Table of Contents

1. Key Themes (to be explored)

Limited financial resources may restrict the expansion of programs unless the political will exists to do so. Governments may be cautious about committing resources to new justice initiatives when cost savings cannot be guaranteed, or even necessarily expected. Although there are likely to be savings at the court and corrections end of the criminal justice system, it is unlikely that a successful program would provide net savings to government. Families and communities need properly funded assistance to effectively support offenders who would otherwise be a direct charge on the public purse. The question could be how can those moneys be redirected from current justice efforts toward community justice efforts? The current system has many interests. Is it likely that these interests will change their priorities to a community justice agenda?

Funding is shaping community justice? The lack of resources for many communities also can create what LaPrairie (1994) has termed "funding dependency", where available funding rather than community needs and preferences shape Aboriginal justice initiatives? See chapter on <u>"First Nations/Aboriginal Justice"</u>.

Where should the additional funding come from? Should it come from territorial and/or federal budgets or from new sources of revenue e.g. private foundations, corporations wanting to do social good?

2. Research Questions

2.1. Funding Process
What is the funding process?

2.2. Funding Guidelines
Have clear and comprehensive funding guidelines been established?
Are monitoring mechanisms in place to ensure guidelines are followed?
Are the guidelines for proposals distributed across the Territory to all communities/First Nations/organizations? If not, what is the rationale for select communities?

2.3. Funding Sources
What is the process for tracking funding sources?
Do we need to spend more money on community justice? If so, where should the additional funding come from? Should it come from territorial and/or federal budgets or from new sources of revenue e.g. private foundations, corporations (social good)?

2.4. Funding Proposals
Is there a process for soliciting proposals?
Is there a proactive/reactive component to the funding proposals?
What is the process for writing/submitting funding proposals?
How much time is spent on this activity?
How and by whom are the proposals reviewed?
How are the final funding decisions made?

2.5. Funding Amounts
What funding for community justice has been provided to Yukon communities?
What proportion of overall public spending is dedicated to community justice?
How does Yukon's spending compare with other similar jurisdictions?

2.6. Funding Criteria
Upon what criteria was this funding allocated?
community needs
existing community resources
history of crime
history of offender clients
history of victim clients
fixed and variable costs/resources to deliver activities and services

2.7. Funding Decisions
How was the decision made to choose the project that would be funded?

2.8. Funding Agreement
What types of funding agreements are in place?

2.9. Funding Payment
Subsequent to a proposal for funding, when is the first funding payment received?
What is the payment schedule?
When are the subsequent payments made?
Are funding payments made on a timely basis?

2.10. Funding Duration/Stability
For what period time is the funding provided?
What are the changes in spending on community justice from one year to the next? Increases? Decreases?
Is stable funding provided for community justice?

2.11. Funding Reporting

What are the reporting requirements for funding provided?
What kind of data is collected?
How much time is spent on completing reports?
Are there any other reporting mechanisms?
Are the reports used for information-sharing or decision-making or continuous learning?
Are any activities/services not captured by the current data collection instruments?

Total Budgets
What is the current budget?

What are its current sources of the funding? i.e. revenue items?
YTG Justice share? In cash? In what manner is it paid? In kind?
Justice Canada share? In cash? In kind?
Other? In cash? In kind?

What has been the budget, revenue items and expenditure items since the project was formed?

Fiscal Year	Budget < $25,000 (# and % of projects)	Budget $25,000 - $50,000 (# and % of projects)	Budget $50,000 - $100,000 (# and % of projects)	Budget > $100,000 (# and % of projects)
1996-1997				
1997-1998				
1998-1999				
1999-2000				
2000-2001				
2001-2002				
2002-2003				

2.12. Budget Items

What are the community justice project's annual budget and annual expenditure items?

Fiscal Year	Staff ($) and % of total budget	Training ($) and % of total budget	Honoraria ($) and % of total budget	Travel ($) and % of total budget	Rent ($) and % of total budget	Meeting **Costs** ($) and % of total budget	Supplies (($) and % of total budget	Other ($) and % of total budget	Capital ($) and % of total budget
1996-1997									
1997-1998									
1998-1999									
1999-2000									
2000-2001									

