

*Research Framework for a Review of Community Justice in Yukon*  
Community Justice – Successes

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

- Are successful community justice programs are typically the result of careful planning and careful implementation - approaching their community's problems logically and systematically and developing programs that have addressed their community's needs - tailored to its traditions and its resources?
  
- See 3.1 Curative Discharge Program
  - There has been a high success rate with people who received curative discharges, in large part because they had already decided they have to change.
  
- See 5.1: A comprehensive four year evaluation of the Restorative Justice Program in Nova Scotia is being carried out. Recently, a review was completed of the first year of service delivery in the Phase I communities.
  - 93% of the participants in the restorative justice processes held during the first year reported satisfaction with their experience.
  
  - the first year of the Restorative Justice Program saw a modest shift in the case activity of the agencies from their previous alternative measures cases, with a 5% penetration rate into more serious offences.
  
  - Agencies have clearly become more focused on the victim's needs, and have developed competence in the delivery of a more sophisticated service, as evidenced by the positive responses from the participants.
  
- see 5.2: One study authored by Justice Canada researchers took a sample of 35 studies and found that:
  - recidivism rates,
    - 32 studies that covered recidivism showed a mean decrease of 7%.
  - victim satisfaction
    - participation in restorative justice program resulted in higher victim satisfaction ratings when compared to a comparison group in all but one of the 13 programs examined
  - offender satisfaction,
    - While offenders who participated in restorative justice programs displayed higher satisfaction with the process than their comparisons, indicated that this difference was not statistically significant.
  - restitution completion.
    - offenders who participated in restorative justice programs tended to have substantially higher compliance rates than offenders exposed to other arrangements.
    - Compared to the comparison/control groups not participating in a restorative justice program, offenders in the treatment groups were significantly more likely to complete restitution agreements

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- See 5.4 : Community Justice Initiatives in Langley, British Columbia, have had some success in working with sentenced offenders in cases of serious personal and sexual violence. In a 1995 study of this program, victims said they felt they had finally been heard, that they were less fearful and that they weren't preoccupied with the offender any more, and that they felt at peace.
- See 5.5.2 A statistical analysis of the impact of five Aboriginal Justice Strategy(AJS) community justice programs was undertaken for an evaluation.
  - Two of the five programs were found to have significantly reduced the likelihood of offenders committing another offence following participation in the program, while the results of the remaining three projects were inconclusive.
  - Since the analysis was restricted to only five projects, these results cannot be generalized to the whole of AJS.
- See 6.1 In New York State, only 6 percent of those who have received community-based sentences have either failed to complete their sentence or been re-arrested.
- See 7.2 Recent research has demonstrated that restorative justice programs do in fact reduce recidivism. Five studies involved comparison groups of offenders going through normal court processes, and revealed a decrease in recidivism for offenders who go through restorative programs. Two studies identified elements in conferencing that appear to have an impact on reoffending. Both studies found that when those elements are met, conferencing lowers recidivism when compared to anticipated recidivism using established predictors of offending behavior.
- See 7.1 Numerous research studies since the introduction of family group conferencing in New Zealand and Australia have demonstrated quite clearly that using restorative principles to deal with offending behaviour can be more effective than formal court according to a number of measures. In particular, these studies consistently report high participant satisfaction rates, meaning victims, offenders and families of offenders found the process fair, engaging and the outcomes satisfactory. Victims consistently report significant reductions in anger and fear and a more positive attitude towards the offender. Programs that involve police directly also report very high police satisfaction rates. And agreements entered into by the offender were more likely to be successfully completed as a result of conferencing than when imposed by a formal court
- See 7.3 An international study (Canada was included) named several factors that encourage the success of restorative justice programmes:
  - A strong and sustained impetus for reform
  - A common ideology among those pressing for action
  - Open-mindedness and the political will of successive governments
  - Attention to practical detail in the formulation and implementation of the chosen interventions
  - A combined and continuing effort on the part of all relevant agencies
  - Reliance on validating research from the outset
  - Sound financial planning and support
  - Inclusiveness
  - Supervision by a responsible coordinating agency.

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**2. Research Questions**

What are the quantitative as well as qualitative successes of restorative community justice in the Yukon?

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

#### 3.1. Curative Discharge Program<sup>1</sup>

##### A Story<sup>2</sup>

- This story concerns an innovative sentencing option for a man who was facing up to two years in jail for his fifth conviction for impaired driving.
  - JANET PATTERSON: Members of the Whitehorse RCMP Detachment lay more drinking and driving charges than they do for any other type of crime. Many of those charged are repeat offenders. They usually get sent to jail only to end up back on the road again once they're released, causing a danger to the public. But there are a few success stories, people who manage to beat their drinking problem and become safe and law abiding citizens. Some of these people have benefited from a little known program that's available by means of a special sentence from the court. It's called a curative discharge. Yukon Morning's Becky Streigler tells us the story of one man who made it through the program and changed his life.
  - BECKY: Driving is a privilege that many of us take for granted. But for Jack Simpson (not his real name) it's a privilege he's lost many times as part of his punishment for impaired driving. He's also served time behind bars. In 1993 the 39-year-old Whitehorse man was facing up to two years in jail for his fifth impaired. That was scary enough. But he also had another experience that made him realize his alcohol addiction had got way of hand.
  - JACK: I was in a blackout for up to almost 14 days. I don't remember anything. At one point in time when I came out of the blackout I was in my cabin and I realized I'd missed two weeks somewhere. I found a note in my pocket from a friend who'd gone through a similar thing 14 years before, saying when you're ready to talk come and see me. That's kind of what started it all.
  - BECKY: Jack stopped drinking and took the residential alcohol treatment program at the Crossroad Centre in Whitehorse. But he still had to go to court for his impaired charge and face a major jail sentence. That's when he learned about the curative discharge program
  - JACK: My lawyer mentioned it to me, saying I could either do the two years or whatever time I get, or this would be an alternative. I wouldn't do any time as long as I did every-thing I was supposed to while I was in this program and didn't screw up
  - BECKY: Jack wanted the territorial court to grant him a curative discharge. That meant he would avoid going to jail, but he had to show that he was determined to stay dry. He'd already done that in part by success-fully finishing the alcohol treatment program. But there was something else he had to do, something that is key to the curative discharge pro-gram. He had to submit to blood tests every month for two years to prove that he wasn't sliding back into his drinking habit.
  - JACK: It was no problem for me because I had nothing to hide. The only problem was because of my job I'm out of town a lot for weeks at a time. But I could always make arrangements to get around that and get the blood tests as soon as I got back or before I left
  - BECKY: Two years later, Jack has completed the program and has stayed away from alcohol....
- **Program Description**
  - The process to ask for a curative discharge usually begins with a defence lawyer requesting a medical-legal opinion.

