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## **1. Key Themes (to be explored)**

Successful restorative justice programs depend on well-trained participants. Volunteers, justice workers, probation workers, police, Crown Prosecutors, Defence Lawyers, Judges, Correctional Services, Victim Services, government officials, and mediators may need training.

Those who work in the criminal justice system - have been acclimatized to the conventional system. A process of education is necessary to introduce these workers to the concepts of restorative justice, and to orient them to working more with, and within, communities. Without adequate education of the justice system stakeholders, and training of the community agencies, the endorsement necessary for the viability of restorative justice will not exist.

Public support for and knowledge of restorative justice is important to the success of any programme. In particular, without education programmes, the public may that restorative justice was a "soft option" for offenders?

## 2. Research Questions

### 2.1. Training for Community Justice Stakeholders

For each of the training categories listed below:  
Who received the training?  
Who delivered the training?  
What topics were delivered in the training session?  
When was the training delivered i.e. date?  
For how long i.e. duration?  
For how much i.e. cost?  
Where i.e. location?  
Who funded the training?  
Why was the training required?  
\*ensure that both informal/formal training is included

<p><b>2.1.1. Criminal Justice System</b> Legal system Legal aid Sentencing principles</p>
<p><b>2.1.2. Community Justice</b> Empirical evidence depicting the benefits of community justice partnerships The underlying concepts of community justice Working examples of the structure and operation of a wide range of community justice initiatives Relationship with the mainstream criminal justice system in the North Lessons learned</p>
<p><b>2.1.3. Alternative Methods of Dispute Resolution</b> Mediation Peacemaking Circles Family Group Conferencing</p>
<p><b>2.1.4. First Nations' Culture/Traditions</b> Traditions Healing Cross-cultural</p>
<p><b>2.1.5. Substance-Related Issues</b></p>
<p><b>2.1.6. Victim's Issues</b> Needs and Rights Counseling Sexual Abuse Cognitive impairment or psychiatric disorders, Sexual violence Family violence</p>
<p><b>2.1.7. Offender's Issues</b> Needs and Rights Risk Assessment Counseling Sexual Abuse Cognitive impairment or psychiatric disorders, Sexual violence Family violence Young offenders</p>
<p><b>2.1.8. Community Issues</b> Conflict Partnerships Resources Crimes Against Senior Citizens Child Protection Process Youth</p>
<p><b>2.1.9. Communication</b> Interviewing Presentations Negotiation Conflict Resolution Dealing with Emotions Assertiveness</p>
<p><b>2.1.10. Administration</b> Project Planning/Development Proposal Writing</p>

Computer  
Bookkeeping/Budgeting  
Records/Filing  
Data Collection/Analysis

**2.1.11. Ongoing Training and Support**

- Is there on-going training – upgrading – sharing concerns – information sharing?
- Is there access to ongoing support from others in the community, government or the criminal justice system? I.e. mentoring, supervision
- Is there handbook or community justice project manual for ongoing reference?
- Is it feasible to have an orientation package for new community justice members?

**2.2. Community Education**

- o What kind of education regarding community justice related issues has been provided in communities?  
understanding of the judicial system, particularly around such broad concepts as criminal procedure, the administration of justice, substantive and procedural law, the history of the justice system and the roles of justice personnel.  
roles and responsibilities of community justice committee members
- o How was this education provided?  
Regular community information updates  
Newsletters  
Conferences/Forums  
Local TV or radio interviews  
Promotional pamphlets/newsletters  
Newspapers  
Community Dinner
  - When or how often is this education provided?
  - Who provided the education?
  - With whom is this education provided?
  - Where is this education provided?
  - How much does it cost to provide the education?
  - Who funded the education initiative?
  - Has the education been beneficial? How? To whom?

**2.3. Information/Communication Network**

- What type of communication mechanisms are used to share information on community justice activities? E.g. Best Practices Web-site Community Justice Coordinators meetings/conferences
- Community Justice Stakeholders' meetings/conferences
- What kind of information is shared?
- When or how often is this information produced?
  - Who produces this information?
  - With whom is this information shared?
  - Where is this information shared?
  - How much does it cost to produce and share this information?
  - Who funded the initiative?
  - Has the information been beneficial? How? To whom?

### 3. Relevant Documents, Studies and Practices – Yukon

#### 3.1. LINKS Newsletter

- *Links*, the Yukon community justice newsletter illustrates the activities of Community Justice Committees and other community-based justice programs in Yukon.
    - o This document<sup>1</sup> (coordinated through the Haines Junction Justice Committee) encourages one to provide comments and information on Yukon justice-related activities, on law, on crime prevention, on mediation, on training programs and on other justice subjects.
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#### 3.2. Yukon Justice Of The Peace College - April 4-6, 2002

**THURSDAY APRIL 4, 2002** Place: Yukon College, Lecture Hall  
7pm – 9pm Maddison Chair Lecture  
Madame Justice Beverley McLachlin “20 Years of the Canadian Charter”

This lecture will form part of our College. We will discuss this presentation at our College.

**FRIDAY APRIL 5, 2002** Place: High Country Inn

8:30 – 9:15 am General Introduction and Discussion of McLachlin lecture.  
(Barry, Dean, Gary, Tracy)  
It is important to attend on time. Refreshments will be available.

9:15 – 9:45 am The Working Day of a Justice of the Peace: A Three-Act Play  
(Barry, Heino, Dean, Gary, Tracy)  
This scenario will set the basis for most of the College.

9:45 – 10:00 am Refreshment Break

10:00 am- 12:00 pm Introduction to being a JP (New JPs)  
(Barry & Dean)  
  
Peace Bonds (JP 2s & 3s)  
(Heino & Tracy)  
Materials: JP Manual Tab #I “Peace Bonds”

12:00 – 1:30 pm Lunch (will be provided)  
JP Association Meeting  
  
The Wonderful World of “Bail”  
This afternoon will be spent on Bail. The session begins with a panel discussion that will set the background for the small group discussions that follow. You will be assigned to a group for the afternoon.

1:30 – 2:30 pm Panel Discussion/Presentation  
(John, Heino, Dean, Tracy, Crown & Defence) (Barry to Moderate)  
Materials: JP Manual Tab C “Bail”

2:30 – 2:45 pm Refreshment Break

2:45 – 4:30 pm Bail Small Group Exercises

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<sup>1</sup> Community Justice Links, <http://www.comjustice.yk.net/news7/index.html>



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	Group A	Heino
	Group B	Dean
	Group C	Tracy
	Group D	John/Sue/Leigh
4:30 – 4:45 pm	Refreshment Break	
4:45 – 5:30 pm	The Bail Olympic Team Challenge Prizes awarded for this team challenge on your knowledge of Bail.	
5:30 – 7:00 pm	Personal Time	
7:00 – 10:00 pm	Dinner Banquet Please plan to attend! We will be honouring some of our JPs with awards, presentations by the Minister of Justice James McLachlan and “Life of a Rural JP” by JP John Reid.	

**SATURDAY, APRIL 6, 2002**

9:00 – 10:00 am	Sentencing Panel Discussion/Presentation (Barry, Heino, Dean, Crown & Defence) (Tracy to Moderate) This panel will set the basis for the morning session. Materials: JP Manual Tab D “Sentencing”	
10:00 – 10:15 am	Refreshment Break	
10:15 – 11:45 am	Sentencing Small Group Exercises Group A Heino Group B Dean Group C Barry Group D John/Sue/Leigh	
11:45 – 1:00 pm	Lunch (will be provided) and Exam – closed book (Barry, Dean, Tracy)	
1:00 – 2:00 pm	Exam Discussion	
2:00 – 5:00 pm	Film and Discussion: “Nitinaht Chronicles” Sandy Bryce, of Victim Services, will moderate our discussion of the film. Refreshments and snacks will be provided throughout the film.	

**3.3. Yukon Justice of the Peace College - December 7-9, 2001**

**Friday, December 7<sup>th</sup> [Westmark Whitehorse]**

	JP (1) (ADMIN.)	JP (2)	JP (3)
8:30am – 9:00am	Opening and Review  [Room No. 1]		

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	<b>JP (1) (ADMIN.)</b>	<b>JP (2)</b>	<b>JP (3)</b>
9:00am – 10:30am	The Judicial Process [Room No. 1]	Peace Bonds [Room No. 3]	
10:30am – 10:45	Break		
10:45am – 12:00pm	Issuing Process [Room No. 1]	<i>Ex Parte</i> Applications and Trials [Room No. 3]	
12:00pm – 1:00pm	Lunch Provided		
1:00pm – 2:15pm	Sentencing Process an Overview [Room No. 1]	Fines and Surcharges [Room No. 3]	Warrants Senior JPs Only [Room No. 4]
2:15pm – 2:30pm	Break		
2:30pm – 3:45pm	Overview – Primary Concepts and Principal Changes – <i>Young Offenders Act</i> [Room No. 1]		Warrants Cont'd Senior JPs Only [Room No. 4]
3:45pm – 4:00pm	Break		
4:00pm – 5:15pm	Introduction to Bail Hearings [Room No. 1]	Pre Court Paper Work Primer and Re-Fresher [Room No. 3]	(A)
5:15pm – 6:00pm	Making the Criminal Code User Friendly ...Anyone still awake is welcome! [Room No. 1]		

**Saturday, December 8<sup>th</sup> [Westmark Whitehorse]**

	<b>JP (1) (ADMIN.)</b>	<b>JP (2)</b>	<b>JP (3)</b>
8:30am – 9:00am	Opening and Review [Room No. 1]		
9:00am – 11:00am	Bail Hearings – Principles and Practices [Room No. 1]		Bail: Difficult Challenges [Room No. 3]
11:00am – 11:15am	Break		

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11:15am – 12:30pm	Child Protection Applications – An Overview [Room No. 1]	Sentencing: Territorial and Municipal Offences [Room No. 3]
12:30pm – 2:00pm	Lunch Provided & Special Film	
2:00pm – 3:00pm	Life as a JP (Q&A) [Room No. 1]	Post Court Paper Work Primer [Room No. 3]
3:00pm – 3:15pm	Break	
3:15pm – 5:05pm	Review – Questions & Answers – (Each session will be repeated three times in the same room. Session 1 (3:15-3:45), Session 2 (3:55-4:25), Session 3 (4:35-5:05)) Child Protection [Tagish Room] Issuing Process [Room No. 1] <i>Ex Parte</i> Process [Room No. 2] Peace Bonds [Room No. 3] Fines [Bennet Post Room] Bail [Room No. 4]	

***TAKE HOME EXAMS! ESTIMATE TIME: 2 HOURS MAXIMUM (OPEN BOOK)***

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**Sunday, December 9<sup>th</sup> [Court House]**

8:30am – 8:45am	Opening and Introduction [Court Room #5]
8:45am – 9:30am	Closed Book Exam
9:30am – 9:45am	Break
9:45am – 11:00am	Role Plays – Bail (x 7 sessions)
11:00am – 11:15am	Break
11:15am – 12:30pm  For All Role-Plays:	Role Plays – Peace Bonds (x 7 sessions)  JPs will be divided into groups of three. Each session will test one group of JPs. Each role-play will take about 10 minutes. Another 10 minutes is left for debriefing each role-play. The set up for Bail at 9:45am and Peace Bonds at 11:15am involves seven separate sessions operating simultaneously with three JPs in each session. The JPs will need to play at least one role other than a JP. The role-plays are the same. Some minor changes in the facts can be introduced to successive role-plays. The most senior JP in each group should go first.
12:30pm – 2:30pm	Lunch & JP Association Meeting

**3.4. Yukon Justice Of The Peace College - March 30-31 2001**

Friday, March 30, 2001	High Country Inn
9:00-9:15 a.m.	Opening Plenary
9:15-10:15 a.m.	Overview: Pre-trial Procedures (JP-1s) Overview: Bail Hearings (JP-2s and JP-3s)
10:15-10:30 a.m.	Break
10:30-12:30 p.m.	Practicums: Pre-trial Procedures (JP-1s) Practicums: Bail Hearings (JP-2s & JP-3s)
12:30-1:30 p.m.	Lunch
1:30-3:15 p.m.	Perspectives and Needs of Victims (Plenary) (Sandy Bryce and Bonny Ross)
3:15-3:30 p.m.	Break
3:30-5:00 p.m.	Child Protection Warrants & Identification Hearings and Peace Bonds
Saturday, March 31, 2001	High Country Inn
8:30-8:45 a.m.	Opening
8:45-10:00 a.m.	An Overview: Sentencing Powers, Principles and Practices
10:00-10:15 a.m.	Break
10:15-11:30 a.m.	An Overview: Sentencing Process

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11:30-12:45 p.m. Lunch - transport to Courthouse for 1:00 p.m.  
**Court House**  
1:00-4:15 p.m. Sentencing Practicums  
Break (as you need). Food and beverages will be available  
at 2:30 p.m. outside of Courtroom #5  
4:15-5:30 p.m. Closing & JP Association Meeting - Courtroom #5

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**3.5. Yukon Justice Of The Peace College - November 29 To December 3, 2000**

Westmark Whitehorse

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Wednesday, November 29, 2000

11:00a – 12:30p Registration, Room 1

1:00p – 2:30p Session #1 Opening Plenary, Rooms 1 & 2  
David Gustafson, an internationally recognized practitioner, trainer and writer in the field of Peacemaking and Restorative Justice will provide the plenary address “The Potential and Challenges of Peacemaking and Restorative Justice”.

