group should include representation from:* Yukon Justice; Federal Northern Justice/Regional Office/Aboriginal Justice Directorate; RCMP; Judiciary; Yukon Health/Social (Alcohol & Drug); Council of Yukon First Nations; Community Justice Coordinators; Women’s Directorate/Women’s Groups; Legal Aid; Community Members; Victim (Advocacy); Offender (Advocacy)

1.2. Agreement on Community Justice - Results Based Management Framework

Preliminary analysis indicates that there is incongruence between what individual communities, community justice projects, Yukon Justice and Justice Canada (the latter two being the source of funds for community justice projects) wish to achieve in community justice. This proves problematic for the Review since it is not clear against *which elements of which accountability framework* (objectives, activities, outputs, outcomes, and target groups/or clients) – the Review should be conducted. This Research Framework has been developed based on an amalgamation of various accountability frameworks – but may serve to establish path for the way ahead.

Generally speaking when an initiative commences, it is during the planning stage at which time objectives/goals; performance measures as well as information required to evaluate the outcomes are agreed upon between the players. Given that the history of restorative/community justice, here in the Yukon, and in other Canadian and international jurisdictions has been a community grassroots movement – with subsequent government involvement - this may explain why such a sequence of events has not occurred.

It is recommended that a results-based management framework be put into place to achieve congruence amongst the key stakeholders identified above, as to what objectives and (immediate, intermediate and ultimate) outcomes are desired for community justice. This could assist in the determination of the types of activities undertaken, outputs delivered and clientele served by the

justice projects. In addition, it could also set priorities for collecting the necessary data and establish the uses to be made of the information.

1.3. Previous Documents, Practices and Studies

As illustrated throughout this Research Framework, a number of studies have been conducted and papers have been written in recent years on restorative/community justice. Of particular interest to the Yukon, the following studies and papers (to name a few) have collected *some community justice information* from Yukon Communities.

2000	Aboriginal Justice Strategy Evaluation – national study – 2 Yukon Communities included
2000	Aboriginal Justice Strategy Trends – national study – 6 Yukon Communities included
1999-2000	“Restorative Justice in the Yukon”
1999	“Best Practices and Lessons Learned: Multidisciplinary and Integrated Justice Projects” – 2 Yukon Communities included
1998	“Alternative Measures in Canada” – National Study – Yukon included
1997	“Building Community Justice Partnerships” – Yukon and Other
1996	“Spousal Assault And Mandatory Charging In The Yukon: Experiences, Perspectives And Alternatives”
1996	“Satisfying Justice, Safe Community Options” – Yukon (6 projects described) and Other
1992	“Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon”
1986	“A Review of the Justice System in the Yukon”
1984	“Community Justice Workers” - Yukon

As discussed below, this Research Framework has incorporated the relevant information from these documents, as well as many others, into the specific chapter topics.

1.4. Priorities for Action

Concern was also expressed by many stakeholders that existing programs may not expand and new ones may not be supported until the Review is completed.

It is apparent from the discussions held and the literature review conducted – in particular the studies/documents outlined above – there is information to support that the following five areas receive concerted attention: community substance abuse treatment programs/services; community victim support workers/services; training and education; protocols/guidelines; and funding.

Substance Abuse Treatment: The Yukon government has made addressing substance abuse a major priority. It is premature to determine if this initiative will address some of the concerns concerning counseling, supports and aftercare for clients of community justice projects – offenders – as part of their reparation or restitution agreements.

Victim Support: Justice projects, with limited resources, could easily be driven to address a narrow clientele - persons causing the harm – the victimizer - the offender. However, concerns

have been raised about victims' needs in community justice approaches, services and activities. Although some of these concerns may surround the projects' methods or community needs, it may also be due to a lack of adequate resources for ongoing consultations, development, training and information. This includes collaborative relationship building amongst the stakeholders, particularly communities, community justice projects, victim services, women's groups, the RCMP, the Crown and the Judiciary.

Attention to this issue may enable community justice project to conduct their work in a manner that protects and supports victims in their community's cultural context.