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<sup>1</sup> The Church Council on Justice and Corrections, Correctional Service Canada , Satisfying Justice, Safe Community Options that attempt to repair harm from crime and reduce the use or length of imprisonment 1996 <http://www.csc-scc.gc.ca/text/pblct/satisfy/juste.pdf>

<sup>2</sup> Transcript of a C.B.C. Radio program cited in The Church Council on Justice and Corrections, Correctional Service Canada , Satisfying Justice, Safe Community Options that attempt to repair harm from crime and reduce the use or length of imprisonment 1996 <http://www.csc-scc.gc.ca/text/pblct/satisfy/juste.pdf>

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- A doctor must show that a defendant is an alcoholic, that satisfactory treatment has been carried out or is to start and that there is a reasonable likelihood of success.
- The doctor's assessment goes both to the defence lawyer and Crown's office as the doctor wants to be viewed as an expert advisor to the Court rather than to any one lawyer.
- If a curative discharge is granted, the Court usually gives a two to three-year probation, with the condition of follow-up alcohol and drug counselling and visits to the doctor for physical examination and blood testing.
- Complete abstinence from alcohol is a requirement. The doctor will see the individual once a month for the first three months, three times a month for the next six months and then six times a month until the probation order is over.
- This method identifies relapses and allows the court to be advised to take action and protect the public from a possible drunken driver.
- From a treatment perspective, a relapse caught in the earlier stages is easier to treat.
- Relapses are considered part of recovery.
- **Commentary**
  - Judge Heino Lilles estimates that only a handful of the drinking and driving cases end in curative discharges even though there were 240 charges laid in the previous year.
  - People are not always ready to change and some resist the three-year monitoring period.
  - "It's a heck of a lot easier, as people have told me, to go and do their three months, six months, nine months and get it over with and get back to their drinking."
  - There has been a high success rate with people who received curative discharges, in large part because they had already decided they have to change.
  - It is a reminder of how human nature and the human aspect of crime play an integral part in the success of these alternatives.

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

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

### 5.1. Restorative Justice - A program for Nova Scotia - 2001<sup>3</sup>

#### Review of the First Year of Restorative Justice

The first year of service delivery, November 1999-October 2000, was one of tremendous activity:

- Police and crown entry points were the first to commence in November 1999, followed by courts and corrections in March 2000.
- Formal training was provided to staff from all justice system stakeholder groups.
- Phase I agency staff participated in a range of training experiences, which gave them the skills and tools to develop their restorative justice services.
- In March 2000, a moratorium was placed on the referral of sexual assault, either summary or indictable, and spousal partner violence offences, which remains in place.
- A comprehensive database for the Restorative Justice program was developed, and is currently being loaded with all referral data back to November 1, 1999.
- While awaiting this definitive review of Program activity, the agencies involved in Phase 1 service delivery submitted their informal case statistics, which show that well over 1,000 referrals were received in the first year. (A table which provides a review of the informal agency reporting on referrals is attached)

Professor Donald Clairmont of Dalhousie University is carrying out a comprehensive four year evaluation of the Restorative Justice Program, and recently completed a review of the first year of service delivery in the Phase I communities.

- The evaluation findings provide a picture of both the detail of services delivered to youth, victims and communities, as well as a sense of the criminal justice system stakeholders' perceptions about restorative processes and the role of community based justice agencies.
- 93% of the participants in the restorative justice processes held during the first year reported satisfaction with their experience.
- Professor Clairmont reported that the first year of the Restorative Justice Program saw a modest shift in the case activity of the agencies from their previous alternative measures cases, with a 5% penetration rate into more serious offences.
- Agencies have clearly become more focused on the victim's needs, and have developed competence in the delivery of a more sophisticated service, as evidenced by the positive responses from the participants.

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<sup>3</sup> Restorative Justice - A program for Nova Scotia, Update 2001, <http://www.gov.ns.ca/just/rj/rj-update.htm>



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## 5.2. The Effectiveness Of Restorative Justice Practices: A Meta-Analysis - 2001<sup>4</sup>

- This meta-analysis took a sample of 35 studies that looked into
  - recidivism rates,
    - 32 studies that covered recidivism showed a mean decrease of 7%.
  - victim satisfaction
    - participation in restorative justice program resulted in higher victim satisfaction ratings when compared to a comparison group in all but one of the 13 programs examined
  - offender satisfaction,
    - While offenders who participated in restorative justice programs displayed higher satisfaction with the process than their comparisons, indicated that this difference was not statistically significant.
  - restitution completion.
    - offenders who participated in restorative justice programs tended to have substantially higher compliance rates than offenders exposed to other arrangements.
    - Compared to the comparison/control groups not participating in a restorative justice program, offenders in the treatment groups were significantly more likely to complete restitution agreements
- Each studies used control groups to measure the outcomes.

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## 5.3. Restorative Justice In Canada - 2001<sup>5</sup>

### Endorsements of a restorative approach

- The restorative justice approach has steadily gained acceptance in Canada and internationally over the years:
- In 1996 the *Criminal Code* was amended to add principles of sentencing, which include providing reparations for harm done to victims or the community and promoting a sense of responsibility in offenders as well as acknowledgement of the harm done to victims and to the community.
- The Supreme Court of Canada recognized the importance of this approach in its landmark decisions, *R. v. Gladue* and *R. v. Proutlx*.
- The Law Commission of Canada endorsed restorative justice in its 1999 paper *From Restorative Justice to Transformative Justice*.
- The government's commitment to "launch a program of restorative justice to help victims overcome the trauma of crime and provide non-violent offenders with a chance to help repair the damage caused by their actions" was stated in the Speech from the Throne of the Second Session of the 36<sup>th</sup> Parliament in October 1999.
- The *Youth Criminal Justice Act*, in its principles and substantive provisions, endorses the use of restorative justice in youth crime and provides a statutory framework for its development.

### Encouraging research results

- Research in the field shows that restorative justice can be more effective than conventional responses to crime.
  - A recent study by the Justice Canada Research and Statistics Division, *The Effectiveness of Restorative Justice Practices: A Meta-Analysis* (Latimer, Dowden and Muise) found that restorative justice programs, when used in

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<sup>4</sup> Department of Justice Canada, Research and Statistics Division, Jeff Latimer, Craig Dowden Danielle Muise, "The Effectiveness Of Restorative Justice Practices: A Meta-Analysis", 2001, <http://canada.justice.gc.ca/en/ps/rs/rep/meta-e.pdf>

<sup>5</sup> Justice Canada, Restorative Justice in Canada, 2001-11-19, <http://canada.justice.gc.ca/en/news/conf/rst/rj.html>

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appropriate cases, are a more effective method of improving satisfaction for both victims and offenders, increasing offender compliance with restitution and decreasing recidivism when compared with more traditional criminal justice measures.