2:45p – 4:00p Session #2 Building a Community  
(See room locations below)

This college, like all colleges, has a test. To pass the college, you are asked to participate as part of a community that is faced with a number of challenges. There are no individual grades, but a high expectation that everyone will participate in “their community” to develop a plan to present at the end of the college.

Your community rooms are:

YELLOW:	2	GREEN:	4
BLUE:	3	RED:	Bennett Post

4:15p – 5:30p Session #3, Room 1 The Judiciary in Contemporary Democracy: Roles and Responsibilities of JPs

This session explores the concept and practical application of judicial independence to the responsibilities of a Justice of the Peace.

7:30p – 9:00p Session #4, Rooms 1&2 Public Session: “Mediation and Crime: Victim/Offender Reconciliation – Can It Work?”

Dave Gustafson – Internationally recognized trainer, practitioner and writer in Appropriate Dispute Resolution will explore how mediation has been used in victim offender mediation in serious crimes.

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Thursday, November 30, 2000

8:30a – 9:00a Opening Session #5, (GREEN Community) Room 1

Each morning begins with an opening session hosted by a different community.

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9:00a – 12:00p                      Session #6, Room 3  
JP 1 – Justice System: A Walk Through the Process

This session will explore the justice system from arrest to the imposition and implementation of a sentence. A case will be followed through the system to probe the balance the system strives to attain between the different competing interests and principles of justice.

9:00a – 12:00p                      Session #7, Room 4 Bail Hearings

This session will emphasize the procedures, principles and powers of the Court in Bail Hearings. Demonstrations and practical examples will be used to explore the purpose and practice of Bail Hearings.

12:00p – 1:00p                      Lunch (Provided) Room 1

1:00p – 2:15p                      Session #8, Room 1 Conflict as Opportunity

How we decide to deal with conflict can determine the outcome, and determine whether conflict will be destructive or an opportunity for constructive change. This session explores the impact of conflicts on our lives and on our communities.

2:30p – 4:00p                      Session #9 – Electives No.1

Communication Skills – Room 2 - Covers basic skills in active listening, effective communication and techniques to constructively engage others in problem solving.

Dealing with Emotions – Bennett Post Room - Strong emotions are an inherent part of conflicts. This course introduces ways to deal with emotions in working through conflicts.

Interest Based Negotiations – Room 3 - Changing from positions to interests is an integral part of any negotiation. This introduction to interest based negotiations focuses on the differences between positions and interests.

Assertions Skills – Room 4 - Being assertive without being aggressive or provocative is crucial to bringing out your interests in conflicts. This elective explores how to be constructively assertive.

4:15p – 5:30p                      Session #10, Room 1 Restorative Justice & Peacemaking “Creating Partnerships”

Several new programs and partnerships have evolved through the development of Restorative Justice & Peacemaking in the Yukon. This session will provide participants with an overview of Government policies, programs and services.

7:30p – 9:00p                      Session #11, Rooms 1 & 2 Public Session: “The Many Facets of Mediation”

A panel of mediators will discuss how mediation can be adapted to conflicts within families, communities and the work place. The panel, with experience in a wide range of fields, will provide examples of how mediation can be adapted to different conflicts.

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Friday, December 1, 2000

8:30a – 9:00a                      Opening Session #12 (RED Community)  
Room 1

9:00a – 12:00p                      Session #13, Bennett Post Room Informations/Issuing Process

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This session walks through each step in receiving an information and issuing process. As the first stage is the criminal court process, this is an important responsibility of a Justice of the Peace.

9:00a – 12:00p                      Session #14, Room 4 Sentencing: Principles, Powers and Procedure

The principles, powers and procedures of sentencing will be discussed in the context of different sentencing challenges. As an introduction to the sentencing process, emphasis will be placed upon the fundamentals of sentencing.

12:00p – 1:00p                      Lunch (Provided) Dining room  
New JPs and JP1s:                  Bennett Post  
Remaining participants:          Dining Room

1:00p – 2:30p                      Session #15, Room 4 Victim Perspectives of Justice

An awareness of the impact of crime and the criminal justice process on victims provides vital input into the justice decision making process. This session will identify the issues victims face and provide an understanding of the victim's experience.

2:45p – 4:00p                      Session #16 Discovering Community Resources  
Rooms 1, 2, 3, 4, Tagish Post & Bennett Post

Many community based resources for dealing with crime and other community conflicts will be set up in different booths to provide information about the services they offer. The information provided at each booth will be important in building the community plan on Sunday morning.

4:15p – 5:30p                      Session #17 – Electives No.2

Risk Assessment – Room 1 - For several years, the ability to assess an offenders characteristics and life conditions in predicting future conduct has been significantly improved. The basis of risk assessment and how it is used will be explained.

Dynamics of Family Violence – Room 2 - Many of our cases flow out of family violence. This session explores the conditions, circumstances, and dynamics of family violence.

Crimes Against Senior Citizens – Tagish Post Room - The elderly in our society are often disrespected and the victims of different crimes. How they are vulnerable will be discussed in this session.

Child Protection Process – Room 3 - What happens before cases are brought to court and what happens after court. It is important for all JPs to appreciate the larger context of the child protection process.

Community Youth Justice Panel – Bennett Post Room - To maximize the use of community resources a new process is being introduced. This session will explain the objectives of this new process.

5:30p – 7:30p                      Supper (On Own)

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Saturday, December 2, 2000

8:30a – 9:00a                      Opening Session #18 (BLUE Community)  
Room 1

9:00a – 10:15a                      Session #19, Rooms 1 & 2 Conflicts of Interest and Ethical Guidelines for the  
Judiciary

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All JPs and especially JPs in small communities must be aware of conflicts of interest and how to deal with conflicts. This session reviews the principles governing what constitutes conflict of interest and provides ethical guidelines for JPs.

10:30a – 12:00p                      Session #20 – Electives No.3

Sentencing Young Offenders – Room 2 - The policies and laws applicable to sentencing young offenders constantly change. This session will focus on new and proposed changes in sentencing.

Peace Bonds – Room 3 - Peace bonds are becoming an increasingly important means of addressing violence within communities. The law, practice and primary issues surrounding peace bonds will be covered.

Conditional Sentencing – Room 4 - This session will examine the current status and challenges in using conditional sentences.

12:00p – 1:00p                      Lunch (Provided), Room 1

Speaker: Jonathan Rudin, author of a study on Justices of the Peace in Ontario. Mr. Rudin will speak on Contemporary Roles of Justices of the Peace.

1:00p – 2:30p                      Session #21 – Electives No.4

Community Panels – Room 4 - Developed in Vermont and adapted in many different jurisdictions. A form of community panels, called Elder Panels was started in the Yukon in 1982 and are still used in Teslin.

Conferencing – Tagish Post Room - Started in New Zealand for young offenders in 1991, and adapted by Australian police this alternative has been spread throughout the States and Canada by “Real Justice” – an American organization. Several Yukon communities are using this model.

Peacemaking Circles – Room 3 - Tried in the Yukon in 1981 and later in 1991, various forms of circles are being used for many different issues as well as for crimes in many different jurisdictions.

Mediation – Room 2 - Mediation in criminal cases has been around for a long time. Recently in Canada mediation has become formally integrated in both civil and criminal court processes.

3:00p – 5:00p                      Session #22 Community Group Meetings

Rooms 2, 3, 4 & Bennett

This time is set aside for each community group to complete final preparations for their full plenary presentation on their plan.

6:30p                      Banquet Gathering, Rooms 1 & 2

7:00p                      Banquet Program:

Welcome, Speakers: Mr. Justice Hudson, Senior Justice, Supreme Court of the Yukon Territory; The Honourable Pamela Buckway, Minister of Justice; and Justice of the Peace President Steve Smyth.

7:30p      Dinner

8:30p      Entertainment

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Sunday, December 3, 2000

9:00a – 9:30a                      Closing Session #23 (YELLOW Community)

Room 1

9:30a – 1:00p

Part 1 – All community teams will make their presentations.

Part 2 – Summary and review of college.

Part 3 – Closing ceremony.



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Immediately after the College closing, a working lunch will be served for JPs attending the JP Association meeting. All JPs are welcome and encouraged to attend.

1:00p – 3:00p                      Justice of the Peace  
Annual General Meeting  
Rooms 2 & 3

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Note: All sessions are open to all attendees. New JPs and JP1s are encouraged to attend sessions 6 and 13, and JP2s and JP3s are encouraged to attend sessions 7 and 14.

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**3.6. Restorative Justice in the Yukon- 1999 <sup>2</sup>**

- Competency Areas: Eight (8) communities stressed the success of a project depends upon the competency of its staff.
  - Possible areas for training included:
    - Mediation
    - Conflict management and resolution
    - Negotiating
    - Proposal writing
- Information/Communication Network:
  - Seven (7) communities indicated that there are some Restorative Justice type projects already in existence and it would be advantageous if they could network with each other.
    - The exchange of information would save time and energy by promoting proven ideas and methods.
  - Two (2) communities suggested a ‘best practices’ and a ‘worst practices’ web-site and/or other communication media.

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**3.7. Building Community Justice Partnerships - 1997 <sup>3</sup>**

**Training professionals**

- Police, Crown counsel, judges, probation officers, social workers and others who are community-based, community-minded and appropriately trained for community work, are particularly crucial to the success.
  - Without state officials appreciate the advantages of community partnerships and are trained to work in communities – would-be community-justice pioneers face a frustrating, almost impossible task in establishing and maintaining a community process dependent on a partnership with state agencies.
- As well a broad cross-section of line and managerial professionals need to be acclimatized to community justice concepts and to working within and with communities.
  - Professionals often encounter more difficulties than most community members in adjusting to working within a community-based partnership.
- To maximize the potential of community partnership, courses on community justice are essential for professionals.
  - These courses should include the following:

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<sup>2</sup> In December 1998, the Minister of Justice tabled a draft discussion paper on Restorative Justice in the Yukon as part of the government’s goal of fostering safe and healthy communities. To focus the consultation process, the draft Restorative Justice in Yukon paper and information pamphlets highlighted a number of issues and questions dealing with correctional reform, crime prevention, policing policy, victim services and community and aboriginal justice projects. In May-June 1999, the Minister of Justice, the Commanding Officer of the RCMP and members of their staff visited most of the Yukon communities to hear what Yukon people had to say about the future direction for Justice in the Territory. During the months of July-August 1999, the comments heard at the public consultation meetings were included in “Restorative Justice in the Yukon, Community Consultation Report.” Copies of the report were made public.

<sup>3</sup> Stuart, Barry. 1997. *Building Community Justice Partnerships: Community Peacemaking Circles*. Ottawa: Aboriginal Justice Learning Network, Department of Justice.

- Representatives from all agencies
  - Senior managers as well as professionals working in the field
  - Instructors from within and from outside the professional agencies
  - Adequate time for more than a superficial treatment of the subject matter
  - Community members, or the staff of community justice projects.
- The training courses for professionals should cover these matters
    - Empirical evidence depicting the benefits of community justice partnerships
    - The underlying concepts of community justice
    - Working examples of the structure and operation of a wide range of community justice initiatives
    - Cross-cultural training
    - Peacemaking, mediation and consensus-building skills
  - Training professionals to work in a community partnership must include how to work with the community in a manner that affords proper respect for community input.
    - If managers fail to understand and support community justice initiatives, the partnership will little more than window dressing – and will not survive.
    - Support from managers must include policy directives that reinforce community justice, adequate resources for training and taking time to be intimately aware of “what’s going on.”
    - There are many professionals with decades of experience, who fervently believe in community justice.
    - They should be engaged to ‘kick start’ training for their peers as their personal stories can strike at the heart of the concerns that may be raised by professionals.
  - Ideally, courses for officials should pre-date the handling of any cases within the community justice initiative.
    - Annual courses should bring together professionals and community members to enhance their skills and knowledge, to share their concerns and to improve relationships within the partnership.
    - Annual training is especially important as professionals working within communities are constantly changing.
    - Professionals lacking an understanding of the community process – especially if they are unaware of how the process serves their personal and professional interests – can feel threatened by and undermine community justice processes either by their indifference or opposition.
  - In many jurisdictions, some professionals unfortunately view community justice as a threat to their interests.
    - The shift in power, in funding, in approach precipitated by community justice can be interpreted as a denial of their philosophy of their training and a direct threat to their job.
    - Driven by such fears, some professionals actively or discretely oppose or try to sabotage community justice initiatives.
  - Training sessions play an important part in changing attitudes and in avoiding unnecessary opposition by demonstrating how community justice initiatives can personally and professionally benefit officials from all agencies.
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### **3.8. Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon – 1992 <sup>4</sup>**

#### **Knowledge of the Criminal Justice System**

- An important finding during the field work was the extreme amount of misinformation and the lack of knowledge about the criminal justice system, which existed in communities despite the fact that aboriginal people are major users of the system.
  - These issues are connected by a resistance to diverge from the common ‘ideology’ repeated in communities and at conferences.