2001-2002									
2002-2003									

3. Relevant Documents, Studies and Practices – Yukon

3.1. Community Justice Funding in the Yukon Territory

Community Justice Funding Summary 2000/2001 to 2002/2003

Community Justice Project Name And Sponsor	Total Govt. Funding	Yukon	Canada
Department of Justice Yukon	2002/2003 Estimate		
Dena Keh, Liard First Nation	146,000	73,000	73,000
Haines Junction Justice Committee, Champagne/Aishihik First Nation	64,530	32,265	32,265
Kwanlin Dun Community Social Justice, Kwanlin Dun First Nation	247,960	123,980 (HSS 68,500)	123,980
Southern Lakes Justice Committee Society	58,500	29,250	29,250
Peacemaker Court, Teslin Tlingit Council	120,000	60,000	60,000
Old Crow Justice Committee, Vuntut Gwitchin First Nation	48,930	24,465	24,465
Ross River Justice Committee, Ross River Dena Council	32,600	16,300	16,300
Dawson Community Group Conferencing Society	30,000	30,000	---
Department Health and Social Services Yukon			
Kwanlin Dun Community Social Justice, Kwanlin Dun First Nation			
Tan Sakwathan, Skookum Jim Friendship Centre	90,000	45,000	45,000
TOTAL - FY 2002/2003	$838,520	$434,260	$404,260
Department of Justice Yukon	2001/2002		
Dena Keh, Liard First Nation	146,000	73,000	73,000
Haines Junction Justice Committee,	66,030	33,765	32,265

Community Justice Project Name And Sponsor	Total Govt. Funding	Yukon	Canada
Champagne/Aishihik First Nation			
Kwanlin Dun Community Social Justice, Kwanlin Dun First Nation	247,960	123,980 (HSS $68,500)	123,980
Southern Lakes Justice Committee Society	58,500	29,250	29,250
Peacemaker Court, Teslin Tlingit Council	120,000	60,000	60,000
Old Crow Justice Committee, Vuntut Gwitchin First Nation	48,930	24,465	24,645
Ross River Justice Committee, Ross River Dena Council	32,600	16,300	16,300
Dawson Community Group Conferencing Society	30,000	30,000	---
Department Health and Social Services Yukon			
Tan Sakwathan, Skookum Jim Friendship Centre	92,500	47,500	45,000
TOTAL – FY 2001/2002	$842,520	$438,260	$404,260
Department of Justice Yukon	2000/2001		
Dena Keh, Liard First Nation	146,000	73,000	73,000
Haines Junction Justice Committee, Champagne/Aishihik First Nation	70,000	35,000	35,000
Kwanlin Dun Community Social Justice, Kwanlin Dun First Nation	240,000	120,000 (HSS $)	120,000
Southern Lakes Justice Committee Society	60,000	30,000	30,000
Peacemaker Court, Teslin Tlingit Council	120,000	60,000	60,000
Old Crow Justice Committee, Vuntut Gwitchin First Nation	40,000	20,000	20,000
Ross River Justice Committee, Ross River Dena Council	40,000	20,000	20,000
Dawson Community Group Conferencing Society	25,000	25,000	---
Community Justice Forum Coordinator,	10,000		

Community Justice Project Name And Sponsor	Total Govt. Funding	Yukon	Canada
RCMP based, Whitehorse			
Justice Worker, Little Salmon Carmacks First Nation	20,000	20,000	---
Nacho Nyak Dun Mayo	40,000	20,000	20,000
Kluane First Nation Burwash Landing	40,000	20,000	20,000
Department Health and Social Services Yukon			
Tan Sakwathan, Skookum Jim Friendship Centre	90,000	45,000	45,000
TOTAL FY 2000/2001	$941,000	$498,000	$443,000

3.2. Aboriginal Justice Strategy (AJS) Trends -2000[1]

3.2.1. Funding Agreements
in the Yukon all projects are funded on a bilateral basis.

3.2.2. Total Budget[2]

	Total $		
Province/Territory	1996-97	1997-98	1998-99
Yukon	542,901	216,550	845,440

3.3. Restorative Justice in the Yukon - 1999 [3]

Proposals: One (1) community stressed that the process of tracking down potential funding sources, identifying community needs and writing proposals for pilot projects is often confusing and frustrating.
According to this community the usual scenario is as follows:

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[1] 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 -

[2] 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 – The figure represents the figures in the federal Memorandums of Agreement. They are the sum of all sources for contribution (provincial/territorial governments, federal contributions, in-kind contributions as well as contributions from First Nations or Aboriginal Agencies). Consequently they do not reflect the information in financial audits that might give a more accurate picture of what exactly was spent.

[3] 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.

A community identifies a need.

A search for funding source is undertaken.

Proposals are submitted to government to setup and operate a project.

Funding is acquired for a limited time.

Staff are hired and trained.

The project begins to operate.

About three-quarters into the term of this project, staff must begin the process of searching for further funding so they begin drafting proposals in the hopes of keeping the project alive.

If lucky, the project secures funding and continues operations, if not, the project ceases operation and shuts down.

The train staff are laid off and the clients and/or community, now reliant upon the project, suffer its loss.

Time passes and the process repeats itself.

With each cycle, subsequent projects have progressively more difficulty in hiring trained staff and earning the trust of associated agencies and the community because everyone anticipates the project will inevitably cease operations because the funding is inconsistent.

Amounts: Fourteen (14) communities stated that adequate funding is crucial to operating and maintaining a Restorative Justice project.

Control: Two communities (2) were concerned that community justice projects might be vulnerable to government control – i.e. the funder could determine how a Restorative Justice Project would operate.