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#### 5.4. Restorative Justice in Canada - 2000<sup>6</sup>

- programs such as Community Justice Initiatives in Langley, British Columbia, have had some success in working with sentenced offenders in cases of serious personal and sexual violence.
  - In a 1995 study of this program, victims said they felt they had finally been heard, that they were less fearful and that they weren't preoccupied with the offender any more, and that they felt at peace<sup>7</sup>.

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#### 5.5. Aboriginal Justice Strategy (AJS) Evaluation –2000<sup>8</sup>

##### 5.5.1. Reduced Rates of Crime and Incarceration

- Though many programs are in the early stages of operation, there is anecdotal evidence to indicate the success of the programs in reducing rates of crime.
  - For example in one rural program an RCMP officer wrote a letter of support in which he indicated that over the past 2 years of program operation he has noted a dramatic decrease in the level of violence.
  - He specifically noted that prior to the program there were weekly incidents involving a stabbing, but he went on to say that they have not had a stabbing in the last 12 months, which he attributed to the work of the program.
  - In this same community, the rate of auto theft has decreased substantially, lowering their rate from being the highest to the second lowest in Canada in three years.
- In another community, a needs assessment revealed a number of problems, including family violence.
  - Consensus of those interviewed for an independent evaluation was that the program had contributed to a decrease in family violence.
  - Respondents noted that in some cases there were still incidents of violence, but there were greater periods of time between violent episodes.
- The analysis was able to clearly measure a quantifiable outcome for some of the project funded under the AJS, indicating that some impacts are being made on rates of crime and incarceration in Aboriginal communities.
  - With more information over time it will be possible to provide more conclusive results.

##### 5.5.2. Recidivism Study of Clients in 5 Aboriginal Community Justice Programs

- In an attempt to gain further evidence of the AJS effects on reducing crime and incarceration, an evaluation study was carried out to assess the extent to which the AJS community justice programs reduce the likelihood of re-offending (recidivism) among Aboriginal participants referred to these programs.
- A statistical analysis of the impact of five AJS community justice programs was undertaken for the evaluation.

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<sup>6</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/rijpap.html>.

<sup>7</sup> Roberts, Tim. (March, 1995). Evaluation of the Victim Offender Mediation Project, Langley, B.C. Final Report for Solicitor General of Canada, page 104. Victoria, B.C.: Focus Consultants.

<sup>8</sup> Department of Justice Canada, Evaluation Division, Final Evaluation Aboriginal Justice Strategy, Technical Report, October 2000

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- Two of the five projects were found to have significantly reduced the likelihood of offenders committing another offence following participation in the program, while the results of the remaining three projects were inconclusive.
- Since the analysis was restricted to only five projects, these results cannot be generalized to the whole of AJS.
- See pages 46-56 for details on the study.

**5.5.3. Client Satisfaction**

- An analysis of a sample of clients from urban diversion project determined that:
  - clients who had more project contacts ie. over 15 meetings, were significantly more likely to have complied with all their orders.
  - Interviews were conducted with 22 clients, 19 of the 22 felt that they had fully understood what was going to happen in the hearing for the project and what their responsibilities.
    - All but 1 felt that they had enough opportunity to speak and make their views known,
    - all but 5 that it was easy to accept responsibility for their offence.
  - The majority of clients (21 of 22) considered the council's decision to have been 'fair' and that
    - it took the circumstances into account (19 of 22) and
    - the decision had been arrived at by consensus (22 of 22).
    - 21 of 22 client respondents felt confident at the time of their hearings that they would be able to carry out the requirements of the conditions decided on
    - 20 of 22 - done all of these things
    - 15 of 22 - had found it easy to complete their agreement but the remaining 7 found it difficult. The reason why it was easy to complete their orders included that:
      - 7 of 22 - the client wanted to change his/her life around and saw the disposition as a way to work towards this
      - 3 of 22 - the project was there to support them when they were having trouble
      - 3 of 22 - the client knew that if he/she did not comply with the conditions he/she could be sent back to court, this was an incentive for her/him to do all things that the Council was asking
  - Some of the reasons that the client found it difficult to complete the order included:
    - 6 of 22 - dealing with substance abuse
    - 1 of 22 – client was not ready to deal with their substance abuse and
    - 1 of 22 – taking responsibility for his actions was not easy for client, this is something he did not feel he needed to when serving a court sentence
  - It may be useful to further explore the impact that the project has on the success of the client by virtue of being available to client even after he/she has completed the project.
    - ◆ 18 of 22 – continued to receive assistance from the project after they had completed their dispositions
    - ◆ 20 of 22 – when asked to compare their experience with the project with that of going to court...reported that the project helped them more. Their reasons included:
      - ◆ 9 of 22 - the project dealt with the root causes of client's criminal behaviour
      - ◆ serving jail time would have only made him/her bitter
      - ◆ 7 of 22 – the project taught him/her a lesson
      - ◆ 4 of 22 – the project members did not judge him/her and
      - ◆ 2 of 22 – gave him/her motivation to turn his/her life around
      - ◆ 3 of 22 – mentioned that the courts always focus on paper work and not on the person
    - ◆ 21 of 22 – said their involvement with the project had helped them change their life in some way.
      - ◆ 7 of 22 stay out of trouble

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- ◆ 6 of 22 become more accountable for their actions; and
  - ◆ 4 of 22 take control of their life
  - ◆ Promising directions for future programming could be the focus of research to determine if the treatment type is having a measurable effect on the success of the offenders in the project. Over time this information will assist project to clearly establish what treatments are most likely to succeed with different types of offenders.
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## 5.6. Report of The Criminal Justice Review Committee -1999<sup>9</sup>

### **Alternative Measures**

Alternative measures programs not only enhance the efficiency of the criminal courts by ensuring that judicial resources are available to deal with serious offences, they may also improve the quality of the justice system. In less serious cases, an offender's criminal behaviour can be more rapidly and effectively addressed through a program of alternative measures than through traditional judicial proceedings. There is some evidence to suggest that alternative measures programs are effective in reducing recidivism. In addition, because alternative measures programs encourage restitution, reconciliation, and complainant participation in the justice process, victims report a high level of satisfaction with most alternative measures initiatives.