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<sup>4</sup> Laprairie, Carol, Report to Department, Yukon Territorial Government, First Nations, Yukon Territory, Justice Canada, Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon. September 1992. This document represent two months of fieldwork in the Yukon Territory, the objective of which was to elicit information from First Nation communities and criminal justice personnel about the state of tribal justice (also referred to as aboriginal justice) in the Territory. The methodology involved interviews with First Nations leadership, band managers, NNADP workers and social service personnel, RCMP, judges, courtworkers, correctional officials (including probation) and the collection and analysis of secondary data including police, courts, corrections, and demographic data and criminology and aboriginal justice literature available in 1992.

- Most often, the misinformation relates to the over-representation issue and the lack of knowledge and roles and functions of various criminal justice system personnel and the court process.
  - There are specific examples of both.
  - The other source of misinformation or lack of information in communities is understanding the role of the criminal justice system.
    - A major problem in communities is the belief people share about the unlimited powers and options of police and courts which translates into a refusal to perform their duties when community demands go unmet.
    - There does not appear to be any public legal education initiatives which are effectively penetrating communities.
    - Nor is it clear who has the responsibility for providing the service and in what form.
    - Courtworkers do not have the public legal education mandate and the methodology for delivering PLEI services is ineffective largely because of funds but also because of the content and relevance of the information.
  - Local aboriginal justice initiatives, such as the Teslin Council and the Selkirk First Nations, might take a lesson from the apparent failure of the dominant system to raise the community level of knowledge and understanding of the criminal justice system.
    - Communities have to be informed, understand and accept as credible and legitimate, any local system of justice.
    - It is equally important to ensure that accurate information about the operation and functions of any justice system, local or otherwise are regularly made available to communities.
  - It is important that First Nation communities have responsibility for managing projects and that management assistance be provided, where necessary.
    - One aspect of the projects is that commitment to training local people to ensure the skills are returned or left in communities.
    - This requirement also increases the likelihood of sustaining the project once the pilot period is completed.
    - Each project contract should contain the stipulation and required funding for hiring and training local people.
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### **3.9. A Review of the Justice System in the Yukon - 1986<sup>5</sup>**

#### **Public Legal Education:**

- Phase 1 of the review illustrated that individuals and communities were reluctant to converse about the justice system.
  - It became evident that this reluctance from the lack of knowledge about the justice system.
  - However the desire to acquire knowledge about the justice system was also very evident.
- The lack of knowledge about the justice system contributed, in many instances, to negative opinions, to frustrations resulting from misunderstanding and some distrust.

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<sup>5</sup> John Wright and Joanne Bill – A Review of the Justice System in the Yukon, 19 December 1986 – The Government of the Yukon, in response to concerns expressed about the justice system, appointed a panel to review the Justice System in the Yukon.

## 4. Relevant Documents, Studies and Practices – Other Northern Territories

### 4.1. Inuit Women and the Nunavut Justice System-2000<sup>6</sup>

- If this achieved, the next challenge is ensuring that all committee members are adequately trained.
  - For example, it is generally accepted that members of community justice committees must have an adequate grounding in the Criminal Code offence with which an individual is charged.<sup>7</sup>
  - However, the importance of training with respect to the dynamics of abuse is less often acknowledged.
    - Inadequate training in this area has left many Inuit women choosing not to turn to the existing justice system to address the violence they have experienced.
    - The solution lies in gender and racial sensitivity training for all justice personnel – including judges, Crown Attorney, RCMP officers, JPs, community justice committee members – to help bridge the distance between the experience of Inuit women with both the community-based justice initiatives, the Euro-Canadian justice system, and the promise of these reforms.

#### **Training and Education**

- Without question, decision-makers must recognize the need for similar education for all justice personnel, including JPs, community justice committee members, and courtworkers in the communities.
  - This will ensure that all justice personnel have a thorough understanding of the criminal justice system rules, procedures and practices as well as the Inuit traditions and practices.
  - Funding for this type of continuing education/training must be on even terms for all justice personnel.
- The training must not only be comprehensive in its application but also in its scope.
  - Training and a thorough understanding of the dynamics of abuse, in particular sexual violence against women and girls, for all justice personnel must also be included in this continuing education/training component.
  - It is critical that these individuals and groups have grounding in the reality of abuse before they exercise their considerably wide discretion regarding the appropriate method for addressing a case involving violence against a woman or child.
- Providing training on these matters to all those working on justice issues in the community also provides an opportunity to begin to explore and, hopefully, learn to deal with the conflicts arising when values, traditions or practices based on different cultures, race, religions, gender, and age clash.
  - Within a learning environment, the various players can explore these sensitive issues and conflicts in a supportive way rather than confronting them in an actual case and further victimizing those involved.
  - Continuing education and training in these areas must be incorporated as integral parts of the larger education and training program for all justice personnel.
- Education for all justice personnel, including JPs, community justice committees and court workers will ensure that all have a thorough understanding of the criminal justice system rules, procedures and practices.
  - Integral components of education and training include Inuit traditions and practices as well as the dynamics of abuse, in particular sexual violence against women and children.

#### **Public Education**

##### **The Educators**

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<sup>6</sup> Mary Crnkovich and Lisa Addario with Linda Archibald Division, Department of Justice Canada, Research Report, Research and Statistics, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-e.pdf>.

<sup>7</sup> There is some question as to whether elders understand the definition of sexual assault found in the *Criminal Code*. This point was raised in the Report of the Canadian Panel on Violence Against Women, *Changing the Landscape. Ending Violence – Achieving Equality*, Chapter 14: Inuit Women, 1993, pp. 103-104. This Chapter of the report is included in Appendix #2 of this report. . cited in Department of Justice Canada, Research Report, Research and Statistics, Mary Crnkovich and Lisa Addario with Linda Archibald Division, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-e.pdf>.

## *Research Framework for a Review of Community Justice in Yukon*

### Community Justice – Training and Education

- Training for community justice committee members and JPs could also include training about broader legal concepts that would enable them to function as resource people in the community about such matters as the unified court, and other general legal concepts.
  - The use of the committee members and JPs as public educators would help to address the more chronic lack of Inuit understanding of the judicial system, particularly around such broad concepts as criminal procedure, the administration of justice, substantive and procedural law, the history of the justice system and the roles of justice personnel.
  - The lack of understanding among Inuit about such ‘foreign’ concepts is well documented and has been damaging to their support for the justice system.
- Members of community-based justice committees have the potential to more easily convey information about this component of the justice process to the community, thereby increasing public confidence in the initiative.
  - As well, an increased awareness of the work of JPs and the committees will also equip community members enhance the community’s confidence in the individuals performing these roles.

#### **The Message**

- In addition to increasing community awareness about the roles and responsibilities of JPs and community justice committee members, there is a need to increase the level of community support for their work and decisions.
  - If community members in their capacity as justice personnel are making decisions involving violence against women, more community education is required about these crimes.
  - The federal government could support the increased decision-making roles of these community members by undertaking a comprehensive public education campaign.
  - For example, public service announcements could be developed for radio and television (in Inuktitut and English) with simple messages, such as violence is a crime; sexual assault is a crime; child abuse is a crime, etc., from respected elders and other community members.
  - With this campaign, JPs and community justice committee members (and the judiciary) dealing with such crimes will be better understood by the community at large.

**Question:** Would be it useful to have the person selected to act as a mediator receive specific training to perform that role?<sup>8</sup>

#### **Answer**

· -not useful but a necessity, extensive training required  
· -law is serious business and a mediator would have to be someone who has knowledge of the legal system and issues to know their limits- if this person is dealing with "social conflict"  
· -they would need considerable training if dealing with any relationship where any type of abuse is existing, starting, they need special counselling and standards to know when it is not appropriate to do mediation - a lot of people who are family law mediators in Canada and US go through extensive screening and have to do a lot of screening before undertaking a specific mediation to make sure that it is not dangerous, many will not mediate a family law matter where there has been any type of abuse; all academies, associations and organizations of Family law mediators have agreed that training and education on the dynamics of abuse is essential to do family law mediation, at a minimum this would have to apply in mediating cases that could be seen as criminal law matters or becoming criminal law matters

Training of justice workers should be evaluated. (p. 3)

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<sup>8</sup> Pauktuutit, Inuit Women and the Administration of Justice, Phase II: Project Reports –Progress Report #1 (July 1, 1994 -December 31, 1994), Appendix 3 -Presentation to the Advisory Committee on the Administration of Justice in Inuit Communities cited in Department of Justice Canada, Research Report, Research and Statistics, Mary Crnkovich and Lisa Addario with Linda Archibald Division, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-e.pdf>. The participants of the justice workshop held in Ottawa August 12-16, 1994 presented their views, recommendations and response to the working document of the Quebec Advisory Committee on the Administration of Justice for Native Communities. Two representatives from the Ungava Coast and two representatives from the Hudson Coast accompanied Martha Flaherty and Ruby Arngna'naaq in the oral presentation to the Committee members. This presentation took place in Ottawa on August 16th before the Committee Chair, Judge Coutu. This was an Advisory Committee established in Quebec, however, the issues raised parallel the issues and concerns identified by women in Nunavut.

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Cross-cultural training for lawyers, judges and other justice representatives should be mandatory. In order for the justice system to be culturally sensitive, the personnel must be educated about the Inuit communities, the culture and traditions, and the laws which highlight women's issues and needs. (p. 9) <sup>9</sup>

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#### 4.2. A Framework for Community Justice in the Western Arctic – 1999<sup>10</sup>

##### Training for Committee Members and Coordinators

- The level of training currently held by committee members/coordinators and the need for additional training was one of the most often discussed topics among the diverse respondents interviewed during this study.
  - Although two-thirds of committee members/coordinators indicated that they had received some specific training for their work with the committee, most feel that additional training is required.
  - Among the types of training already provided to committee members are:
    - how to be a committee member - orientation for new members (most had received this training);
    - the legal system and community justice - roles of judges, lawyers, the court process and diversion (most had received this training);
    - family group conferencing;
    - healing meetings;
    - review of community justice protocols;
    - team building and interagency development;
    - the concept of circle sentencing
- According to some committee member/coordinator respondents, CJSs had been involved in the delivery of orientation and training sessions, focused primarily on law and criminal code issues, as well as in providing training on administration and organizational skills.
  - One problem identified with the training received by committee members is the lack of follow-up to see that new skills are being applied and properly put to use.
- The list of reported training needs for community justice committee members/coordinators is extensive.
  - Most respondents generally feel that committee members need additional training because members' life/work experience has not necessarily prepared them for their role on a community justice committee.
  - In addition, many committee members have not been exposed to new concepts of restorative justice and they themselves feel a need for training on the principles and approaches in support of these concepts.
- The training needs of community justice committee members as identified by non- community respondents are:
  - the role of community justice committees and their members;
  - how to conduct a hearing, what is justice work, how does the justice system work, what is the criminal code,
  - how to sit 'with judges and offer sentencing advice;
  - concepts of traditional justice;

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<sup>9</sup> Department of Justice (Canada), Record of Proceedings: Aboriginal Women and Justice –Consultations - Inuit Women, - November, 1993 cited in Department of Justice Canada, Research Report, Research and Statistics, Mary Crnkovich and Lisa Addario with Linda Archibald Division, Inuit Women and the Nunavut Justice System, 2000-8e, March 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-8a-c.pdf>.

<sup>10</sup> Campbell Research Associates, Kelly & Associates, Smith & Associates, prepared for Government of Northwest Territories, Department of Justice, A Framework for Community Justice in the Western Arctic – June 1999

- how to work with youth;
  - healing - what it is and how to help in this process;
  - conflict resolution;
  - anger management;
  - how to write proposals;
  - record keeping, financial and information management;
  - computer use,
  - how to use the Internet;
  - planning, evaluation and monitoring;
  - team building.
- One respondent suggested that the training needs of community justice committee members should be identified at the time they are recruited in order to plan "training programs for these."
    - It was also suggested that committee members who have received training be encouraged to share their training and information with other members to build on one another's skills.
  - Community justice committees play a critical role in fulfilling the aims of the Community Justice Initiative.
    - In order for these structures to work most effectively, they must comprise well-skilled and informed individuals.
    - Committee members, therefore, require adequate training in the basic skills required for their role as well as on-going training and information about new concepts and approaches to community justice.
    - While committee training has significant budget implications for the Community Justice Program, the long-term skills gain and effectiveness of committees will be greatly enhanced by such expenditures.
  - Committee members/coordinators and other respondents involved with community justice committees put a similar emphasis on communication needs when asked whether there are any types of assistance or supports that they have not been able to obtain:
    - access to networks with other justice coordinators, committees and specialists; . ensuring that the Crown Is aware of the diversion process;
    - opportunities to talk to other justice and related agencies, to participate in joint programs;
    - information on the outcomes of diversions.