3.4. Building Community Justice Partnerships - 1997 [4]

Reallocating Current Public Investment in Justice

Not more funding, but a reallocation of existing justice funding is required to enable community justice to realize its potential. Adequate funding for community justice will improve the ability of the formal justice systems to realize their objectives.

Without adequate funding, the proven success of community justice will be lost as volunteer burn out and as government departments are relentlessly assume greater responsibilities over the lives of individuals, families and communities.

The justice system continues to make piecemeal changes without any overall comprehension of the secondary impact of these changes and continues to submit go to government and the public that if they had more funds they would do better.

Our justice system desperately needs a comprehensive diagnosis of the overall transactional costs of excessive reliance upon formal justice services and of what conflicts are best handled within and what disputes are handled outside formal justice systems. Until such an assessment is made we will continue to fail to appreciate the significant contributions community justice can and must make to community well-being and thereby fail to make prudent investments in community justice.

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[4] Stuart, Barry. 1997. Building Community Justice Partnerships: Community Peacemaking Circles. Ottawa: Aboriginal Justice Learning Network, Department of Justice.

3.5. Exploring the Boundaries of Justice: Aboriginal Justice in the Yukon – 1992 [5]

Criteria for Funding
In crime prevention, community justice development and alternatives to formal processing, it is important to begin the process of determining new justice approaches by undertaking the following:
Define community problems and need
Assess community resources
Re-allocate/re-assign community resources
Assess the resource needs
Develop inter-agency cooperation [6]
It is essential that project proposals recognize the importance of these activities.
The main criteria for funding projects should be clearly defined and comprehensive statement of need, the suitability of the project to meet the need and the capacity and interest of First Nations to administer and manage the project.
Project priorities could be established on the basis of :
community need,
commitment to a pilot approach,
the design of the project in meeting community or individual needs, the identification of clear and measurable objectives,
an evaluation plan,
the qualifications of project personnel and
community resources to bring the project objectives to fruition.
Community consultation and support for the project are essential elements for funding consideration.
Another important factor in funding decision-making is the use of existing structures.
A danger in considering new justice approaches in small communities is creating new structures which are confusing and difficult to maintain.
The bureaucratic labyrinth of government has already been duplicated in many aboriginal communities and the addition of more complicated structures should be avoided.
At the same time, however, individuals working in justice areas should not be subsumed by existing structures (such as band administrations) where the justice initiatives would become diluted or displaced by responsibilities.
The other critical factor to consider is the need to build on existing resources, where possible.
There is a tendency to create new structures and ignore what already exists.
In searching for existing structures suitable for building on justice initiatives it is necessary to look both within and outside communities.
The needs assessment activities could be a responsibility of community justice representatives (CJR). While it would be preferable to undertake the kind of research done for the James Bay Cree in 1990-2, it is not realistic because of cost, so a needs assessment could be done by the CJR under supervision and in consultation with community members or groups.
The CJR could also assess the human and other resources in the community prior to consultations about what the community wants in the way of justice.

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[5] 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.
[6] Bottoms, Anthony E. "Crime Prevention Facing the 1990s", Policing and Society, Vol. 1, No. 1, 1990 cited in 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.

Internal: NNADP, social workers, RCMP, teachers, nurses, community health representatives, band council, probation workers, circle support groups, courtworkers, community alcohol workers, justice of the peace, youth workers.
External: Yukon College Justice Program/satellite campuses; Yukon Mediation

Yukon Tribal Justice Advisory Panel would ensure that appropriate monitoring and evaluation protocols were developed and that each project contained clearly state and measurable objectives.

While the Advisory Panel would not have the capacity to implement and manage the monitoring and evaluation of the project, it would be responsible for ensuring that monitoring and evaluation objectives were met.

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

4.1. Inuit Women and the Nunavut Justice System – 2000 [7]

Lack of Resources[8]
The other major problem we have identified that has the potential to undermine the effectiveness of any alternative measure is a lack of resources, both technical and financial.
Recent reforms in the NWT provide a case in point.
These initiatives have focused on the rehabilitation of offenders (mainly through alternative sentencing reforms), and the provision of assistance to victims (through the establishment of Victim Impact Statements)
In both cases, the communities are being given responsibility to deliver these new programs without any support structures in place, specially-trained, local personnel or additional financial resources at their disposal.
This approach could easily have the effect of setting communities up for failure because their existing resources are already seriously over-extended. While the intent behind this specific amendment is positive, it can nonetheless do a disservice to the remote, northern communities that don't have the resources to implement them successfully. (p.85:12)
We are concerned that these measures will become part of an authorized program and police, Crown attorneys and judges will encourage their use without securing the adequate resources to deliver an effective and accountable service.
In addition to our earlier recommendation for this specific paragraph, we recommend an express statement identifying funding responsibility for such measures. (85:12)

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[7]Department of Justice, Community Justice Division, Your Community Justice Committee: A Guide to Starting and Operating a Community Justice Committee (Yellowknife: GNWT, 1997) p. 1 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.