Ontario has formally designated alternative measures programs for young offenders and mentally disordered offenders, but has not formally designated a program of alternative measures for adults. However, unofficial local programs, as well as a small number of formal pilot projects, are in operation throughout the province. The Review recommends that Ontario establish a co-ordinated, generally available, and monitored adult alternative measures policy.

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## 5.7. Planning/Evaluating Community Projects - 1998<sup>10</sup>

You will see in this report that not all restorative justice programs have succeeded. In most cases, lack of success was due to weaknesses in program planning or to ineffective implementation. On the other hand, successful programs are typically the result of careful planning and careful implementation. Successful program organizers have approached their community's problems logically and systematically and have developed programs that have addressed their community's needs and that were tailored to its traditions and its resources.

**Alternate sentence planning or client specific** planning is a program explicitly designed to reduce the number of offenders who go to jail (Nuffield, 1997). As an alternative to prison a plan is designed to keep the offender in the community. A variety of strategies are used that meet the risk and needs of each individual offender. Among these strategies are treatment or vocational programs, community service, intensive surveillance and supervision, house arrest, or residency in a group home. For Aboriginal offenders, planners might wish to consider activities such as wilderness experience that are culturally relevant. The advantage of such an alternative to prison is that the individual has the opportunity to make changes rather than simply passing the time in an institution. Several studies, including one

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<sup>9</sup> Report of The Criminal Justice Review Committee Executive Summary  
February, 1999 <http://www.attorneygeneral.jus.gov.on.ca/html/CRIMJR/execsummeng.htm#alternativemeasures>

<sup>10</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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conducted in Winnipeg by Bonta and Gray found that offenders under a client specific planning program had higher success rates than a comparison group of probationers.

**Community probation** is intended to improve the effectiveness of probation. Under conventional probation, an offender is supervised in the community by a probation officer rather than spending time in prison. However, the amount of supervision that can be given is limited and when the probation term is over, the offender is once again on his or her own. Under community probation, this process is augmented by community involvement. This community involvement increases the degree of supervision, ensures that the conditions of probation are meaningfully related to the offense and the offender, and increases the reparative value of the disposition. In Minnesota's Community Response to Crime program, within 30 days of sentencing offenders must meet with a community panel which includes representatives from a variety of different community institutions and which includes victim groups and members of the offenders' family (The Church Council on Justice and Corrections, 1996). The panel tells the offender how their behaviour has affected the community and then tries to work with the offender to ensure a successful outcome. The offender is also encouraged to enter a mediation process with the victim. Additional meetings with the panel are held 60 days, 120 days, and one year after sentencing. Offenders who complete their probation are recognized in a graduation ceremony and then receive another two years of unsupervised probation. This program is compatible with traditional Aboriginal justice as it involves the community in holding offenders accountable and then welcoming them back to the community.

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

### **6.1. The Economics of Restorative Justice- 1994 <sup>11</sup>**

#### **New York State**

Community and justice system support has been further galvanized by...the stellar record of those participating in the program. Only 6 percent of those who have received community-based sentences have either failed to complete their sentence or been re-arrested, according to Dennis (Wittman, the coordinator of the Community Service and Victim Assistance programs and the visionary behind Genesee County, New York, Justice.)

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<sup>11</sup> van Gelder, Sarah, The Economics of Restorative Justice, The Ecology Of Justice (IC#38) in Spring 1994  
<http://www.context.org/ICLIB/IC38/SvGldr2.htm>

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

### 7.1. Can Restorative Justice Really Work - ?<sup>12</sup>

#### **But Does Restorative Justice Work?**

Numerous research studies since the introduction of family group conferencing in New Zealand and Australia have demonstrated quite clearly that using restorative principles to deal with offending behaviour can be more effective than formal court according to a number of measures. In particular, these studies consistently report high participant satisfaction rates, meaning victims, offenders and families of offenders found the process fair, engaging and the outcomes satisfactory. Victims consistently report significant reductions in anger and fear and a more positive attitude towards the offender. Programs that involve police directly also report very high police satisfaction rates. And agreements entered into by the offender were more likely to be successfully completed as a result of conferencing than when imposed by a formal court (A. Morris and G. Maxwell 2001; K. Daly 2001; H. Hayes, T. Prenzler and R. Wortley 1999; C. Alder and J. Wundersitz 1994).

But it is unlikely that public opinion will endorse a transformation of the current retributive youth justice system to one that places greater emphasis on diversion and restorative principles unless two additional outcomes are established. First, it must be shown that restorative justice processes are less costly than the current system. Secondly, the public must be satisfied that restorative programs reduce recidivism as compared to the existing retributive system.

Several recent research projects in New Zealand and Australia indicate that restorative justice processes, properly conducted, can reduce recidivism. These are important findings that are timely, considering the proposed changes to Canada's youth justice legislation. And while the long term cost effectiveness of crime prevention programs are well established, some preliminary data demonstrate the immediate cost benefits of restorative justice processes, as compared to formal court. The purpose of this paper is to provide a summary of these recent research projects and to discuss their implications for the Canadian justice system.

#### **The Research Projects**

##### *Project Turnaround and Te Whanau Awhina*

These two New Zealand projects each dealt with 100 clients whose ages ranged from 17 to 30, of which two-thirds were male and one-third female and 60% were under the age of 25. Although they were evaluated at the same time, they are in fact two different projects (G. Maxwell, A. Morris and T. Anderson 1999, G. Maxwell and A. Morris 2001).

The Project Turnaround clients were mostly non-Maori people living in a provincial South Island city. They were referred to the project after their first appearance in court and appeared before a panel of volunteers with the purpose of reaching an agreement on an appropriate community disposition. If the agreement was successfully completed, no further court appearances were required and the police dropped the charges. The panel consisted of two volunteers and a coordinator; others in attendance included a police officer, the victim and support people for the victim, the offender, and friends and family of the offender as well as social service providers. At the panel meeting, the offender was confronted with his or her offending and its consequences. Victims attended about half of the meetings. About one half of the participants had not previously been convicted of an offence although 10 percent had at least six previous convictions. Approximately three-quarters were property offences and the remaining one-quarter were classified as violent offences.

Victims played a central role in Project Turnaround, in that their agreement was a precondition to the offender being allowed to attend the panel. Similarly, if no agreement was reached during the panel discussion, the case was referred back to court. The agreement or action plan was designed to satisfy the victim although in many cases the offender was

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<sup>12</sup> Chief Judge Heino Lilles, Excerpt From Paper, "Can Restorative Justice Really Work For Canada's Young Offenders" in preparation.