#### **Familiarity with the Community Justice Initiative Program**

- Very few respondents interviewed during the course of this study are not aware of the Department of Justice's Community Justice Initiative.
  - Many in fact have some level of involvement with the initiative through their job related duties, through supporting the program as a player within the justice sector or through having been formerly involved with the initiative.
- Most respondents have some recognition of the position of community justice specialist and the existence of community justice committees and coordinators.
  - However, familiarity with individuals/members and the work in which they are involved appears to depend upon the type of interaction the respondent has had with the Community Justice Program.
- While respondents expounded a variety of opinions regarding the purpose and intent of the Community Justice Initiative, their main understanding consists of:

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- getting communities more involved in the justice system;
  - trying to improve social/conditions in communities by having community members as involved as possible in solutions to justice issues;
  - handling diversions from the RCMP and the court;
  - giving communities more ownership of justice issues;
  - recognizing traditional alternatives to the mainstream justice system;
  - encouraging and facilitating communities to find appropriate solutions to their own community justice issues.
- Most respondents indicated that they agree with the intent of the program.
- A large majority of respondents feel that the community development approach is the right one for carrying out the program. Respondents based this opinion on:
- avoiding the danger of having the program driven by government or department staff;
  - bringing together the right supports at the community level to address needs;
  - involving not only the justice community but people from all backgrounds in the community;
  - letting the community define the solutions that work for them;
  - providing the community with choices and options to address justice needs;
  - assisting and strengthening the community rather than doing it for them.
- Respondents who do not feel that the community development approach is the right one indicated that:
- the time for "developmental" work is over, let's get on with the task;
  - this is not really community development, it is a government-led cookie cutter approach where communities are given a format that is appropriate to the government and the justice system but it does not leave a lot of room to be unique or to show the strengths of the community/people.
- Overall, there is a high level of agreement among respondents endorsing the intent of the Community Justice Program.
- All of our respondents affirmed that community justice is not only an important and necessary program but that they would like to see communities take on even more justice functions.
  - Most see it as enabling communities to have greater control over developing alternatives to the justice system that can benefit their community members.
  - There is also a general consensus that the community development approach is appropriate for addressing the communities' justice-related needs.
  - There is less agreement, however, on just what "community justice" itself means.

**Recommendations**

- The flow of information about community justice initiatives to community decision-makers, community members in general and to community justice committees needs to be improved.
- Many respondents indicated being "not sure" or "do not know" when asked about specific aspects of the Community Justice Program.
  - In light of this, an examination of means and opportunities for improving community justice information dissemination should be undertaken by the Community Justice Division.



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Community Justice – Training and Education

**Concerns**

**Training of Workers in Community Justice**

- Often community justice workers, community legal workers and justice development workers (as they are referred to in other jurisdictions), have not been provided with sufficient training to fulfil their job requirements.
  - A range of training needs were commonly mentioned by community justice specialists and coordinators in the Northwest Territories.
  - Provision of adequate training can have a 'spill-over' effect for community development and capacity-building among community justice committee members.

**Training of Community Justice Committee Members**

- Committee members volunteering in several justice initiatives recognize that they require additional training to better understand the operational aspects of committee functioning as well as their own roles and responsibilities and the appropriate channels of communication.

**Training of Mediators**

- The advent of YOM meetings has raised concerns about a need for mediators who are trained in the theoretical concepts of mediation and conciliation and the practical application of this knowledge and skill base within a criminal justice context.
  - It is important to understand, and to have training in and experience with, the types of social problems and behaviour that offenders exhibit.
  - However, it must be recognized that mediation between offenders and victims would not be an appropriate approach in cases of sexual assault and abuse or of family violence. .

**Best Practices**

**Highly Motivated Qualified Trained Staff** - It is important that community justice workers, mediators and facilitators be both well-trained and self-directing.

**Ongoing Training** -This is essential for new and continuing community justice workers, committee members and mediators.

- Examples of good training practices include: orientation training (background information, job description/expectations, roles and responsibilities, recruitment, importance of reporting, file maintenance and confidentiality), training in family group conferencing, YOM and other conflict resolution methods.
- In the case of mediators, theoretical and practical training specific to criminal justice mediation is necessary.

While the Community Justice Division requires information from communities, it also has a responsibility to provide communities with adequate and current information about its own activities, developments in Territorial justice system processes and practices, potential funding sources, changes in legislation or legal interpretations that may affect the work being carried out by committees. A periodic newsletter, including this as well as other information about community justice, should be prepared and distributed to the coordinators by the Division. Creation of a web-site for the program should be considered as an increasing number of communities are gaining access to the internet. The costs of internet access should be provided by the program.

### 4.3. The New Justice: Some Implications for Aboriginal Communities - 1997<sup>11</sup>

#### Conclusions

- The proper selection of and adequate training for project personnel;
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### 4.4. Community Legal Centres -1992<sup>12</sup>

- This article, part of a workshop compendium, highlights the important role that community legal centres play in the Northwest Territories and in small, isolated Northern communities.
- The participants represented both Inuit and non-Inuit legal aid services.
  - After outlining what the present situation of community legal services was- (the roles they may play and the challenges they face in three Northern communities), the focus turned to what an ideal legal service centre would like.
- Through the discussion many issues about community legal services in the North were examined and many conclusions can be drawn for incorporation of such services in Nunavut.
- The participants held that while the Euro-Canadian criminal justice system is in place, these centres provide an invaluable resource to the community.
  - They assist in interpretation; they explain the justice/legal process and attempt to ensure community resident(s) know their legal rights.
- However, there are a number of challenges that limit their effectiveness to Northern residents.
  - Specifically addresses are lessons learned, the Northern environment and the relationship with the mainstream criminal justice system.

#### Underlying Themes from the Dialogue

- Regardless of the justice initiatives that are being developed or implemented, there is a need for communities to be aware of their rights and responsibilities within the Canadian justice system that surrounds them.
  - As a result, community legal service centres play an important role in sharing that information by acting as a tool and a resource for communities and individuals.
- The unique nature of the Northwest Territories environment, such as its size and vast distances, as well as the cultural and ethnic differences that it represents are all issues that must be identified and addressed when forming a community legal service centre.
  - This is especially necessary when forming an umbrella group that oversees the many community legal services organizations that may exist in the future.
  - Community legal service centres intend to represent the community.
  - However, those that operate the centre may often not be from the community.
  - As a result, legal service organizations must take their direction from the community to ensure community-level representation.
  - A tension exists regarding the desirability of community legal service centres.
- Some participants pointed out that it may be seen as a ‘tool’ of the dominant legal justice system and that in the face of growing support for traditional, fundamentally different justice initiatives, individuals and organizations may be better served committing their financial and personal resources to other alternative community-based that may better address the justice needs of the community.

#### Findings

- Community legal service centres play an important role (and perform many functions) in the administration of criminal justice in the North
  - The main goal of the community legal service centre is not to intrude or force a particular vision or way of doing things, but to serve the community.

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<sup>11</sup> LaPrairie, Carol. *The New Justice: Some Implications for Aboriginal Communities*. Ottawa: Department of Justice, 1997. Cited in Department of Justice Canada, Research and Statistics Division, by Naomi Giff, *Nunavut Justice Issues: An Annotated Bibliography*, March 31, 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-7a-e.pdf>

<sup>12</sup> Brier, Heidi, Agnes Krantz, and Douglas Miller. “The Relevance of Community Legal Service Centres”, in *Self-Sufficiency in Northern Justice Issues* Burnaby: Northern Justice Society, Simon Fraser University, 1992 cited in Department of Justice Canada, Research and Statistics Division, by Naomi Giff, *Nunavut Justice Issues: An Annotated Bibliography*, March 31, 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-7a-e.pdf>

- They ensure that individuals in Northern communities have access to their legal rights.
- Also, there are serious and wide-ranging problems facing Northern residents: high levels of violence and property crime, drug and alcohol abuse, low education and employment levels.
- For many communities, a community legal service centre, as part of an infrastructure, can act as a source and base for changing this situation through their role as a resource, providing referrals and appropriate references for individuals in the community.
- Many individuals in Northern communities do not speak English or French, or one of these is their second language. There are few, if any, bilingual lawyers in the Northwest Territories, that are able to speak Inuktitut *and* French or English. As a result, interpreters are often needed by the community to explain the process and better represent their needs to the court. Court workers, as part of the community legal service infrastructure, act as interpreters for the members of the court and the community so that those who are subject to the court and those that control the court have a better understanding of each other.
- ***Role of the community:*** The participants indicated that the establishment of community legal service centres must originate from the community.
  - The community is responsible for requesting a community legal centre and then for guiding its roles and its work within the community once it is there.
  - Such a community-based focus is part of the mandate of the community legal centres.
- ***Challenges of community legal service centres in the Northwest Territories:***
  - The community legal service centres in the Northwest Territories face many challenges.
    - Many communities have a low level of interest on the part of community residents.
      - Since the community has to support and request a legal service centre, low support will limit its effectiveness to address the justice needs of the community.
    - Another challenge is the impact that the large demand for assistance in criminal matters has.
      - As a result of the pressing and urgent nature of the criminal matters in the community, the centres are unable to address the civil matters that their mandate requires them to.
    - Finally, there is not enough funding and resources to do all the things within their mandate.
- ***Suggestions: What would an ideal community legal service centre look like?***
  - According to the participants in this workshop, the ideal community legal service centre would have a number of elements.
    - It would have an independent board of directors that would ensure that a community-based focus is developed and maintained through community input.
    - It would have enough lawyers so that proper and appropriate attention can be paid to civil and criminal representation.
    - It would see the role of the Court worker expanded and supported in a number of ways.
      - Court workers would be given more appropriate training and enlarged responsibility.
    - There would be a shift to addressing Aboriginal justice issues, made possible through more specialized resources for information and a broader funding base.
      - This would represent a shift from addressing ‘Native peoples and justice’ to addressing ‘Native justice issues’.
    - Finally, legal education would be an important part of its activities so that community members and Northern residents would have more information about how the justice system works.

## 5. Relevant Documents, Studies and Practices – Other Canadian

### 5.1. Learning Organizations

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#### 5.2. Restorative Justice - A Program for Nova Scotia - 2001<sup>13</sup>

Education/Training/Communication<sup>14</sup>

Those who work in the criminal justice system - police, Crown attorneys, defence lawyers, judges, Correctional Services staff, Victims' Services staff - have been acclimatized to the conventional system. A process of education is necessary to introduce these workers to the concepts of restorative justice, and to orient them to working more with, and within, communities. Without adequate education of the justice system stakeholders, and training of the community agencies, the endorsement necessary for the viability of restorative justice in this Province will not exist.

One of the first steps in educating the stakeholders will be a one-day symposium in each of the Phase 1 communities. The day will provide the participants with an opportunity to learn about the concepts of restorative justice and the plans for this Initiative. These symposiums will be followed by small group discussions with stakeholder groups to discuss issues specific to their community.

In addition to the education and training of stakeholders, bringing the message of restorative justice to the general public will form part of a comprehensive communication plan.

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#### 5.3. Aboriginal Justice Strategy (AJS) Evaluation –2000<sup>15</sup>

##### 5.3.1. Project Administration

- It would appear that projects need assistance, training and support to improve *project administration*.
  - The reporting requirements imply that communities will have the resources to meet them, including good filing systems.

##### 5.3.2. Computer Systems

- In some cases, funding enabled communities to *purchase computer systems*, but they may also need training and a 'user-friendly' database.
  - Electronic databases can assist in data gathering and completing reports and they have the potential of being more confidential.
  - Seeing a shift in reports can demonstrate a project's increasing office efficiency and effectiveness in record keeping, budget balancing and sophistication in project planning and development.

##### 5.3.3. Training Needs

- The *training needs identified* by community justice workers are varied, and include:
  - Mainstream justice system: learning about it and understanding how their project fits within it, to better understand the context in which they are working.
  - Interviewing and communication skills: needed for presentations to the community, board/committee, and at conferences.
  - Counselling skills: required for services to victims and offenders, and more informally for providing advice to community members.

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<sup>13</sup> Restorative Justice - A program for Nova Scotia, Update 2001, <http://www.gov.ns.ca/just/rj/rj-update.htm>

<sup>14</sup> <http://www.gov.ns.ca/just/rj/rj-phase.htm>

<sup>15</sup> Department of Justice Canada, Evaluation Division, Final Evaluation Aboriginal Justice Strategy, Technical Report, October 2000

- Community justice workers need to know how to deal with disclosures of sexual abuse during a hearing, how to develop boundaries for sharing their own experiences with clients, and how to deal with conflict arising between committee members.
  - Specialized training: for dealing with cognitive impairment or psychiatric disorders, family violence and young offenders.
  - One project is developing a Band Workers Training School, which is **mentoring project** in which Aboriginal Social Work students from universities will be mentoring local people while completing their field practicum.
    - The result will be a growing capacity to staff the project with qualified community people.
    - They will also be providing similar training for staff at a local Elders' Care Home.