[8] Pauktuutit, Inuit Women and the Administration of Justice, Pauktuutit, Phase II: Project Reports - Progress Report #2 (January 1, 1995 - March 31, 1995) -Appendix #6 - Minutes of Proceedings and Evidence from the Standing Committee on Justice and Legal Affairs Respecting: Bill C -41, Tuesday February 28, 1995, Witnesses: Inuit Women's Association of Canada 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.

4.2. A Framework for Community Justice in the Western Arctic - 1999 [9]

Funding Process and Reporting Requirements

The Community Justice Initiative has established an annual funding level for the 31 communities in the Northwest Territories.
These levels are based on community size with a floor of $ 8000 for small communities of 200 or less population.
In 1998/99 a total of $557,500 was allocated for Western Arctic communities, ranging from $8000 for five communities to $73,000 for Yellowknife.
In that fiscal year, $547,000 was disbursed, of which $57,500 was provided to six communities/committees for the operation of fine options or community service order programs (at this point it is not yet known whether communities were able to use all of these moneys).
In addition, approximately $400,000 was used for CJS salaries, travel and program expenses (not including administrative costs incurred by headquarters).
In 1999/00, there is an enrichment of $146,200 for Western Arctic communities to enable them to hire coordinators and increase the honorariums to committee members.
The annual funding is provided in two payments, one at the beginning of the fiscal year (April) and the second at the six-month mark, i.e., October.
Moneys can only be provided to corporate entities with appropriate liability provisions.
In most cases this is the hamlet or First Nation although some committees and eligible programs are sponsored by local non-profit agencies (e.g., the Yellowknife John Howard Society, the Tulita Wellness Agency, Friendship Centres in Fort Smith and Fort Simpson) and a few committees have established themselves as chartered societies (e.g., Inuvik, Tuktoyaktuk)
In March or April, the Division sends letters notifying the sponsoring First Nation/Organization of the funding available, asking them to sign the accompanying contribution agreements and to return the signed agreements to the Division if they wish to receive the funds.
At the same time, the CJSs are provided with copies of the unsigned contribution agreements for the communities in their region.
Based on previous experience, it may be up to four weeks before a signed agreement is received in Yellowknife.
These agreements are checked by the Division support staff then sent to the Assistant Deputy Minister for initialing.
Following this, they are directed to the Manager of Finance who also checks them.
The Deputy Minister subsequently signs the agreements and returns them to Finance where the required signatures are confirmed.
A copy is made for Headquarters then the two originals are forwarded to the CJS who keeps one on file and sends the other to the community.
The signature process takes approximately one week and the community usually receives its signed original within two weeks after that.
Upon obtaining the signed agreement the CJS completes a cheque requisition which is processed through the Department's Financial Implementation System [FIS] for payment directly to the community sponsor, taking up to another ten days.

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[9]Department of Justice, Community Justice Division, Your Community Justice Committee: A Guide to Starting and Operating a Community Justice Committee (Yellowknife: GNWT, 1997) p. 1 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.

Therefore, while communities are "fronted" half of their annual allocation, the entire process, from sending the agreements out to receipt of the cheque, may require up to two months although it has been accomplished in as little as two weeks.
Part of this time lapse is dependent upon the community returning the signed agreement; part is related to the Department's internal process; and part is contingent on the response of the CJSs.
The second installment to communities is sent in October.
To qualify for these remaining funds, a mid-year report is required describing the community's activities and how the initial payment was spent.
This report is sent directly to the CJS who reviews it and then to the Community Justice Division where it is checked to determine that the first payment has been used appropriately.
The Division Director then gives the Department's Finance Division approval for releasing the funds and a cheque is sent directly to the community.
In many cases the six-month report is not received at the Community Justice Division by October but some time after that.
Even so, a second installment cheque may be sent in January or February.
The point at which communities receive their second payment is related to their ability to provide the required report to the CJS by October, the CJS's ability to review and forward their recommendation for payment to the Community Justice Division and the time required by the Division to review the reports and by Finance to release the cheque.
At the end of the fiscal year, an unaudited statement of revenue and expenditures as well as a program report is expected from communities.
An audited statement is required for amounts exceeding $50,000 (the John Howard Society in Yellowknife is the only organization that receives funds over this threshold).
The practice has been, however, to send new contribution agreements to communities even when 'year-end' reports have not been received.
This funding process complies with the established Department of Justice procedure for contribution agreements for all of its programs.
It builds in "checks and balances" that safeguard the obligation for accountability for public funds.
However, there are some points at which the process could be streamlined.
Earlier sending of the contribution agreements and systematic follow-up by the CJSs could result in return of signed agreements within a shorter period.
The requirement of signature at the Deputy Minister level needs to be examined.
Twenty-five of the 36 contribution agreements sent to communities and projects in 1998/99 were for amounts of $1 5,500 or less (18 were, in fact, for $10,500 or less - the 1998/99 funding allocations are outlined on the following table.).
Yet every agreement, including that for the community receiving $73,000, proceeds through the same system requirements before funds can be provided to the community.
The program has been concerned that funds have either not been taken, even though available (i.e., a signed agreement is not returned), or that the six-month reports have been received very late or not at all.
The Division will send moneys even in January or February if a report is returned.
However, when no accounting is received, the Division often does not know that this will be the case until too late in the fiscal year to reallocate this money for the benefit of another community.
Unused funds within any given year are lost to the program and are returned to General Revenue.
Communities are required to return unspent funds to the Community Justice Division at the end of the government fiscal year and some do so.
There are a number, though, for whom accounts are outstanding as far back as 1994.
At this point, the Division is making a concerted effort to clear these up and reconcile all program payments with community expenditures.