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also made accountable to the wider community by undertaking community work. The plans also attempted to address re-offending through arranging job-training programs, therapeutic interventions or other similar actions. Unlike some other restorative programs, panel members were volunteers and not members of the offenders' immediate community or individuals who had been directly affected by the offending.

The Te Whanau Awhina process was similar in that it also involved an initial court referral to a panel. But when the plan was approved and completed, the offender still had to go back to court and the court decided whether anything further by way of court ordered sentence should be imposed. The court sentences ranged from discharges without conviction to probationary supervision.

The offenders were all Maori and compared to Project Turnaround, they had committed more offences and the offences were more serious. As a result, offenders in this group would have been more likely to receive more severe penalties such as a jail if they had not been referred to a program. In this program, the focus was less on the victim and more on the relationship between the offender, his family and the wider Maori community. The programming attempted to integrate the offender with his community. The panel typically consisted of three or four Maori members of the community, including an elder who chaired the proceedings. A coordinator also attended and took the role of providing support to the offender. Other people likely to attend included the extended family and friends of the offender. The police did not attend and the victim was rarely present.

The focus of the Te Whanau Awhina panel meeting was confrontation: confronting the offender with the consequences of his offending for him, for his victim, for his family and extended family and for the Maori community as a whole. The second focus of the meeting was to reintegrate the offender back into the family and the community and to find employment. Typical outcomes included plans to obtain employment or job training, participation in community based programming such as parenting courses and courses dealing with Maori customs and values and community work. Although the victim was rarely in attendance, reparations to victims and to the community were principal objectives. The Te Whanau Awhina procedure is more similar to circle sentencing than it is to a family group conferencing in that it diverts people, not from court, but from custodial sanctions. Also, the panel consists of members of the offender's community and the process is more consistent with cultural values of the offender.

The decisions of the community panels in both programs were similar in many respects. In approximately 90% of the cases, an action plan was agreed to. The main outcomes were apologies, work in the community, reparation, and program attendance. While the program emphasis in Project Turnaround was therapeutic counseling, in the Te Whanau Awhina project the focus was on skills acquisition.

Comparisons were made with a control group of offenders who went through the normal justice system. The control group of offenders was matched with each of the participants in the two programs by way of offense type, sex, age group, ethnicity, and number of charges and number of prior convictions. Offenders were tracked for up to one year after conviction or participation in the program and subsequent convictions were used to assess recidivism.

At twelve months the difference in re-offending for Project Turnaround and the matched control sample was statistically significant. In other words, the project Turnaround participants were statistically less likely to be reconvicted than the matched control group as measured over a twelve month period.

In the Te Whanau Awhina study, at both six months and 12 months the program participants were statistically less likely to be reconvicted of an offense than their matched control group. Greater improvements in recidivism were observed for this group as compared to the control group although the offences and offenders were, as a whole, more serious than those in Project Turnaround.

In both projects, those participants who successfully completed their agreements were less likely to be reconvicted of an offense than those who did not complete their agreements were.



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The study also estimated the cost savings to the justice system as a result of diverting participants through these community-based programs. Savings in court costs, prosecution costs judges' salaries, legal aid, costs for preparing reports and corrections costs for the 83 cases successfully completed in Project Turnaround resulted in a saving of \$85,000. The estimated cost saving from the Te Whanau Awhina program with 68 successfully completed cases was \$193,000. The savings in the latter program were considerably higher because the seriousness of the offenses and the prior records of the participants meant that those in the control group were more likely to receive a jail sentence. These estimates are, if anything, conservative in that they only reflect direct costs and do not include the savings resulting from the reduction in recidivism.

Overall, both projects were effective in preventing reoffending and resulted in financial savings to the justice system. Both programs contained restorative aspects in that they recognized and responded to victims needs. In one case the victim was involved directly in the decision making. In the other, this was accomplished by presenting victim impact information to the offender during the panel discussion and by arranging for reparations and apologies for victims. The results from the Te Whanau Awhina project demonstrate that restorative processes work as well, if not better, for more serious offences and offenders. Finally, as these were programs for adults, it is apparent that restorative justice processes need not be restricted to youth.

***The Understanding Reoffending Project***

This study is perhaps the most extensive and detailed to date. Maxwell and Morris interviewed 108 adults who had been involved in family group conferencing in New Zealand in 1990 and 1991 as young persons. Data on their early life experiences and offending histories, family group conference experiences and post family group conference experiences including their reconviction histories were collected. Information was also collected from 98 parents of these young people. The main purpose of the study was to examine whether family group conferences, but more particularly, restorative processes, can contribute to the prevention of reoffending. The extensive personal and family history information that was collected also permitted a retrospective analysis of factors linked to reoffending (G. Maxwell and A. Morris, *Understanding Reoffending*, 1999)<sup>13</sup>.

Rather than treat reconviction as a simple dichotomous variable, five categories were created in an attempt to take into account the relative seriousness and frequency of subsequent offending. Reconviction data were considered at two points in time, after four years and after six years.

The study identified a number of a family group conference factors or variables that were predictors of not offending. It is of interest that these variables relate to both the young person's and the parent's experience at the conference.

Parental variables associated with not being re-convicted were as follows:

- remorse, meaning feeling their son or daughter was sorry;
- not shamed, meaning not being made to feel a bad parent;
- participation, meaning feeling that they had participated in the conference decision making;
- acceptance, meaning agreeing with the conference outcome and perceiving it as fair.

From the young person's data set, the following variables were found to be significant predictors of reduced offending:

- remorse, meaning remembering the conference, completing tasks, feeling sorry and showing it and feeling they had repaired the damage;
- not ashamed, meaning not being made to feel a bad person;
- participation, meaning involved in the conference and decision making;

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<sup>13</sup> A shorter version of this study is found in A. Morris and G. Maxwell (Eds.) (2001) *Restoring Justice for Juveniles: Mediation and Circles*. Oxford: Hart Publishing.

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- acceptance, meaning agreeing with the conference outcome; meeting the victim and apologizing to him or her. Moreover the variables found to be significant were almost identical for parents and for young people.

Collectively these findings provide some support for Braithwaite's theory of the re-integrative shaming (J. Braithwaite 1989). He stressed the importance of rejecting stigmatic shaming. However, this research does not show that disapproval was necessarily the mechanism that invoked remorse. These data are also consistent with empathy or understanding the effects of offending on the victims as triggering remorse. This distinction has significant practice and policy implications: processes that generate empathy may be different from those that emphasize disapproval or shaming.<sup>14</sup>

More than two-fifths of the young people involved in a family group conference in 1990/91 were not convicted or only convicted once 6 years later. About one-quarter were persistently reconvicted during the same time period. As there was no control group, this study cannot be used to compare outcomes of court process with family group conference outcomes, although as the authors observe, they seem no worse and possibly better than some of the outcome studies published in the literature. What the study measures are the effects of restorative processes on reoffending.