#### 5.3.4. Public Education

- One indicator of success is **community involvement**, as participation reflects trust in the project and ownership of community wellness.
  - It is important that the project is perceived as offering **fair, useful, safe, accessible, reliable and culturally relevant services**, as this leads to community support and accountability.
- Thus it becomes crucial for the project workers to **raise and maintain community awareness through regular public information updates**, which can be achieved through newsletters, forums or local TV or radio interviews.
  - Promotional pamphlets/newsletters explaining the project, pointing out its achievements, detailing the contributions of volunteers, citing supportive quotes from justice and community sources could be mailed to local organizations, newspapers, justice system personnel and the Aboriginal Justice Learning Network (AJLN).
  - They can also share information with the community about justice issues at the regional and national levels, including information about other Aboriginal projects and the mainstream justice system.

#### 5.4. Aboriginal Justice Strategy (AJS) Trends – 2000 <sup>16</sup>

- A number of projects indicated that certain percentage of their budget is to be allocated to training activities for staff and council, committee or board members.
  - There has been an increase each year in the number of projects reporting including training as an expense in their budget.
- Training plays an integral role in the success of community-based justice project.
  - Not only does training inform the participants, and/or share with them the activities taking place in other communities, it also provides projects with the security that comes along with knowing that there are many shared concerns, many shared challenges and successes to draw upon.
  - It is clear from the AJS project files that training is a key activity.

	# of Programs Reported on Training by Type of Training		
	1996-97	1997-98	1998-99
<b>Criminal Justice System</b>	5	12	20
<b>ADR/Community-Based Justice</b>	10	23	35
<b>Administrative</b>	5	14	24
<b>Social/Life Skills</b>	4	7	26

<sup>16</sup> Department of Justice Canada, The Aboriginal Justice Strategy: Trends in Program Organization and Activity 1996-1997, 1997-1998 and 1998/1999, Prepared for the Aboriginal Justice Directorate, Department of Justice Canada by Naomi Giff, March 10, 2000 -

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	# of Programs Reported on Training by Type of Training		
	1996-97	1997-98	1998-99
<b>TOTAL</b>	<b>24</b>	<b>56</b>	<b>105</b>

- British Columbia: projects in this jurisdiction have spoken of *training* issues.
  - o A fair number of projects had either reported on **participating in a conference or organizing one in their community**.
    - This activity builds community, regional and national networks, and facilitates the dissemination of information at the community level.
  - o Many of these conferences were justice-related and focussed on community-based issues.
    - In 1996-97 and 1997-98, 15% of the projects across the country reported engaging in this activity.
    - In 1998-99 that percentage increased to 31%.
- Saskatchewan: a number of projects voiced the opinion that *consultation time* was vital to improving their chances at successfully meeting the goals and objectives of the projects.
- A large number of projects **reported publishing or distributing a newsletter** that covered the activities of the justice project.
  - o These newsletters are often available to the community members, and they inform readers of activities and upcoming events.
  - o Like conferences, they disseminate information about justice issues and the community-based project at a local level.
    - In 1997-98 4 projects reported engaging in this activity and in 1998-99 the figure was seven.
    - More than half of the projects each year reported upon *the training activities that* the project staff and volunteers engaged in.
- As of 1998-99 more than half of the projects in British Columbia, the Yukon, Nunavut, Saskatchewan, Manitoba, Ontario and Nova Scotia indicated they engaged in some form of training. In the Northwest Territories all the AJS projects did.
  - o Over the years, the most common training type engaged in was
    - alternative methods of dispute resolution/ community-based justice (ie. mediation, family group conferencing, accountability)
    - This was followed by administrative training (ie. computer, bookkeeping),
    - Criminal justice system training (ie. the legal system, legal aid, sentencing principles), and
    - social/life skills training (ie. ethics, suicide, the dynamics of violence).
  - o Clearly there is a large overlap, with projects engaged in more than one type of training each year.
  - o There has been an increase each year in the number of projects reporting including **training as an expense** in their budget.

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## 5.5. The Aboriginal Justice Learning Network (AJLN)<sup>17 18</sup>

### Who we are

The Aboriginal Justice Learning Network (AJLN) is one component of the Department of Justice Canada's Aboriginal Justice Strategy (AJS). Its mandate, however, differs slightly in emphasis from AJS.

The Aboriginal Justice Learning Network (AJLN) is a broad-based voluntary network of representatives of the conventional justice system and Aboriginal communities. Together, they work for change in the administration and provision of justice services by and for Aboriginal peoples.

<sup>17</sup> <http://canada.justice.gc.ca/en/ps/ajln/about.html>

<sup>18</sup> Department of Justice Canada, The Aboriginal Justice Strategy: Trends in Program Organization and Activity 1996-1997, 1997-1998 and 1998/1999, Prepared for the Aboriginal Justice Directorate, Department of Justice Canada by Naomi Giff, March 10, 2000 -

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AJLN operates to serve the training, information and learning needs of Aboriginal communities that are establishing, developing, implementing or operating justice projects for its members. Among others, AJLN provides resources for training and learning, as well as linking communities with professionals across the country that can assist them in meeting their justice goals.

AJLN is guided by an Advisory Committee, made up of Elders, Aboriginal peoples and non-Aboriginal people who are experienced in the area of Aboriginal justice projects and issues.

The AJLN was set up in 1996 and given the mandate to:

- act as a vehicle of communication between the current justice system and Aboriginal communities;
- help ensure that Aboriginal women participate as full partners during both the negotiation and implementation of community justice programs;
- train enforcement officers, prosecutors, judges and members of Aboriginal communities in the objectives, values and mechanics of the approaches to justice in the agreements; and
- help participating communities and the current justice system implement community-based justice programs, with a focus on ensuring that the new approaches are fully integrated into the day-to-day operation of the principal justice system.

#### Organization

While the Network includes groups from across the country, it is managed through the National Co-ordinator's Office in the Department of Justice in Ottawa. The Co-ordinator's Office offers resources such as publications and videos, provides funding to support innovative Aboriginal justice initiatives, and helps in organizing and publicizing important events in the field.

The Co-ordinator's Office works closely with the AJLN Advisory Committee, which advises the Deputy Minister of Justice and the Learning Network as a whole regarding proposed activities and makes recommendations about the communications strategy and the use of financial and human resources. It meets three or four times a year.

The Committee consists of 14 members, as well as 10 "alternate" members since involvement is voluntary and all of the members have full-time jobs and busy schedules. Members are selected from a list of nominees by a joint committee of Elders and government officials, and the candidates are approved by the Deputy Minister. Committee members are largely made up of Aboriginal Peoples (Métis, Inuit and First Nations peoples) as well as non-aboriginal Canadians. They are drawn from a variety of backgrounds, representing community workers, judges, lawyers, police officers and youths. In general, public servants are excluded, since the Deputy Minister and the AJLN can meet with public servants outside of the Advisory Committee.

#### What we do

The AJLN serves as a vehicle for development, evaluation, communication, education and information sharing on alternative, restorative justice processes that are consistent with Aboriginal values and traditions. We promote understanding of the implications of culture differences and of the dynamics of racism, especially in relation to the justice system.

To accomplish these aims, the AJLN has three basic roles. First, we act as a link that enables groups from across Canada to share ideas and information and to stay informed about developments in the field. These might include local or regional programs, conferences, new publications, court decisions or new legislation. Our newsletter, LINK, with a circulation of 3000, is the main tool for this activity.

Secondly, we offer free resources, publications, and videos on aspects of Aboriginal justice, community programs and similar initiatives. These may be ordered directly from the Resources page of this website.

Our third role is to provide funding and other support for projects that offer creative solutions to the various issues related to Aboriginal community justice. We have supported conferences, workshops and training

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programs across the country dealing with such subjects as sentencing circles, dispute resolution, victim services, and legal issues. See the Funding page for guidelines for applying.

**AJLN Funding Guidelines<sup>19</sup>**

The Aboriginal Justice Learning Network provides funds to support selected Aboriginal community justice initiatives. We welcome and encourage proposals that take innovative approaches or to serving the unique needs of diverse Aboriginal communities.

**Guidelines**

All requests for funding must come through the AJLN's National Co-ordinator. There is no rigid formula for a request, but it must include a plan that explains its relation to Aboriginal Justice issues and provides for community benefits rather than the benefit of individuals. The proposal should set out the time frame and location, the number of people involved, and an outline of goals and objectives, as well as a basic budget. Not all proposals can be funded. The AJLN does not fund preliminary community consultations, for example. That is, if a Band wanted to gather the community together to discuss the broad issues involved in creating a justice initiative in general, but without a substantial plan for a specific initiative, funding would not be available. The proposal would need to be further along in development with a clear set of goals to qualify. Similarly, we do not provide funding for evaluations of specific programs once they are complete - organizations are themselves responsible for this process. Further, since the focus of the AJLN is on community-wide benefits, we do not offer funds for individual tuition or research. Finally, all proposals that receive funding must fall within the mandate of other organizational partners such as Solicitor General, Corrections, RCMP or the Department of Indian and Northern Development.

**Examples of Funded Projects**

The AJLN supports a range of project proposals, including skills-based training and information sharing. The following are some examples of projects we have been involved in:

- St. Leonard's Society of Canada. A two-day conference on restorative justice (sentencing circles) held in North Vancouver.
- Council of Yukon First Nations. Two meetings of community justice committee members.
- Yellowhead Tribal Community Corrections Society. A two-day workshop for youths, parents, and police on gang issues and community safety.
- Femmes Autochtones du Québec: A two-day meeting of women involved in victim services and justice in Montreal
- Indigenous Bar Association and Canadian Bar Association. A three-day conference in Toronto on the report of the Royal Commission on Aboriginal Peoples.
- Big Cove, New Brunswick. Two-day justice information sharing session (organized and partly funded by AJLN).
- Native Counselling Services of Alberta. Development of a promotional video for its Alternative Dispute Resolution Training Program.
- Nishnawbe-Aski Nation. A two-day conference on health and justice in Thunder Bay.
- Uquajjigiatit Justice Committee. A four-day workshop on team building for new and existing community justice committee members in Cape Dorset Nunavut.

**Aboriginal Justice Programs Handbook - 1997<sup>20</sup>**

**The Aboriginal Justice Learning Network**

The Aboriginal Justice Learning Network will bring together Aboriginal and non-Aboriginal experts on the justice system and experts on Aboriginal cultures who volunteer to:

- help the mainstream justice system and Aboriginal communities communicate with one another;
- help communities prepare for justice program negotiations;
- help Aboriginal women participate as full partners in planning and implementing justice programs;

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<sup>19</sup> <http://canada.justice.gc.ca/en/ps/ajln/fin.html>

<sup>20</sup> Department of Justice Canada, Aboriginal Justice Programs Handbook, Revised August 1, 1997



- help train enforcement officers, prosecutors, judges, and members of communities entering into Aboriginal justice program agreements; and,
- help the communities and the mainstream justice system to implement the agreements, ensuring that the programs and procedures are integrated into the day-to-day operation of the justice system in the communities.

The people involved in the Aboriginal Justice Learning Network will share their knowledge and experience about justice development, implementation and administration. These people will contribute in many ways. Some will act as informal consultants to communities designing justice programs. Others will serve as resource people in training and community development activities. Many will help one another through electronic and print vehicles developed and maintained by governments, educational institutions and professional associations. Other Learning Network participants may contribute to publications, evaluations, and similar activities undertaken by governments and/or Aboriginal communities. Some will confine their Network activities to the local scene. Others will be involved in regional or national activities.

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### **5.6. Restorative Justice in Canada - 2000<sup>21</sup>**

- Successful restorative justice programs depend on well-trained participants. Volunteers, justice workers, probation workers, police, government officials, and mediators may need training in the following areas:
  - A working knowledge of the criminal justice system;
  - Professional practice with clients;
  - Sensitivity to victims;
  - Conflict resolution skills; and
  - Administrative skills.
- However, training should also reflect the uniqueness of local communities.
  - For example, staff in a multicultural city may require different training than those in an isolated northern village.
  - This challenge is most critical in Aboriginal communities, where training must take into account the culture of First Nations, Métis and Inuit peoples.

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### **5.7. Restorative Justice: Is it justice for battered women? – 2000<sup>22</sup>**

#### **Guidelines, standards, training, monitoring and evaluation**

- There was strong agreement that clear, coherent, equality-promoting guidelines, principles and standards must define all restorative programs, and that the policy, the guidelines, the screening, and the training must be in place before moving toward these kinds of solutions for cases of violence against women.
  - There must be tracking processes for offenders from province to province, and within provinces.
  - There must be transparency, accountability and a monitoring and evaluation process in place.

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### **5.8. Restorative Justice and Criminal Justice – Identifying Some Preliminary Questions, Issues and Concerns – 1998<sup>23</sup>**

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<sup>21</sup> Federal-Provincial-Territorial Working Group on Restorative Justice Restorative Justice in Canada: A Consultation Paper (May 2000) available from the Department of Justice Canada, <http://canada.justice.gc.ca/en/ps/voc/rjap.html>.

<sup>22</sup> Provincial Association of Transition Houses of Saskatchewan (PATHS) Conference, Restorative Justice: Is it justice for battered women?, Executive Summary, April 14 and 15, 2000, at the Centennial Auditorium in Saskatoon, Saskatchewan, Canada.