It is recommended that Yukon Justice in collaboration with community justice projects undertake a victim support needs assessment (using the questionnaires provided in the chapter "Victims"). Priorities and plans over both the short and medium term would be developed.

Training/Education: Successful restorative justice programs depend on well-trained participants. Justice workers, volunteers, probation workers, courtworkers, police, Crown Prosecutors, Defence Lawyers, Judges, Correctional Services, Victim Services, women's groups, advocacy groups, government officials, and mediators may need range of training and educational needs. Without adequate training and education the endorsement necessary for the viability of restorative community justice will not exist.

It is recommended that Yukon Justice in collaboration with community justice projects undertake a training needs assessment (using the questionnaire in the chapter "Training and Education") of their membership. Training priorities and plans over both the short and medium term would be identified.

Public support for and knowledge of restorative justice is important to the success of any program. In particular, without a multi-faceted education program, the public will believe that restorative justice is a "soft option" for offenders – without understanding the contextual factors and that the option of community justice may be a path to healing – an *alternative punishment* rather than an *alternative to punishment*.

It is recommended that community justice committees in collaboration with key stakeholders explore ways of increasing their profile with their community, advocacy groups and with the justice system as a whole. Suggestions are provided in the chapters "Community" and "Relationships/Partnerships."

Protocols/Guidelines: Community justice projects across several national and international jurisdictions have extended their work to include a broad range of offences. This has raised both support and concerns. The challenge is to achieve a balance amongst standards, autonomy, and innovation

In the Yukon, consultations are underway in establishing diversion protocols between the RCMP, the Crown, and the community justice projects.

It is recommended that this Research Framework (which is based on practices and lessons learned from various jurisdictions) serve as a baseline document to initiate discussions for future

development of guidelines in consultation with community justice projects in the context of their respective communities.

Funding: It is generally recognized that resources are necessary to implement well-designed restorative community justice programs. The issue of stable funding is an ongoing concern and is perceived as a lack of commitment to the initiative. It has been suggested that funding is, in fact, shaping the nature of community justice rather than community needs or capacity.

In the short term, based on above preliminary assessment, it is recommended that Yukon Justice give specific consideration to earmarking or targeting specific issues – most importantly, victim support and training/education.

In the medium to long term, it is also recommended a strategy be developed to set up non-discretionary funds for community justice in the context of the management frameworks discussed earlier.

1.5. Justice or Community Social Development

Many Yukon communities consider community justice as part of broader integrated continuum community development initiatives, such as education, health, economic development etc. Yet at the government level, community justice is often viewed on a continuum of justice initiatives (crime prevention, policing, legal aid, courtworkers, victim services, etc.). Some also believe that even within the Justice portfolio, there is a continuing challenge to deliver initiatives in a more integrated manner.

It is recommended that, with the passage of the new *Youth Criminal Justice Act*, Yukon Justice and Yukon Health and Social Services, in collaboration with communities, explore opportunities to move in the direction of integrating their social and justice efforts at the community level.

1.6. Research Methodology

Criminal Justice System: Even though there is wide spread agreement that evaluations should be conducted of community justice initiatives, there is a scarcity, if any, pragmatic (empirical) studies on the effectiveness of the criminal justice system. Several authors and institutions recognize its weaknesses, costs, and its failures.

In this vein, this Research Framework provides an extensive list of questions for each of the salient community justice issues – for *continuous improvement as well as for long term sustainability*. This in no way suggests that community justice should be held to either an *idealized version of performance* or a *higher standard* than that of the criminal justice system. Indeed as one collects additional data and conducts further analysis, even more questions will be raised to economy, effectiveness and efficiency of the criminal justice system.

Data: Similarly, it is quite probable, that many of the questions posed in this Research Framework may not have answers. Several reasons may exist for the gaps in data capture, collection and analysis. Part of this may be attributed to the earlier discussion on the variation in management frameworks but also to lack of time and resources to collect data at the community level.

Accordingly, it is recommended that community justice projects and other stakeholders be encouraged to recognize the importance of effective reporting to accumulate knowledge about community justice and the results they are achieving as well as to assist projects to improve and build on their successes. With the assistance of Yukon Bureau of Statistics and other communication mechanisms, Yukon Justice should consider publicizing both quantitative and qualitative information collected.