The results from this study provide evidence that family group conferences, when they are effectively restorative, can reduce reoffending. It does not follow, however, that having a family group conference by itself is necessarily effective. The study demonstrates that when the group conference is conducted properly so as to achieve the desired restorative outcomes for parents and/or children, such as remorse, not being ashamed and acceptance, reoffending can be reduced. Other restorative programs that produce similar restorative outcomes in parents and offenders should also impact on future offending.

A number of preventative factors were also identified. These included having school qualifications, being involved in sport and, having constructive spare time occupations and being good at schoolwork. Two post conference factors were also identified as preventative: having a close friend since the conference and gaining employment after the conference.

The extensive personal histories of the young people involved and information from their parents permitted the researchers to evaluate a number of life experiences or risk factors as predictors of subsequent reconviction. The risk factors chosen correlate with what is already well documented in the criminological literature. This study confirmed that risk factors such as early detected offending, not having people who cared about you as a child, showing signs of psychological disturbance and having young parents who were not living together predicted subsequent offending. Other risk factors included having a criminal parents, early self-reported involvement in crime, being a victim of bullying, living in many places as a child, parental poverty, lack of supervision, harsh punishments as a child and witnessing family violence, and early sexual experience.

The findings in this study confirm the importance of crime prevention initiatives that address the identified risk factors and support the preventative factors. Further, the data indicate that certain aspects of family group conferences, specifically those reflecting restorative values, processes and outcomes, can reduce reoffending. Meeting victims and apologizing to them, feeling involved in the family group conference and agreeing with the outcome, and completing the tasks agreed to, are all predictive of not being reconvicted. In addition, while remorse is an important factor, it is imperative that neither parents nor young people feel ashamed in a stigmatizing way. This study also suggests that recidivism can be reduced if conference agreements assist offenders to find employment and encourage maintaining or developing strong friendships.

### ***The Canberra Reintegrative Shaming Experiments (RISE)***

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<sup>14</sup> Private communication with Allison Morris.

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The Canberra Reintegrative Shaming Experiments examined recidivism behavior in almost 1300 cases (L.W. Sherman, H. Strang & D.W. Woods Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE) Centre For Restorative Justice, Australian National University, November, 2000). The purpose of the study, which is still ongoing, is to compare the effects of standard court processing with diversionary conferencing, a form of restorative justice. The police facilitated these conferences. This study was inspired by Braithwaite's theory of reintegrative shaming that holds that formal court procedures negatively stigmatize offenders and are not rehabilitative. On the other hand, conferences that attempt to restore both offenders and victims by bringing them together and allow the offender to repair the harm caused by the offence should reduce reoffending (J Braithwaite 1989).

The study considered four categories of offences:

- Impaired driving;
- Property offences with a personal victim by juveniles under the age of 18;
- Shoplifting offences by offenders aged under 18;
- Violent offenses by offenders under 30 years.

Court processing was compared to conferences using the following criteria:

- Perceptions of procedural fairness by victims and offenders;
- Victim satisfaction with the process;
- Costs;
- Patterns of repeat offending.

Offenders were randomly assigned to family group conferences and to court. Reoffending was measured by criminal convictions over a minimum of two years after the assignment to a particular track.

The youth violence experiment recorded a big drop in offending for the family conference group. Diversionary conferences reduced offending rates by about 38 crimes per 100 offenders per year, relative to the effect of being sent to court. The rate of offending by the control group offenders assigned to court barely dropped at all.

The other groups did not show a similar reduction in offending behaviour. A very small increase in offending by drunken drivers in the conferencing group was observed. There was no difference in repeat offending by juvenile property offenders or shoplifters.

There appear to be significant differences in reoffending rates dependent on the nature of the offence. Understanding why this is so requires substantial additional analysis, which is ongoing. It is possible that the drinking and driving data will be explained by the deterrent effect of court ordered driving suspensions which were imposed on the court group but not on the family conference group. It may be that the juvenile shoplifters do not view stores as real victims and as a result the required remorse may not be present. By way of contrast, a victim of personal violence may be seen as a real person more able to generate both remorse and empathy.

Preliminary data from the RISE project indicate that both offenders and victims reported greater satisfaction in a number of categories with restorative conferencing as compared to going to court (H. Strang, G.C. Barnes, J. Braithwaite & L.W. Sherman, A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE), Australian Federal Police and Australian National University. K. Daly 2001).

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- Offenders report greater procedural justice (defined as being treated fairly and with respect) in conferences than in court.
- Offenders report higher levels of restorative justice (defined as the opportunity to repair the harm they had caused) in conferences than in court.
- Conferences more than court increased offenders' respect for the police and law.
- Victims' sense of restorative justice is higher for those who went to conferences rather than to court (defined as, for example, recovery from anger and embarrassment).

Even if one ignores the significant reduction in reoffending in the violent offence category, these results suggest that conferences deliver a better kind of justice for victims and offenders than do courts.

The RISE study concludes that restorative justice processes, as an alternative to the formal court process, can reduce crime by violent offenders. The study also indicates that restorative justice processes do not have the same impact across offence categories.

***South Australia Juvenile Justice Research on Conferencing (SAJJ Project)***

The SAJJ Project is still ongoing and is based on approximately 200 family group conferences (Daly 2001). About one half of the conferences dealt with personal crimes of violence and the other half with property offences. Almost 70% of the cases involved personal victims of crime and in over one quarter, the victims were under 18 years of age. In three-quarters of the conferences, the victim was present and in an additional 6% a victim representative was present. About one half of the conferences involved offences between people who did not know which other. Trained coordinators who were not police officers facilitated the conferences.

This study did not have a control group and was primarily concerned with the impact of conferencing dynamics on the participants' judgments of restorative and procedural justice. Conference participants were interviewed after one year and again after two years. In part, these interviews were concerned with how the passage of time affected their judgements of the process, whether victims and offenders changed their attitudes towards each other and whether or not the conference had an impact on the offender staying out of trouble. Victims were questioned on whether they were able to put the offence behind them and how their experience in the conference process affected their views of young people and of the justice system. A number of reports have been published during the course of the study and these can be found at the following web site: <http://www.aic.gov.au/rjustice>.