In the past, new contribution agreements have been sent to communities/organizations despite failure to provide a full accounting for the previous year.

Not only did Community Justice Division and Department of Justice management raise concerns about the funding process, community respondents, committee chairs and coordinators also expressed some criticisms:

the cheques are too slow in coming; this disrupts cash flow (including the coordinator's salary) and the ability to plan;

the reporting requirements are unclear and there has been difficulty in getting the necessary answers and assistance from the CJS.

According to CJSs, the reasons for these difficulties are:

The agreements are sometimes not signed by the sponsoring organization because they do not fully understand the documents and so just leave them.

Small communities may have one individual handling many contribution agreements.

If there is turnover in band administrators, the result can be that the community justice contribution agreement gets "lost in the shuffle".

Once signed, agreements are processed too slowly in Yellowknife.

It may be a month before the CJS receives the agreement in order to make a cheque requisition.

Since it takes time to process the cheque, the committees are left with nothing and don't understand why.

One coordinator explained that a problem resulted from the fact that there had been a turnover in coordinators with the "paper work" left unfinished.

This was the first task facing the new coordinator.

The high turnover of coordinators often means that salary dollars cannot be used and that committees are not meeting, hence honourariums are not being paid.

Because diversions are the main focus of many committees, their work depends upon the extent to which local RCMP are willing to divert cases.

The dilemma for the RCMP is that they are not eager to send cases to a committee which is not active and able to deal with them.

None of the coordinators interviewed reported any difficulties due to their sponsoring organization not notifying them, or the coordinator not asking, about moneys having been received.

Since some coordinators are located in the same building as the sponsor, there is the opportunity for regular communication.

Some communities are receiving funding from other sources, the most important one being the Department of Justice Canada Aboriginal Justice Directorate which will match the territorial funding.

The federal Aboriginal Justice Strategy is a five-year initiative (1996-2001) which provides cost-shared funds for diversion or alternative measures; community sentencing circles and peacemaking; mediation and arbitration in family and civil cases; and Justice of the Peace or Tribal courts.

The federal Aboriginal Justice Learning Network has supported justice committees by funding specific training workshops, such as team building and high risk kids.

One committee visited also receives funding through the Brighter Futures Program.

These funds are used for the coordinator's salary.

The Brighter Futures funding, however, is only available on an annual basis, requiring reapplication yearly, and is therefore not a secure source for salary dollars.

Knowledge of potential sources for additional funds and the ability to prepare proposals to obtain these funds are two key requirements for committees/coordinators to be successful in increasing their resources.

As earlier chapters have indicated, the CJS has a role here in providing the required information and assisting with proposal writing.

According to our committee/coordinator respondents, funding is primarily used for:

an administration fee (10%) which goes to the sponsoring organization (who bears ultimate financial responsibility and accountability);
salaries for coordinators;
dedicated office space for some, though our visits indicated that this space was not always adequate (see below);
expenses such as telephone, fax, photocopying and internet access where available;
honorariums for committee members;
these are both expected and necessary to attract volunteers;
sometimes motivated people are more inclined to participate on committees offering better honorariums;
in small communities with few employment options, honorariums can be an important income supplement, especially for elders;
some coordinators control the amount given by having fewer meetings for diversions but scheduling a number of cases to be dealt with on a single occasion;
committee members are paid the set amount no matter how long the meeting (some are several hours);
one justice committee visited does not pay honorariums;
support for community activities, especially those aimed at young people, e.g., prizes for games.
Six communities in the Western Arctic have fine options and/or community service order programs and receive funding specifically for these.
Additional funding, for which the community/committee makes a specific request, is often used for conferences and training workshops for coordinators and committee members.
Some of these are delivered in the community while others are attended outside of the community.
Examples given of recent workshops included: team building for committees, working with high risk youth, a regional traditional workshop and justice conferences held both locally and regionally.
Almost all respondents identified areas in which they feel that funding is not adequate to the needs.
The major shortcomings are outlined below.
The ability of coordinators and committees to obtain training or take advantage of planned training and information opportunities was cited as the greatest need for additional dollars.
One aspect of this involves the development of networks and information-sharing mechanisms.
There is a strong desire to learn about other possibilities for programs/activities as well as to promote their own accomplishments.
This helps to reinforce motivation and commitment by overcoming the isolation in which coordinators/committees struggle to keep viable programs functioning.
According to respondents, there is a high burn-out factor among coordinators and committee members.
CJSs reported that there are not enough dollars for ongoing CJS training and professional development.
This affects, to some extent, their level of motivation and commitment as some feel that the demands of their position exceed their own capabilities and others feel that they are unable to develop in the job and thus experience diminishing returns from their work.
However, the Community Justice Division has provided CJSs with operational budgets that allow for their own training as well as travel to obtain this.
The CJSs together identified at least 20 training sessions in which they had participated in 1998/99.
This suggests that the problem may not be one of inadequate dollars but of the lack of a systematic approach to understanding and identifying job-related training needs.
It might also be the case that some kinds of training that CJSs would benefit from are not often available in the Territories and to travel to another location would be costly. (see section 4.3 for a more detailed discussion of CJS training).
The adequacy of travel dollars for CJSs was questioned.

One coordinator was told that the specialist could not visit, though their assistance was requested, because the travel budget was exhausted.
Each CJS has a travel budget which is under their own control.
This budget is based on estimates for two-three trips to communities per year.
In some cases, the Director has supplied additional travel moneys from the Director's operations and maintenance funds when a CJS has expended all of their travel budget before the end of the fiscal year.
Regular travel to communities and responding to community requests for visits is regarded by the Division as being of primary importance and extra dollars can be found for this purpose.
The CJSs may have to rationalize their travel through more careful advance planning to obtain economic air fares and visiting as many communities as possible when on a particular route.
Some active committees have encountered monetary barriers in being able to obtain the services that clients need, e.g., having the ability to place people on the land in existing camps.
A number of committees would like to develop their own wilderness programs but lack both program development and operational funding for these.
A couple of the committees interviewed are preparing proposals for Crime Prevention Strategy funding for this purpose.
Two commonly mentioned needs were for healing and wellness workshops, both for committee members and for clients, and for a greater number and variety of prevention activities for youth.
In many cases, coordinators (and committees) do not have appropriate office space or equipment.
Issues of access to meeting space (which constrains when meetings/diversion hearings can be held) and privacy to offer clients confidentiality were raised (some share an office or have been given a corner in an open area in the First Nation administration building;
some are in organizations whose other activities may not be compatible with the work of the coordinator, e.g., a youth drop-in centre). lack of available computer, fax and telephone also hampers some coordinators in carrying out their jobs.
There are a number of issues concerning both funding and accountability that need to be addressed.
The failure to take-up the total amount of funding available for communities is related to a number of factors though it is certainly possible for CJSs to play a more active role in this regard.
The pace at which the funding process moves, including the Department's release of moneys, is too slow and unpredictable for communities who are depending upon a steady flow to pay coordinators, honorariums and plan activities.
The Community Justice Division has taken a proactive role in 'fronting' the first payment of moneys to communities.
This involves some risk of losing funds but it must also be recognized that a funding process tight enough to avoid any loss whatsoever would only penalize communities and work against the philosophy and intent of the program.
It is possible to improve the process internally, however, and to Implement more systematic early follow-up on the part of CJSs.

Conclusions
As the above discussion indicates, there are a number of issues concerning both funding and accountability that need to be addressed.
The failure to take-up the total amount of funding available for communities is related to a number of factors though it is certainly possible for CJSs to playa more active role in this regard.
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It is possible to improve the process internally, however, and to implement more systematic early follow-up on the part of CJSs.

The amount of funding being provided to committees/sponsoring organizations is not adequate to the needs that they have expressed.
Expectations of committees on the part of the Corrections Division of the Department of Justice, RCMP, Crown, and members of the judiciary are increasing.
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.
The capacity of existing committees and their coordinators to do this, given the current funding level, is very limited.
Perhaps the most important funding need is for resources devoted to training for CJSs, coordinators and committee members.

The following recommendations are offered to assist in resolving these current difficulties.
These recommendations should be carried out as part of the program enhancement and should be among the early changes made.
It is expected that, if the program is transferred, the transfer body can further adapt or change some of these to meet their own needs.
Accountability will comprise part of the transfer contribution agreement between the Community Justice Division and the transfer partner.

Recommendations

The Division and the Department should examine its own process for sending agreements and cheques with respect to timing. Communities should have their moneys when they expect to receive them, if reports have been submitted.