<sup>23</sup> Goundry, Sandra A., Legal Consulting and Research Services, Restorative Justice and Criminal Justice, Reform in British Columbia – Identifying Some Preliminary Questions, Issues and Concerns, Prepared for: BC Association of Specialized Victim Assistance & Counseling Programs, 30 April, 1998

- Implications for Education and Training:
  - Significant additional resources will be required to conduct the necessary training and education of ALL the stakeholders in the criminal justice system.

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### **5.9. Developing & Evaluating Justice Projects in Aboriginal Communities- 1998<sup>24</sup>**

In addition to print there are many video productions now available dealing with Aboriginal justice issues as well as with restorative justice projects or ideas in general.

Some of the better ones are Cardinal, Gill, National Film Board, The Spirit Within, 1990 which deals with inmates' search for culture and spirituality; Obomsawin, Alanis, National Film Board, Poundmaker's Lodge, 1987; Aboriginal Justice: A Time For Action, Royal Commission on Aboriginal Peoples, 1993; The Making of Rage, Native Counselling Services of Alberta, 1995; Youth Justice Committees, Native Counselling Services of Alberta, 1996; Sentencing Circles, Vision TV, Northern Native Broadcasting, 1997; First Nation Blue: Policing in Aboriginal Communities, Ontario TV, 1996; Restoring Justice, National Council of Churches of Christ in the USA, 1996. Two sources of useful videos on Aboriginal youth, young offenders, and the circle of life are Magic Lantern Communications Ltd and Why Not Productions. The Aboriginal Corrections Policy Unit, Solicitor General Canada, in addition to supporting Rage, a documentary four-part video series on Aboriginal male inmates caught up in the cycle of violence, has supported several videos on Aboriginal female inmates (Getting Out, and To Heal The Spirit, both produced by Why Not Productions), and on post-incarceral rehabilitation (Drum Song, and Healing The Spirit). The National Film Board will soon be releasing a film about Community Holistic Circle Healing in Hollow Water and The Nitinaht Chronicles, a film about a community dealing with sexual abuse.

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### **5.10. Planning & Evaluating Community Projects -1998 <sup>25</sup>**

#### **Training Program Staff**

Operating a restorative justice program can be a complex task. For example, the Community Holistic Circle Healing Program at Hollow Water involves offenders and victims who have been seriously harmed and an entire community that must be healed. Working with these problems is a very difficult task and requires staff who are well-trained and sensitive to the needs of individuals and the community. The Assessment Team responsible for the program organized a two year training program in which trainers were brought to the community to teach a variety of topics including: cultural awareness, alcohol and drug awareness, team building, networking, suicide prevention, family counselling, communication skills, and human sexuality (Lajeunesse, 1993). The group dealt with disclosures of sexual abuse among its own members as a means of helping resolve their problems and as a training activity. This training process resulted in the development of a Thirteen Step program and to the Community Holistic Circle Healing approach to the community's problems.

Even programs that are more modest in scope have extensive training needs. Before a restorative justice program can be started, a thorough training program must be designed and delivered to all staff members and others who may be involved in the program. It is important that local people be trained, as it will be up to the community to take on the responsibility of running the program. It is equally important to ensure that enough people are trained to provide support networks for the front-line workers who may be under a great deal of stress. Several steps are involved in designing a training program and your planning group may wish to appoint a training committee to take responsibility for this process. You will first conduct a training needs analysis to identify the skills that are needed to deliver your program. Your training curriculum will be developed from this needs assessment. You must select instructors and train them in the goals and methods of your program.

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<sup>24</sup> Ministry of the Solicitor General of Canada, Don Clairmont and Rick Linden, Developing & Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature, March 1998 <http://www.sgc.gc.ca/epub/abocor/e199805/e199805.htm>

<sup>25</sup> Solicitor General Canada, Rick Linden University of Manitoba and Don Clairmont, Dalhousie University, Making It Work: Planning And Evaluating Community Corrections & Healing Projects In Aboriginal Communities, 1998 <http://www.sgc.gc.ca/epub/Abocor/e199805b/e199805b.htm>

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Much of the training available in the human services area does not have Aboriginal content. It is important that your programs teach people Aboriginal perspectives including the use of traditional teachings and ceremonies and the use of elements of Aboriginal culture and spirituality in the healing process. You may be able to obtain some assistance in this from members of other communities that have implemented similar programs. Site visits by members of your planning team or the hiring of experienced people from other communities is a way of sharing this expertise. Traditional teachers may provide a valuable training resource. You may also be able to draw from resources such as Justice Canada's Aboriginal Learning Network for information about the operation of restorative justice programs. The goal of your training program is to ensure that all personnel understand the healing philosophy and to perform the tasks required to successfully implement your program.

### **Training the Mediator or Facilitator**

The mediator or facilitator plays a central role in restorative justice programs. There are different ways of carrying out this role. Some mediators play a neutral role while others, including the Navajo peacemakers, offer advice and suggestions and act more as guides than as neutral observers (Hudson and Galway, 1996). You will have to decide if the persons who will play this role in your community should have formal training, or whether community interests are best served by informal processes using community volunteers. Even if the latter course is followed, the volunteers should receive some training in mediation. Short courses of two to four days duration are widely available. You may also be able to train your mediators or facilitators by sending them to other communities to learn from experienced practitioners.

An effective communication strategy can be important. A variety of communications media can be used to get your message out including free public service announcements on television and radio; posters in workplaces, schools, community centres, and other public places; newsletters; articles in community newspapers; and public meetings. Organizers of Toronto's Aboriginal Legal Services program first discussed their program with elders and traditional teachers to gain their support. Two community consultations were held with representatives of local Aboriginal agencies followed by a presentation at the annual meeting of the Native Canadian Centre of Toronto. The program was also discussed on several radio programs. This communication was not just one way – changes were made to the program because of concerns raised by community members (Royal Commission on Aboriginal Peoples, 1996).

In addition to helping you find volunteers for your program your communication efforts will also help to educate the public. This is very important because public support is vital to the success of any restorative justice program. Crime can be a very emotional concern among members of the public and in some communities you should anticipate opposition from those who feel that restorative justice programs are too soft on crime. You can counteract this opposition through a good public education campaign. The public also must be well-educated about the program because restorative justice initiatives will not work unless both victim and offender agree to cooperate. Unless both parties to the offense will participate in restorative programs, the cases will remain in the conventional justice system.

You must also ensure that your community's leaders support the program. They should be consulted throughout your planning and you should meet with them regularly during the implementation phase of the program.

This stage in your planning process is critical because community support is a key factor in the success of community justice programs. With community involvement at the core of these programs, the community must be kept informed, involved, and ready to assume responsibility *before* the program is put in place.

### **Developing A Communication Strategy Within Your Program**

- Earlier in this manual, we discussed the need to have an open communication process with community residents and leaders.
- Good communications are also needed among those involved in running your program.

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- Regular meetings of program staff ensures that everyone is working toward the same goals and to discuss the issues and problems that arise in every organization.
- You should also meet regularly with those people like justice personnel who are outside your group but whose cooperation is important to the success of your program.

## 6. Relevant Documents, Studies and Practices – USA

### 6.1. Vision Weaving: Proposed Mission & Strategies for a Restorative Justice Campaign <sup>26</sup>

#### Goals:

1. Increase awareness of restorative justice so it becomes a widely acknowledged and understood term no matter the age.
2. Ensure that new recruits entering the criminal/juvenile justice system are fully educated and trained on restorative principles.
3. Increase the likelihood that restorative ideals are practiced and put forth by policy and legislation.

#### Strategies for Goal One:

Increase awareness of restorative justice so it becomes a widely acknowledged and understood term no matter the age.

- a. Approach the Ad Council to gain assistance in developing a marketing strategy that includes billboards, TV spots, newspaper articles and other methods.
- b. Devise a media packet that will be sent to each jurisdiction that seeks to improve local news coverage of restorative justice, especially editorial boards.
- c. Find a “poster child” case(s) to use for national exposure.
- d. Develop and promote a curriculum to be used in schools (elementary, junior high, and high schools).
- e. Approach major markets for possible movie or series such as Disney. (This needs more fine tuning.)
- f. Bring together a group of creative, artistic individuals to craft ways to get restorative ideas into mass market (eg, novels, comic books, paintings, Nintendo, TV, radio, etc.).

#### Strategies for Goal Two:

Ensure that new recruits entering the criminal/juvenile justice system are fully educated and trained on restorative principles.

- a. Develop a “blueprint” manual on how to engage local universities and colleges in discussing the needs of the field and to hold on-going discussions of professional trends and publications that should be used by higher learning institutions. Provide the manual to restorative agencies seeking to address this issue with state and private educators.
- b. (Need a strategy to work with law schools here....)
- c. Ensure that state training academies are including restorative training in new staff orientation. Provide sample curriculum to training coordinators.
- d. Work with ACA, APPA, NADA, SJI, and other national associations to find out where information and training gaps exist and provide technical assistance.

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<sup>26</sup> Mark Carey Vision Weaving: Proposed Mission & Strategies for a Restorative Justice Campaign Restorative Justice Online, Making Restorative Justice Routine [http://www.restorativejustice.org/ri3/campaign\\_default.htm](http://www.restorativejustice.org/ri3/campaign_default.htm) Mark Carey is Deputy Commissioner of the Minnesota Department of Corrections. He has served as Director of Dakota County Community Corrections, and as Director of Dodge, Fillmore, and Olmsted Counties Community Corrections, both in Minnesota. He has over 20 years of experience in the correctional field, serving as a counselor, probation officer, planner and consultant. He taught juvenile justice at Rochester Community College and has written numerous articles. He is currently on the American Probation and Parole Association (APPA) Board of Directors, and in 1996 he received APPA's Sam Houston University Award. In 1993, Mark was selected as Corrections Person of the Year by the Minnesota Corrections Association.

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- e. Sponsor a national gathering of federal/state government and university educators to discuss topic.
- f. Create list of textbooks that contain restorative material and work through major distributors to encourage their use.
- g. Sponsor politician “ride-alongs.”
- h. Devise a set of restorative questions to provide to League of Women Voters and other organizations that sponsor candidate debates.
- i. etc.

**6.2. Restorative justice: Principles, practices, and implementation..  
Facilitator guide - 2001<sup>27</sup>**

- In 2001 the National Institute of Corrections (NIC) produced a training curriculum in restorative and community justice.
  - The curriculum enables participants to explore restorative justice values and practices, the impact of crime on victims, and strategies for fostering restorative justice in criminal justice systems and in communities.
  - Along with the participant guide, NIC produced a facilitator guide.
  - The facilitator guide follows the content modules of the participant guide.
  - It also contains material specifically oriented to assist a facilitator in guiding participants through the training experience.
  - Such material includes the following: the role, responsibility, and style of the facilitator; principles, methods, and strategies for effective learning; preparation for the training; training logistics; lesson plan formats; presentation materials (e.g., masters of slides, handouts, worksheets, and other training aids); and guidelines for the times required for covering the parts of the curriculum.

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**6.3. Influencing Public Opinion - A Challenge for Activists -1999<sup>28</sup>**

As I survey the political and cultural landscape in America, I am struck by how many individuals and organizations do valuable work, but do not make contacting the mass media a priority. Whether it is because they believe that powers beyond their control decide what the mass media will cover, the organizers are afraid their message will be rejected by the public, or they tried and gave up after a few rejections, I do not know. I do understand how this can happen however. The simplistic formula "corporations control the media" is often stated in activist publications. Public relations work can also be very hard on the ego. If I believe that the media isn't going to cover my story why bother doing the hard work of writing press releases, making pitches to busy reporters, and competing for limited news space. Even if I'm "batting .300," which is respectable, that means seven out of ten reporters, editors, and talk show hosts will turn me down.

I moved in the world of progressive activists for many years. I now work in the world of reporters and mass media as a publicist and media consultant. I know from personal experience that progressive organizations (traditional non-profits, social change organizations, and for-profit businesses) are barely scratching the surface of what is possible in terms of the news coverage we could be generating.

Based on my experience, it is not unrealistic to expect that national organizations should be able to generate syndicated, national coverage and local news coverage in communities where their members live. However, to

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<sup>27</sup> National Institute of Corrections. (2001). Restorative justice: Principles, practices, and implementation.. Facilitator guide. Longmont, CO: U.S. Department of Justice, National Institute of Corrections. <http://www.nicic.org/pubs/2001/restorjust-files/resiusfacil.pdf>

<sup>28</sup> Wirth, Peter, Influencing Public Opinion - A Challenge for Activists, Online Journal of Peace and Conflict Resolution, Issue 2.4, November 1999, [http://www.trinstitute.org/ojpcr/2\\_4wirth.htm](http://www.trinstitute.org/ojpcr/2_4wirth.htm)

generate news coverage takes a plan. It will not happen unless it is made a priority and integrated into your organization's activities.

#### **A Successful Speaking Tour**

A 10-city United States speaking tour of "Three Women from Jerusalem - Three Women, Three Faiths - Christian, Jewish, Muslim - Jerusalem a Shared City" hosted by Partners for Peace reached an estimated audience of 220 million between local, national, and international news coverage. The tour was extremely successful because we integrated our media strategy, from the very beginning, into all aspects of the tour. We contacted editors, reporters, and talk show hosts weeks in advance with our "pitch." We worked with the religious media in addition to the secular press. We solicited speaking engagements in churches and synagogues. We learned from their biographies that one of the women attended college in the US. This gave us access to an alumni publication that reached 60,000 professionals with an op-ed piece. We surveyed the local radio and TV talk shows to identify public affairs programming in every city they spoke in.