Consistent with nearly all other studies of conferencing, high satisfaction rates were reported by both victims and offenders, as indicated by the following:

- 80 to 95% of victims said that they were treated fairly;
- restorativeness, meaning the degree to which offenders and victims were affected by the other, was present in about 30 to 50% of the conferences;
- about one half of offenders said that the victim's story had an effect on them;
- 38% of victims said the offender's story had an effect on them, 53 percent said they had a better understanding of why the offender committed the offence and a year later only 28 percent believed that the main reason the offender apologized was because he was really sorry;
- two-thirds of victims saw the young person as not being a bad person, but someone who did a bad thing;
- over 75% of victims felt angry towards the offender before the conference, but this dropped to 44% after the conference;
- 40 percent of victims were frightened of the offender before the conference, but this dropped to 25% after the conference;

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- close to 80% of victims said that the conference was worthwhile and 63 percent said they had fully recovered from the incident

A preliminary draft report dealing with reoffending among the SAJJ Project offenders at the ANZSOC Criminology Conference in Melbourne, Australia in February 2001. Some of these findings were similar to those of Maxwell and Morris, described above in the Understanding Reoffending Project. In particular, reoffending was less likely among the study group when:

- the conference "ended on a positive note of repair and good will";
- the young person accepted responsibility for the offence;
- the young person was actively involved in the conference process;
- the young person was remorseful;
- the young person understood the relationship between the offence and the outcome and;
- the outcome was decided by genuine consensus.

Conference factors that distinguished those who were persistently reconvicted from those who were not convicted were a lack of remorse, not agreeing with the conference outcome, not feeling involved in the decision making, and being made to feel a bad person.

## **CONCLUSION**

The research reviewed in this paper establishes that restorative justice processes like family group conferences can reduce recidivism. It is also apparent that these restorative programs can be less expensive than court based retributive models. These conclusions will assist the public to accept a greater reliance on restorative processes when dealing with youth crime. Based on this knowledge, governments and policy-makers can confidently establish and fund broad based restorative practices as part of the proposed Youth Criminal Justice Act.

Although several of the studies reviewed in this paper are continuing, together and individually they establish a number of principles and guidelines that will be helpful in designing and implementing restorative justice programs and practices.

Family group conferences themselves do not reduce recidivism; however, conferences that follow restorative justice processes will impact positively on recidivism rates. Thus presence of and participation by victims, families and offenders, apologies to victims, remorse by offenders and the completion of restorative plans agreed to at the conference were associated with a reduction in reoffending. These could properly be called counter-criminogenic factors because of their relationship to reoffending. Successful restorative justice processes will include some, but not necessarily all, of these counter-criminogenic factors. For offenders, these include:

- Remorse, meaning completing tasks, feeling sorry and showing it and feeling they had repaired the damage; remorse also means that the young person accepted responsibility for the offence and apologized to the victim.
- Not ashamed, meaning not being made to feel a bad person;
- Participation, meaning involved in the conference and decision making;
- Acceptance, meaning agreeing with the conference outcome and that the outcome was decided by genuine consensus.

The research also indicated that the experiences of parents during the conference also predicted recidivism. A number of counter-criminogenic variables for parents that were similar to those for offenders, were identified. It follows that conference facilitators should receive sufficient training to ensure that conference preparation, the procedures followed

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during the conference and the plans agreed to at the end of the conference, maximize the occurrence and effect of these factors.<sup>15</sup>

The restorative programs evaluated by the studies reviewed in this paper were quite varied and far from identical. They contained some, but not necessarily the same restorative elements. It follows that there need not be a single model or template for restorative programs. This flexibility permits the development of different programs that can accommodate community strengths and cultural differences, provided that they focus on achieving counter-criminogenic outcomes.

There were some categories of offences for which conferencing as conducted in the RISE project was not effective. This research suggests that greater gains may be achieved for more serious offences and for crimes of violence. For that reason, restorative justice programs should not be limited to minor offenses, property offences or to first offenders.

Restorative programs work for both young people and adults. This is not surprising, as the distinction based on age is entirely artificial. No evidence was reported that suggested that restorative justice processes work better for youth than adults. Therefore restorative justice programs need not be limited to young offenders and programs directed towards adults and even children under the age of criminal responsibility should also be effective.

Participants who successfully completed their agreements had lower recidivism rates than those that did not. It follows that plans should be realistic and capable of being successfully completed by that particular offender taking into account his/her personal abilities and circumstances. Plans should be reviewed periodically and if necessary, amended to eliminate unnecessary impediments to their successful completion. Family members should also be encouraged to participate in the plan, by providing supervision, support and assistance to the young person. This could be as simple as providing transportation or lending tools; it could also include helping the young person acquire the skills necessary to complete the plan or 'fronting' the restitution money and setting up a program of reimbursement through chores or allowance deductions.

There can be significant cost savings when restorative justice programs replace retributive court-based programs. These savings should be tracked and reports should be made public periodically so that the community can be fully aware of the financial advantages of restorative justice processes.

A good post conference plan should support established post-conference preventative factors. Thus, the young person should be encouraged to stay in school and be supported in order to do as well as possible. The plan should constructively occupy the offender's spare time. Recidivism can be reduced if conference agreements promote employment and good social relationships, meaning having a close friend.

In addition, these studies support the findings in earlier reports that both offenders and victims are better satisfied with restorative conferencing as compared to going to court. Moreover, conferences more than court, increased offenders respect for the police and the law. In other words, restorative justice processes have the potential to deliver a fairer justice, a more satisfying justice for both victims and offenders than do courts. Most Canadians should agree that this would also be a better kind of justice.

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## 7.2. Restorative Practices and Reoffending - 2002<sup>16</sup>

Recently, a short article in *The Report*<sup>A</sup> questioned Canada's use and support of restorative justice programmes.

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<sup>15</sup> Although much has been learned about successful restorative processes, it is expected that a number of studies currently underway, including some reviewed in this paper will further inform future practice.

<sup>16</sup>Restorative Justice Online, July 2002, <http://www.restorativejustice.org/rj3/Feature/July02/recidivism.htm#returntotext>

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- The article quoted a claim in the May issue of *Canadian Lawyer* that after five years of use there was no proof that restorative justice programmes work.
- However, recent research has demonstrated that restorative justice programs do in fact reduce recidivism.
- The chart below highlights seven such studies. Five involved comparison groups of offenders going through normal court processes, and revealed a decrease in recidivism for offenders who go through restorative programs.
  - Two studies identified elements in conferencing that appear to have an impact on reoffending.
  - Both studies found that when those elements are met, conferencing lowers recidivism when compared to anticipated recidivism using established predictors of offending behavior.