Funding should be enhanced for the training needs of committees/coordinators.
This is necessary for some of their reporting functions, e.g. bookkeeping, records maintenance.
The importance and potential uses of adequate documentation to the committees/local projects and communities they serve needs to be part of this training.
As one respondent pointed out, knowledge about their experience helps "to build the process of starting a new justice system".

The ability of committees and projects to plan their activities so that they can respond to local needs and demands requires predictability of the funding amount and its timing.
The Community Justice Division informs communities of the amount they can expect.
Timing is a problem, however, not just in terms of the current process but also with regard to the portion of the total payment being provided in each installment.
Some committees find that they require more funds at the beginning of the year or at specific points in order to implement some activities.
Consideration should be given to changing the installment sizes if a committee/coordinator presents a plan requiring this.

Matched Funding/Additional Financial Resources - Programs should take advantage of opportunities for funding from both the federal and provincial/territorial governments. Cost-shared funding that matches provincial/territorial dollars augments resources that allow for additional supports, e.g., hiring of a justice coordinator.

4.3.   Inuit Women and the Administration of Justice, Phase II - 1995[10]

Lack of Resources
The other major problem we have identified that has the potential to undermine the effectiveness of any alternative measure is a lack of resources, both technical and financial.
Recent reforms in the NWT provide a case in point. These initiatives have focused on the rehabilitation of offenders (mainly through alternative sentencing reforms), and the provision of assistance to victims (through the establishment of Victim Impact Statements)
In both cases, the communities are being given responsibility to deliver these new programs without any support structures in place, specially-trained, local personnel or additional financial resources at their disposal.
This approach could easily have the effect of setting communities up for failure because their existing resources are already seriously over-extended.
While the intent behind this specific amendment is positive, it can nonetheless do a disservice to the remote, northern communities that don't have the resources to implement them successfully. (p.85:12)
We are concerned that these measures will become part of an authorized program and police, Crown attorneys and judges will encourage their use without securing the adequate resources to deliver an effective and accountable service. In addition to our earlier recommendation for this specific paragraph, we recommend an express statement identifying funding responsibility for such measures. (85:12)

5.   Relevant Documents, Studies and Practices – Other Canadian

5.1. How to Build a Community Based Organization [11]

Funding sources that are public knowledge – it is not an exclusive list

www.ccsi.org/fund.html
www.fdncenter.org
www.grantsweb
www.nbscf.org
www.nonprofit.miningco.com

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[10] Pauktuutit, Inuit Women and the Administration of Justice, Pauktuutit, Phase II: Project Reports - Progress Report #2 (January 1, 1995 - March 31, 1995) -Appendix #6 - Minutes of Proceedings and Evidence from the Standing Committee on Justice and Legal Affairs Respecting: Bill C -41, Tuesday February 28, 1995, Witnesses: Inuit Women's Association of Canada *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.

11 AJLN, Justice Canada funded by Youth Policy Branch, Mary Anne Arcan, Punky Lake Wilderness Camp Society and Shane Spice, Justice Canada

www.charityvillage.com
www.fundsnetservices.com
www.bcfn.org
www.communityspirit.com
www.inac.gc.ca
www.aaf.gov.bc.ca
www.gc.ca

5.2. **The Benefits and Limitations of Restorative Justice and Development Issues -** [12]

- Restorative justice initiatives have demonstrated a range of benefits the formal justice system does not offer: for individual victims and offenders a more meaningful and satisfactory way of dealing with the impacts of an offence and generally high levels of satisfaction; for justice personnel, swifter justice, greater personal involvement and satisfaction, and considerable cost savings; for communities a more flexible approach and opportunities for greater involvement in justice decisions. The limitations include problems relating to individual rights, overemphasis on offenders and neglect of victims, overall goals, community and organizational commitment, and funding. Many are common to all forms of restorative justice.

Earlier practice and experience is a guide to the avoidance of many future problems, but eight major issues need to be considered in the development of restorative and community justice: net-widening; defining community; power imbalances; philosophy, goals and terminology; legislative impediments; justice issues; costs, benefits and funding, and evaluation.

Net-widening: a problem inherent in all, and a major criticism of many diversionary programmes or alternative sanctions. Minor offenders are drawn into the formal justice system and receive sanctions designed for more serious cases, or alternative sanctions are added-on to existing ones.

Defining the community: the term community is a vague one and has been used indiscriminately. Not all communities are clearly definable, or capable of sustaining or engaging in restorative justice projects, nor are those engaging in partnerships necessarily representative of all groups in a community. Engaging the community in restorative justice should not be seen as a 'quick fix' for crime prevention, some community problems cannot be dealt with without broader policy and longer-term input.

Power imbalances: those in positions of power in a community may not necessarily endorse restorative principles. Gender, cultural and minority concerns need to be included in developing restorative practice - eg. in individual circles or conferences - as well as broader planning or on-going partnerships. By virtue of their roles, justice professionals and others in positions of authority need to guard against abusing their power, particularly over young people.