And, yes we selected some cities because we knew the chances for generating national, syndicated media coverage were better than other cities. For example, many national and syndicated media outlets are located in Washington, DC. We selected DC as a speaking site because we knew that would increase our chances of national and syndicated media coverage.

We did not accept the conventional wisdom of many Middle East activists that it was impossible to get out a progressive message through the mass media.

#### **A Progressive Book Tour**

The experience of Paul Loeb, author of *Generation at the Crossroads, Nuclear Culture and Hope in Hard Times* provides another example of what is possible when a media strategy is integrated into the marketing of a book. In Dallas/Forth Worth, Texas he was able to arrange coverage on five TV stations and 14 radio stations including the main AM talk stations, a major NPR outlet, and fundamentalist religious shows. In the process, his ideas reached people who would never purchase his book.

If we want our views to be heard by the main stream culture we need to reach people in their homes across the political spectrum. Foundations and think tanks with a conservative agenda realize this, which is one reason why they make using the media a high priority. To change public opinion we must reach the public.

#### **The Heritage Foundation Media Machine**

Normon Solomon a syndicated columnist wrote in *Fairness and Accuracy in Reporting* that the Heritage Foundation is the most widely cited think tank in the US. Appearing frequently on television and radio, Heritage personnel also generate a nonstop flow of op-ed pieces for newspapers. At the same time, Heritage produces a blizzard of press releases, position papers, news conferences, and seminars aired on C-Span. For good measure, Heritage headquarters has a radio studio that serves as a convenient broadcast facility for talk show hosts who want to beam their programs home from Washington.

The Heritage Foundation understands that to affect public policy you need to affect public opinion. Therefore, it allocates significant resources to achieve that goal.

#### **A Reporter's Perspective on the Successful Tactics of the Heritage Foundation**

In a Letter to the Editor in the February 23, 1998 issue of *The Nation*, John Cheves, a reporter from Lexington, KY, writes:

James Ridgeway has discovered one of the "Republican right's" most effective methods of influencing American thought. Its organizations, like the Heritage Foundation, are in constant contact with hundreds of daily newspapers and talk radio shows that reach low and middle income people ("Heritage on the Hill," Dec. 22). Liberal groups seem content to fax press releases to *Mother Jones* and *Utne Reader*.

As a reporter for mid-sized newspapers across the South, I've tried to balance my news stories with quotes and ideas from the National Organization for Women (NOW), the NAACP, Greenpeace, the World Wildlife Fund, Amnesty International, and labor unions. A woman at NOW told me that to conserve its resources, it deals only with media powerhouses like the *New York Times*.

Heritage Foundation analysts return my calls within 30 minutes, talk for as long as I want, fax me their data-filled reports, and would probably drive all the way from Washington to bring me a cup of coffee. Guess whose philosophies dominate the newspapers most Americans read.

A reality of the news world is deadlines. At times reporters need to go "with what they have." If a press release is in a reporter's hands, the chances of getting a message out are increased.

#### **Progressive Organizations**

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While most organizations do not have anywhere near the resources of the Heritage Foundation, significant news coverage can be generated with a few phone calls and postage stamps. Perhaps, for most groups, it is more a question of priorities and attitude than a lack of resources.

Holly Sklar, a widely published op-ed writer stated in the winter 1998 issue of the *National Network of Grantmakers* that "the mass media is biased but not as biased or closed as many progressives think. Indeed, the exaggerated image of a monolithic mass media common among many progressives leads to a self-defeating form of self censorship. Progressives too often stifle themselves with inadequate media work and low expectations."

In my experience, after a few decades of work with progressive organizations, I've observed a "mindset" among many activists that the mass media is off limits, regardless of the issue.

**A Challenge**

The activist community needs to be challenged by the example of people like Nelson Mandela, who in 1998, visited every newspaper editor in South Africa - even those who did not support him.

The mass media in the United States is a complex institution with competing interests staffed by hundreds of thousands of individuals. Ultimately, we deal with an individual reporter, editor, or talk show host who will make a decision on our news story.

We need to establish professional working relationships with reporters. We need to sharpen our skills of writing an interesting press release that is timely with a good "news peg."

We need to be persistent but also accept a "no" graciously. We need to think long term and not expect immediate results. Even a rejected press release can be the beginning of a productive relationship with a reporter. But perhaps most of all, we need to understand that if we want to affect public policy we need to affect public opinion. To affect public opinion we need to use the mass media to reach out to the entire community that will either embrace or reject our message.

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**6.4. Resolving Disputes Locally: Alternatives for Rural Alaska - 1992<sup>29</sup>**

- Continued mutual education between state and tribal courts.
  - o The Judicial Council recommends that the state and tribal court judges make continuing efforts to communicate with each other.
  - o Current efforts at mutual education include the Tribal/State Court Working Group, composed of ten lawyers and judges who work with state and tribal courts in Alaska.
  - o A second important step toward mutual understanding was the half-day tribal court session at the 1992 Alaska Judges Conference.
- The Judicial Council recognizes the very important steps these activities represent and praises the coordinators of and participants at this year's judicial conference for their efforts at opening communication between state and tribal court judges.
- Also welcome are other efforts by the tribal courts to invite state court judges and court personnel to visit their locations (Metlakatla, for example, recently invited the Chief Justice and state court judges in its area to visit).
  - o Further discussions should take place in a series of meetings at which work groups organized by both state and regional levels conduct research and carry out specific tasks.
  - o Work groups should reconvene at the meetings to report on progress achieved.

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<sup>29</sup> Alaska Judicial Council, Resolving Disputes Locally: Alternatives for Rural Alaska, August 1992, <http://www.ajc.state.ak.us/Reports/firepframe.htm>



## **7. Relevant Documents, Studies and Practices – International**

### **7.1. Restorative Justice The Public Submissions-1998<sup>30</sup>**

#### **Public Education and Information**

Public support for and knowledge of restorative justice was identified in six submissions as important to the success of any programme. In particular, there was a fear that without education programmes, the public would believe that restorative justice was a "soft option" for offenders. Present public opinion, which was thought to favour harsher punishment, was also noted. Some submissions believed that a "paradigm shift" or a major change in public opinion was necessary for restorative justice to be implemented fully and to start reducing offending. The importance of establishing a culture and environment where restorative justice could be accepted and made relevant to New Zealanders was also mentioned. Additionally, the value of past experience was also highlighted:

There are some lessons to be learnt from the Youth Justice experience, if a similar system is to be contemplated for the adult jurisdiction. These include issues relating to public acceptability, establishing the credibility of community-based sanctions and public education about the merits of reducing reliance on custodial outcomes. (Department of Social Welfare, 51)

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### **7.2. Restorative Justice-1996 <sup>31</sup>**

#### **CHAPTER 4: PUBLIC ATTITUDES TOWARDS RESTORATIVE JUSTICE**

##### **4.1 Introduction**

If restorative justice is to be introduced, or maintained, in any country as a substantial part of the way crime is dealt with it will be important to know how acceptable restorative justice is to the general public. If the public find the concept unacceptable, governments will be cautious about supporting its development.

This chapter attempts to summarise the current state of knowledge about the public's attitudes towards restorative justice. It focuses on research findings that have been published in the last decade and places special emphasis on work that has been undertaken in New Zealand, and in particular a recently completed focus group discussion study. The review concentrates on the attitudes of the general public although research specifically on the views of victims of crime has been included.

##### **4.2 Crime, Criminals and the Justice System**

Before examining the findings of research on public attitudes towards restorative justice it is useful to first consider the public's views on crime, criminals and the operation of the criminal justice system, as it is these attitudes which will shape the public response to restorative justice. It should be noted that most of this research has been undertaken overseas.

Research on the causes of crime has tended to show that the public think the underlying causes are social rather than individual. Unemployment, poverty and lack of education are frequently cited as important causes, and

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<sup>30</sup> Ministry of Justice – New Zealand - Restorative Justice The Public Submissions First published in June 1998, © Crown Copyright [http://www.justice.govt.nz/pubs/reports/1998/restorative\\_justice/ex\\_summary.html](http://www.justice.govt.nz/pubs/reports/1998/restorative_justice/ex_summary.html)

<sup>31</sup> New Zealand, Ministry of Justice, Restorative Justice, A Discussion Paper, 1996, <http://www.justice.govt.nz/pubs/reports/1996/restorative/index.html>

improvements in these areas promoted as solutions to crime (Canadian Sentencing Commission, 1987; Doble, 1987; Newport & Saad, 1992; Umbreit, 1994).

The public's attitude towards restorative justice will also be influenced by their conception of criminals and their degree of knowledge about crime and sentencing. The public's image of an offender tends to be that of a violent offender who is often a recidivist (Brillon, 1988; Doob and Roberts, 1988; Saladin, Saper, & Breen, 1988; Thomson & Ragona, 1987). In the light of this, it is not surprising that the public also overestimate the amount of violent crime and recidivism (Doob & Roberts, 1988).

People appear primarily to want the justice system to prevent crime and to provide safety from offenders (Brillon, 1988; Doble, 1987) and imprisonment can appeal as being a way to achieve this goal (MRL, 1995). The general desire for harsher sentencing which has consistently been found by public opinion polls (see Doob and Roberts, 1988; Innes, 1993; Roberts, 1992) may be, in part, a reflection of this need for security. Research using more sophisticated methods which provide those surveyed with more information on the offender and the offence has tended to find less punitive attitudes (see Lee, 1994; Roberts, 1992). Research has also tended to find that victims are no more punitive than non-victims (Boers and Sessar, 1991; Hough and Moxon, 1985).

### **4.3 Research on Public Opinion and Restorative Justice**

Key themes within descriptions of restorative justice are reparation or restitution to the victim and victim-offender mediation or conciliation.

In addition, the aim of reducing the use of custodial sanctions is often explicitly or implicitly associated with restorative justice.

#### **4.3.1 Reparation or restitution**

Reparation or restitution are usually in the form of financial recompense by the offender to the victim or, less frequently, they may involve the provision of services to the victim. The undertaking of some form of community service can also be regarded as a form of reparation. There is now a large body of research from many parts of the world looking at public opinion on restitution and reparation, particularly in relation to assessing reaction to their use as an alternative to imprisonment.

Canadians appear to favour alternatives to imprisonment such as probation, restitution, community service and fines rather than spending money on building more prisons in order to overcome prison crowding. Also, when the public are asked about the most appropriate sentence for breaking and entering, there is support for offenders undertaking work which is beneficial to the community or the victim, or for offenders paying back the victim in some other way (Doob and Roberts, 1988).

Later research has also found support for alternatives to incarceration for non-violent offenders with the most popular alternative being properly supervised community service (Adams, 1990).

Research in several US states has shown support for the use of reparation. Just under three-quarters of a survey sample of Ohio residents indicated that victim compensation was acceptable as an alternative to imprisonment (Knowles, 1984) and a subsequent survey showed strong support for restitution as an alternative to custodial sanctions for juvenile offenders (Knowles, 1987). In Minnesota, Bae (1991) found considerable approval of restitution as an alternative to imprisonment for property offenders, although victims were less likely to accept restitution than were non-victims.

The endorsement of restitution by the general public was confirmed by a later survey which found that most people liked the idea of the offender paying compensation rather than receiving a short prison sentence for burglary (Umbreit, 1994). A survey in Illinois indicated acceptance of probation plus volunteer work as a sentence for burglary with the level of acceptance increasing if all the property from the burglary was recovered (Thomson and Ragona, 1987).

In Alabama, restitution is acceptable to the public particularly when it is combined with strict probation and there is also support for the use of community service (Doble & Klein, 1989). The proposition that non-violent

offenders should be forced to work to earn money to pay restitution to their victims was endorsed by most respondents to a North Carolina survey (Hickman-Maslin Research, 1986). A study using focus group discussions in ten locations throughout America found that respondents favoured the use of alternatives including restitution and community service, and support for this increased after respondents were informed about the cost of incarceration. However, these alternatives were not seen as suitable for violent or repeat offenders or drug dealers (Doble, 1987).

Support for reparation is also evident in Britain. Results from the 1984 British Crime Survey indicated that most people approved of making some non-violent offenders pay compensation to their victims instead of going to prison, and also supported making some non-violent offenders do community service instead of going to prison (Hough and Mayhew, 1985).

Respondents to the survey who had been victims of burglaries or car thefts were more enthusiastic about reparation than were non-victims. A 1986 British public opinion poll found that three-quarters of respondents favoured more convicted adult offenders being made to perform community service as an alternative to imprisonment (Morgan, 1986, cited in Wright, 1989).

The International Crime Surveys which have been undertaken in 1989 and 1992 have confirmed the widespread acceptance of sentences with a reparative element.