Study	Location	Methodology	Results
<u>Luke, Garth and Bronwyn Lind. 2002. B69-Reducing Juvenile Crime: Conferencing Versus Court.</u>	New South Wales; Australia	This study compares reoffending rates of young people who went to a conference with reoffending rates of young people who attended court. The time period of follow-up is 27-39 months. The study sample consisted of 590 young people who went to conference in 1998; 5,516 young people who appeared in court the year before conferencing became an option (1997); and 3,830 who appeared to court in 1998.	The results indicated that conferencing produces a moderate reduction of up to 15 to 20 percent in reoffending across different offence types and regardless of the gender, criminal history, age and aboriginality of offenders.
<u>Hayes, Hennessey and Kathleen Daly. 2001. "Youth Justice Conferencing and Reoffending."</u>	South Australia	This study focuses on a sample of 89 conferences. It draws from conference observations and official police data to explore the relative importance of conference dynamics and offender characteristics in predicting future offending. The reoffending data comes from an 8-12 month follow-up period. There was no comparison with a control group in non-restorative programs.	The post-conference results showed that : 60% of sample had no official contact with police 17% had one contact 23% had two or more contacts  Daly and Hayes identified the following conference conditions as having the greatest impact on reoffending:  -- Remorse shown by the offender (reoffending is 1/3 as likely)  -- Consensual decision-making (reoffending is 1/4 as likely).

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Study	Location	Methodology	Results
<p><u>Latimer, Jeff, Craig Dowden, and Danielle Muise. 2001. "The Effectiveness of Restorative Justice Practices: A Meta-Analysis.</u></p>	<p>Mainly North America</p>	<p>This meta-analysis took a sample of 35 studies that looked into recidivism rates, victim and offender satisfaction, and restitution completion. Each studies used control groups to measure the outcomes.</p>	<p>The 32 studies that covered recidivism showed a mean decrease of 7%.</p>
<p>Maxwell, Gabrielle, and Allison Morris. 2001. "Family Group Conferences and Reoffending."</p>	<p>New Zealand</p>	<p>Maxwell and Morris conducted a 6.5 year follow-up of 108 offenders who had gone to conference. The study attempts to identify the characteristics of conferences that are more likely to be associated with less reoffending.</p> <p>Using an evidence-based approach, the researchers attempt to identify the characteristics of people who do not reoffend. From past research that identifies circumstances that lead to offending and reoffending, the researchers developed a model to predict reoffending based on</p> <ul style="list-style-type: none"> <li>-- Early life experiences (deficits in the family's circumstances and the child's environment)</li> <li>-- Early negative experiences (experiencing bullying, violence, and abuse).</li> </ul> <p>This model for understanding reoffending was then used to determine if factors related to conferencing impacted on future behavior.</p> <p>The researchers identified 5 reconviction categories and self-reporting of offenses to measure recidivism.</p> <ul style="list-style-type: none"> <li>--Persistent reconvicted- characterized by the frequency and volume of their offending in criminal</li> </ul>	<p>The study revealed the following percentages for each reconviction group:</p> <ul style="list-style-type: none"> <li>29% not reconvicted</li> <li>14% reconvicted only once</li> <li>21% occasional reconvicted</li> <li>8% Improving Reconvicted</li> <li>28% Persistent Reconvicted</li> </ul> <p>The key finding was that family group conferencing can contribute to lessening the chance of reoffending even when other important factors such as adverse early experiences, other events which may be more related to chance, and subsequent life events are taken into account.</p>



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Study	Location	Methodology	Results
		<p>matters</p> <p>-- Improving reconvicted- had offended persistently for a time but had not been reconvicted in the 12 months prior to the interviews</p> <p>-- Occasional reconvicted- had appeared in court more than once but had committed less than 5 offenses</p> <p>-- Once only reconvicted- had appeared in court only once</p> <p>-- Not reconvicted.</p>	
<p><u>Sherman, et. al. 2000. Recidivism Patterns in the Canberra Reintegrative Shaming Experiment.</u></p>	<p>Canberra Australia</p>	<p>The study uses random assignment for treatment (court or conferencing) to investigate the effect of diversionary conferencing on different offense types. The majority of the cases studied had a one-year follow-up period.</p> <p>The study looked at 3 offense types:</p> <p>-- violent offences (with a sample size of 110 offenders)</p> <p>-- drink-driving (with a sample size of 900 offenders)</p> <p>-- juvenile property crimes (with a sample size of 117 offenders).</p>	<p>The study found that, when compared to court, the effect of diversionary conferences is</p> <p>-- a 38% decrease for young violent offenders</p> <p>-- a 6% increase for drunk driving</p> <p>-- No difference in property offenses or shoplifting.</p>
<p><u>Griffiths, Mark. 1999. The Implementation of Juvenile Justice in Victoria.</u></p>	<p>Victoria Australia</p>	<p>Sample size of 71</p> <p>12 month follow-up period</p> <p>Matched probation group</p>	<p>37% of the Control group received further sentencing orders</p> <p>21% of the Conferencing group received further sentencing.</p>
<p><u>Bonta, James. Jennifer Rooney, Suzanne Wallace-Capretta. 1998. "Restorative</u></p>	<p>Winnipeg, Canada</p>	<p>The program targeted offenders who were likely to go to prison (with at least a 9 month sentence). Once an offender was accepted into the program, the Restorative Resolutions</p>	<p>Since many of the study participants were still in the program, recidivism was defined as new crimes or as breaking the</p>

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Study	Location	Methodology	Results
<u>Justice: An Evaluation of the Restorative Resolution Project.”</u>		(RR) staff started working on a plan which included attempts to contact the victim and the community to help in creating a plan.  The study identified matched groups of offenders who either went to prison or were given probation.	terms of probation.  At two years, there was a significant difference between the RR participants and (11.5% vs. 33.3%).  When compared to the two groups of probationers, the RR participants showed significantly lower recidivism (14.1% vs. 56.3%).

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 1. "Maybe 'punishment' works better than 'healing'". The Report. June 24, 2002. p.37

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### 7.3. An International Review of Restorative Justice -2001<sup>17</sup>

The study named several factors that encourage the success of restorative justice programmes:

- A strong and sustained impetus for reform
- A common ideology among those pressing for action
- Open-mindedness and the political will of successive governments
- Attention to practical detail in the formulation and implementation of the chosen interventions
- A combined and continuing effort on the part of all relevant agencies
- Reliance on validating research from the outset
- Sound financial planning and support
- Inclusiveness
- Supervision by a responsible coordinating agency.

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<sup>17</sup> Miers, David, September 2001. "An International Review of Restorative Justice." Crime Reduction Research Series Paper 10. London: Home Office. <http://www.homeoffice.gov.uk/rds/prgpdfs/crrs10.pdf>