2. Options for Possible Next Steps

In addition to the recommendations outlined in previous section, a few options are proposed as possible next steps.

2.1. Option 1: Strategic Plan for Communities

Since a preliminary analysis indicates it may be premature to conduct a *comprehensive* review of community justice, the Research Framework could be utilized by Yukon Justice to work collaboratively with the justice projects as well communities (and other stakeholders) to establish a common framework – a common understanding of the objectives, performance measures and outcomes that are expected from the community justice initiative. This framework could serve as a strategic community justice plan and foundation for data collection and analysis. Comprehensive or selected reviews would be conducted in a few years.

2.2. Option 2: Strategic Plan with Health/Social Services and Communities

As discussed earlier, with the passage of the new *Youth Criminal Justice Act*, there may be opportunities for Yukon Justice and Yukon Health and Social Services (in collaboration with other stakeholders) to integrate their community justice efforts at the community level. In this case, the Research Framework would require some adaptation (further research on youth issues) and could be used as outlined in Option 1.

2.3. Option 3: Pilot Review in Two Communities

A pilot review could be undertaken in two communities – perhaps the two reviewed as part of the Aboriginal Justice Strategy Evaluation (2000) – Kwanlin Dun and Southern Lakes Justice projects. Alternatively two projects reviewed as part of the Aboriginal Justice Strategy Trends Analysis (2000) – Haines Junction, Liard First Nation Dena Keh, Kwanlin Dun, Southern Lakes, Tan Sakwathan, and Teslin Tlingit Council Peacemaker Court – could be selected.

Whichever communities are chosen, this option would serve to build upon collected information and enable a thorough quantitative as well as qualitative review of two projects. In the meantime, the Research Framework could be used as a guide to develop a strategic plan (as described in Options 1 or 2) for other projects and communities.

2.4. Option 4: Activity/Service/Approach Review

The Research Framework could be used to review the approaches/services/activities employed in community justice. This would include but not be limited to circles, conferencing, elder panels, and/or victim/offender mediation.

Although, this may serve to collect information about specific approaches, services, or activities, inevitably the other topics outlined in the Research Framework would arise. This option could generate a narrowly focused review and may run contradictory to the holistic nature of community justice.

3. Overview of the Research Framework

For this Research Framework to be beneficial to the reader it should be read in its entirety. Although, much effort has been made to cluster the themes, questions and documentation into discrete chapters to collect information – there will inevitably be some overlap.

Accordingly, most chapters of this Research Framework have been structured as follows:

3.1. Key Themes

This section provides a summary of key themes – for the particular topic chapter - that seem to emerge from the relevant documents, practices, studies reviewed and discussions held with several of the stakeholders. It should be noted that some of these themes share many commonalities while others contradict one another. This only serves to illustrate that the issues are complex and continue to require further development and analysis.

3.2. Research Questions

This section provides a series of questions – for the particular topic chapter - again, based on relevant documents, practices, studies reviewed, and discussions held with several of the stakeholders.

3.3. Relevant Documents, Practices, Studies

This section provides relevant documents, practices and studies (that could be found in time/resources allotted) from the Yukon, Other Northern Territories, and Other Canadian, USA, and International jurisdictions. The documents have been arranged in chronological order (from current to earlier works). All documentation is footnoted, and if applicable, hyperlinked to its location on the Internet.

4. Chapter Topics

If one wishes to read the Research Framework in electronic format, please open the file named [master.doc](#) and click on the titles of the chapters to read the applicable topic.

5. Conclusion

The issues in community justice are complex, sometimes contentious, and agreement on the way ahead may seem elusive. Under these circumstances, progress may prove to be challenging. Yet, community restorative justice projects are at varying stages of development and are continuing to evolve unique, culturally relevant services, activities as well as approaches suited to their community's changing needs. As communities shape their justice programs and expand their conflict resolution methods and caseloads, some will attempt to address concerns by reshaping or enhancing or designing new programs. The following chapters of this Research Framework may serve a purpose – to set the stage for a comprehensive plan for review to provide some preliminary ideas and observations, and to provoke thought about where to go from here.