In most countries in the industrial world, community service was selected as the most suitable sentence for a recidivist burglar (van Dijk, 1992). The New Zealand Department of Justice took part in the second International Crime Survey, and in response to the question about the most appropriate sentence for a recidivist burglar, community service was chosen as being more suitable than a fine, prison, a suspended sentence or "any other sentence". Of the countries in the industrial world, New Zealand had the second highest level of support for this sentence.

The survey also found that New Zealand victims were no more punitive than non-victims (Lee, 1994).

Burt Galaway has undertaken two major investigations of public opinion towards reparation in New Zealand (Galaway, 1984; Galaway and Spier, 1992). Both studies used substantially the same methods and questions. Two random samples of 1,200 people drawn from the electoral rolls were presented with identical descriptions of property crimes and asked to indicate whether imprisonment or some other penalty would be appropriate.

The alternative penalties consisted of a fine, probation, community service and periodic detention (community work in day custody). The list of alternative sanctions provided to respondents in one of the random samples (the experimental group) included reparation to the victim.

The earlier study indicated the public would be likely to accept a reduction in the use of imprisonment for property crimes if offenders had to pay reparation to their victims. However, the results of the later survey showed some moderating of the public's support for using reparation instead of imprisonment. With regard to the views of victims, in the first survey victims were slightly more likely to favour imprisonment than were non-victims, and in the second study there was little difference between the responses of victims and non-victims. The second study of reparation also included a mail survey of victims who had been awarded reparation. When asked what single or combination of sentences would have been suitable for their offender most nominated reparation.

Interestingly, an opinion poll undertaken by Listener/Heylen in 1994 (Lee, 1994), repeating questions which had been used in a 1985 survey, found a slight increase (from 79% to 83%) in the proportion of respondents agreeing with periodically detaining offenders to do community work of a public or charitable nature.

When considering research from different countries it is important to bear in mind that countries have criminal justice systems which operate differently from each other. This is relevant when looking at the findings in relation to alternatives to imprisonment. Information on prison populations, such as that provided in Table 4.1, can give some indication of punitiveness in the various jurisdictions.

Although it is recognised that the use of such international comparisons is fraught with problems (Pease, 1994), the data does indicate that some countries, including New Zealand, have a high rate of imprisonment and therefore there may be more scope for the use of alternatives to imprisonment than in other countries where the rate is lower.

**Table 4.1**

***Prison populations per 100,000 for selected jurisdictions***

in 1992-93

Country	Rate
Australia	91
Canada	116
England/Wales	93
Germany	80
Italy	80
New Zealand	135
Northern Ireland	126
United States	519

Note: From *Americans Behind Bars: The International Use of Incarceration*, 1992-93, The Sentencing Project, 1994, referred to in *Overcrowded Times: Solving the Prison Problem*, October 1994.

**4.3.2 Mediation and restitution**

A number of studies have examined public acceptance of victim-offender mediation or conciliation as a process for redressing the wrong done by an offender.

A public opinion survey of 825 adults conducted in Minnesota assessed support for victim-offender mediation (Umbreit, 1994). The survey asked participants what their response would be to a programme where the victim and the offender meet in the presence of a trained mediator, the offender learns how the offence affected the victim and a plan is worked out for compensating the victim for losses. Just over half of those surveyed said that if they had been the victim of a non-violent property crime committed by a juvenile or young adult they would be very likely to participate in the programme and a further 31% said that they would be somewhat likely to participate.

Umbreit (1991; 1994) has undertaken two studies which examine victim satisfaction with victim-offender mediation although both studies deal with juvenile rather than adult offenders.

The first study consisted of post-mediation interviews with victims and juvenile offenders. The victims had a positive reaction to the mediation and nearly all felt that the agreement about restitution reached at the meeting was a fair one. The second study was much larger and consisted of interviews with victims and offenders at four different sites. At three sites, victims with three types of involvement were interviewed: those who participated in mediation; those who were referred but did not participate; and victims who were never referred to mediation. The cases dealt with by the schemes involved juvenile offenders who had committed mainly

property offences and were referred to the schemes by the local courts and probation staff. Crime victims reported being less upset about the crime and less fearful of revictimisation after they met the offender in mediation. Involvement in mediation significantly increased victims' satisfaction with how the juvenile justice system dealt with their case compared to victims who did not participate. Mediation also increased perceptions of fairness.

Another study which focused on juvenile offenders and the views of victims was incorporated into the British Crime Survey (Maguire and Corbett, 1987). All respondents to that survey who had been a victim were asked whether they would have accepted the chance of meeting the offender in order "to agree a way in which the offender could make a repayment for what he had done". About half of the respondents said that they would have accepted. Victims of violent crime or threats were less likely to favour the idea than were victims of theft and burglary.

In Hamburg, Germany a mail survey of a random sample of 1,799 people selected from the central residents' register was undertaken in 1984 and 1985 (Boers & Sessar, 1991). The survey assessed attitudes toward restitution in relation to various types of offences. Restitution instead of punishment was favoured for most of the hypothetical criminal incidents. In 24% of the cases the respondents said they would accept private settlement of the case (which included restitution or reconciliation) with or without a mediator, and in a further 18% of cases there was acceptance of restitution or reconciliation mediated by an officially appointed person. Agreements on restitution initiated and supervised by the criminal justice system were acceptable in an additional 17% of cases. However, mediation and restitution or reconciliation were much more likely to be accepted in relation to the minor crimes than in the case of more serious offending.

In New Zealand, the results of the 1985 and 1994 opinion polls mentioned earlier indicated a reasonable level of acceptance of mediation linked to restitution (Lee, 1994). Just over half of the respondents to the 1994 poll agreed that offenders should meet with their victims and where possible put things right: in 1985 only 41% favoured this proposition.

The only substantive New Zealand research on victim-offender mediation in practice is a study of family group conferences (Maxwell and Morris, 1993). However, these conferences deal with juvenile rather than adult offenders.

A total of 149 victims involved in cases which resulted in a family group conference were interviewed. Fifty nine per cent of the victims found participating in the family group conference "helpful, positive and rewarding". These positive views related to 39% of the family group conferences that were attended by the victims who were interviewed. Satisfaction was linked with careful briefing prior to the conference, satisfaction with outcomes, and the victims' reasons for attending the conference. However, a quarter of the victims reported that they felt worse after attending a conference and this was linked to dissatisfactions with the outcome of the conference and the victims' reasons for attending the conference. Victims were also found to be dissatisfied with the lack of follow-up of agreements reached at conferences.

#### **4.4 Focus Group Discussion Study**

In order to obtain information to assist in policy development, the New Zealand Department of Justice commissioned the MRL Research Group (1995) to carry out research investigating public opinion towards restorative justice. Sixteen focus group discussions were held in four centres (three urban and one urban/rural) in October and November 1994. In order to facilitate a free expression of views, the participants were allocated to different groups according to their ethnic origin, gender and age as is set out in Table 4.2. Overall, the groups had a representative spread of income.

**Table 4.2**

*The composition of the 16 focus groups*

	Maori	Non-Maori
Female	Age group 17-24 25-44 45-60 over 60	Age group 17-24 25-44 45-60 over 60
Male	17-24 25-44 45-60 over 60	17-24 25-44 45-60 over 60

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A maximum of seven people participated in each group which lasted approximately three and a half to four hours. The groups with Maori participants were facilitated by Maori moderators living in the region.

The first part of the focus discussion was concerned with attitudes towards the current justice system and what the participants thought the ideal justice system would be like. The ideal justice system which emerged in the discussions contained elements of restorative justice, that is, more participation by the victim including victim-offender meetings. However, this discussion was usually in the context of making the justice system more strict. The participants wanted the justice system to do somewhat contradictory things. They wanted to feel safe and secure through knowing that offenders were locked away or deterred from offending because of the threat of harsh sentencing, and yet, at the same time, they wanted a fairer society and a focus on preventive and rehabilitative measures.

After discussing the ideal justice system, participants were given a very brief description of the concept of restorative justice and asked about their initial reaction. The groups were then given a fuller description of restorative justice. This description mentioned victim-offender meetings after an admission or finding of guilt, the aim of putting things right and points of difference between the current system and restorative justice. Finally, after broad discussion about restorative justice, the participants were asked what they thought about specific aspects of restorative justice.

In general, participants expressed the view that restorative justice would be a move in the right direction and would improve the current system, although there were reservations about how restorative justice would work in practice.

*(Interested?) Yes we are running out of alternatives. The prisons are full. The Justice system is choking. The time is right.*

Maori, male, 25 to 44 years

*Idea sounds excellent but the victim might not want to see offender. I think the community needs healing and so do offenders.*

Non-Maori, female, 17 to 24 years

Approval of restorative justice reflected the desire expressed by many participants for a society which is concerned about people and emphasises healing and caring. Female participants tended to accept the idea of restorative justice more readily than did male participants. Three of the Maori groups rejected the idea of restorative justice because they perceived it as maintaining a European justice system.

A number of benefits and concerns were raised during the discussion about restorative justice. All the participants perceived that it would change the position of the victim. The importance of victims' rights in any restorative process was constantly referred to by participants.

Victims having more input into the outcome of a case and being given an opportunity to express their feelings were generally seen as positive aspects.

*I'm interested because you have got a meeting between two people with a mediator. It is vital each know and understand the process. Peace of mind for victim and also offender achieves something. Equality on both sides. Everyone has their say.*

Maori, male, over 60 years

*Under the present system the victim has very little input. This is more balanced between the two. People get upset about the system at present time. I'm in favour of this more balanced approach.*

Non-Maori, male, 45 to 60 years

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However, there were some concerns about the victim meeting the offender. Participants questioned whether it is reasonable to expect the victim to invest their time, energy and resources in a system that they thought would assist the offender.

*Depends on the victim, but if (the) offender (is) angry or hardened, then nothing really comes out of it, just frustration for the victim.*

Non-Maori, female, 17 to 24 years

The participants considered that hearing about the impact of their behaviour should have a rehabilitative effect on offenders. However, there was also concern that some offenders, particularly repeat offenders, might not be affected by the process and might also pretend to feel remorse in order to get a lighter sentence. Participants were especially likely to raise this concern if they viewed the causes of offending to be individual rather than social.

*He would only be there because he was only forced, or to get a more lenient sentence.*

Non-Maori, female, over 60 years

Timing was an issue raised by women participants in particular. They felt that the timing of the meeting should be decided by the victim.

Reconciliation, which is a goal of restorative justice, has been said to involve the establishing or re-establishing of a positive relationship between the victim and offender (Zehr, 1990). The participants tended to get very concerned if this idea of victim and offender (re)establishing a relationship was included in the description of restorative justice.

They either interpreted it as referring to a loving affiliation and found it repugnant to suggest that the victim should establish such a relationship with an offender, or they thought that the use of the word relationship implied that restorative justice would only be used where the victim and offender know each other.

*The last thing they'd (the victim) want to do is establish (a) relationship with the offender*

Non-Maori, female, 25 to 44 years

The majority of participants indicated that all types of offences and offenders could be dealt with appropriately in a restorative system as long as the victim freely wanted this to happen.

*I feel if it is going to be part of our system, and if the victim requested it, I would say give it a go for all crimes. It's the victim's right to want to face that person.*

Non-Maori, female, over 60 years

When presented with a list of specific types of offences, property crimes were selected most frequently as being appropriate for restorative justice than crimes against the person or drug offences.

From a list of possible mediators the participants most frequently chose the independent moderator as the type of person they thought should facilitate victim/offender meetings although a wide range of other possible mediators were also selected or rejected by some participants.

Concerns about personal safety and the role of the state were also raised in the groups. The question of personal safety worried some participants who feared that victims might be subjected to retribution from disgruntled offenders or their associates. Many participants did not want restorative justice to replace the present system. Non-Maori participants were particularly concerned that the State should retain an overview capacity to ensure fairness. There were also concerns about the potential costs to the taxpayer of adding another layer to the justice system.

Despite the concerns raised within the groups there was support for restorative justice programmes being introduced on a trial basis and evaluated.

#### **4.5 Summary**

Any expansion of the use of restorative justice will need to be planned with regard to the current knowledge about public attitudes towards criminal justice in general and restorative justice in particular.

A considerable amount of research has now been undertaken to ascertain public attitudes towards reparation or restitution, but less research assesses attitudes towards a process which uses both reparation and mediation.

It seems clear from the research that the public finds attractive the idea of offenders paying restitution to victims. However, there are obviously limits to its use as an alternative to imprisonment. Generally, the public favours the use of reparation or restitution for less serious offences and offenders.

There appears to be considerable support for its use in relation to property offenders. With regard to a process which involves both reparation and victim-offender mediation, the studies also indicated public acceptance of its use in relation to less serious offending and offenders. However, the focus group discussion research carried out in New Zealand indicated that there may be a level of support for using the process for a wider range of offences provided the victim was happy for this to occur.

To be acceptable to the public it appears that restorative justice schemes would need to be viewed as both holding offenders accountable for their actions, and leading to what the public would consider to be appropriate outcomes. With regard to violent offenders, the public would need to feel confident that the offender would not pose a threat to people's safety and that the victim was satisfied with the outcome of the restorative process.

If restorative justice can reconcile the public's desire for safety and rehabilitation then it is likely to receive public support.