Philosophy, goals and terminology: these are linked together and need to be clearly articulated to avoid the 'incorporation' of programmes and movement away from restorative principles, and to retain a balance between the interests of victims, offenders and community members. Incompatibility between the goals of partners, often imbedded in past training or working practices, requires particular attention.

Structural and legislative barriers: these may restrict the essential flexibility and vision of restorative approaches, or prevent their application to the more serious cases which stand to gain most from such approaches.

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[12] Margaret Shaw and Frederick Jané, http://qsilver.queensu.ca/rcjnet/projects/execsum.htm

Justice issues: lack of due process, of clear definitions, vague procedures, and disparities in outcomes eg. in circle sentencing, conferencing and informal diversion, have all be criticised, although admitting involvement in an offence is an essential safeguard. Injustices may also result if the most isolated and marginal offenders are excluded from restorative approaches.

Costs and benefits: costs should not be allowed to drive initiatives and projects involving justice personnel cannot be sustained without specific additional funding, while community organizations need on-going not short-term funding. Calculating the costs and benefits of restorative justice initiatives will present 'formidable conceptual and practical problems' (Knapp, 1992). They should include hidden and direct costs and savings, and some of the benefits may be difficult to quantify, costs will vary with the location and size etc. of projects. Tackling more serious cases may be more cost-effective than less serious ones. Restorative justice projects, especially at the pre-charge stage, will have cost savings but support services must still be maintained.

Evaluation: the lack of evaluation of restorative justice projects has been a major complaint. Evaluation provides assessment of how far programme goals are being met, substantiation of claims for effectiveness, and accountability to communities and funders. Evaluation needs to be integral to the development of projects and involve those closely associated with them. It should examine the process and implementation of projects as well as outcomes, including case selection, participant involvement and satisfaction, agreements reached, community involvement, completion of agreements etc. Projects need to be well planned, monitoring set in place, and implementation assessed, since poor implementation may sink viable ideas. Assessment of impact may consider immediate and medium term outcomes, or longer term outcomes including re-offending, and comparative costs and benefits with the formal justice system. Data should be qualitative and quantitative. All evaluative processes require adequate staffing and funding.

5.3. Commission On The Future Of Health Care in Canada • Interim Report - 2002
More Public Investment
One perspective is that public health care has been deprived of adequate funding for years and this has damaged what was considered a model system in the world. Supporters are convinced that, with more funding, we can repair the damage that has been done and deliver high quality services. The system would work well if only it had more money. The solution, then, lies in adding more resources (including doctors, nurses and equipment) by increasing public spending, either through a tax increase or by reallocating funds from other government programs.

Reorganize Service Delivery
This perspective favours fundamentally reforming the organization and delivery of health care with the ultimate objective of integrating all services in a seamless manner. Advocates of this perspective argue that the traditional "fee-for-service" system for paying doctors is an outmoded concept that provides few incentives to focus on "wellness" and often leads to inappropriate and more expensive care. For example, one recommendation would involve patients registering with what would become a network of community-based health facilities providing more timely and accessible care by the right providers. Funding of these centres could be designed to create incentives for providers to work efficiently and focus on prevention.

And some Canadians are concerned that increased public spending on health care is beginning to crowd out public investment in other areas such as education, social services or housing.

The issues are complex and, in many cases, there is no consensus on basic questions such as the relative shares of provincial and federal funding, how best to address trends in funding, and whether we are spending too little or too much of provincial and federal budgets on health care.

For the purposes of this Interim Report, and to get Canadians thinking about the fiscal challenges, it is important to begin with a snapshot of the fiscal situation, some of the factors that are driving

costs, how we fund the health care system today, and the options we might consider for ensuring sustainable and stable funding for the future.

What do we know about health care spending in Canada? Are we spending too much or not enough? Frankly, there is no consensus and the answer depends on the financial approach you take and how you look at the numbers. However, there is some clear evidence available.

In many ways, what we do to ensure fiscal sustainability depends on how we define the problem and the values we bring to the discussion. The solutions and fiscal options people support are tied directly to their views on the nature of the problem. If people think the fiscal problems we face in health care today result from inadequate funding in the past and the need to "catch up," then the solutions lie primarily in increasing federal and provincial funding for the current system.

• There are no simple, easy answers to the issue of funding. Both orders of government make decisions that have an impact on their ability to fund increasing costs in the health care system. The solution does not lie in pointing fingers but in putting a better process in place to determine the relative federal and provincial shares for maintaining a viable and effective
health care system.
• Uneven and erratic fluctuations in funding that have plagued the system in the recent past must be replaced with predictable, long-term funding arrangements where the rules and expectations of governments are clear.
Is transparency in terms of how much money is being spent, by whom, on what basis, and with what results?

Is this similar to the issue facing community justice?

5.4. Strings Attached: Non-Profits & their Funding Relationships with Government - 1999 [13]

Background
The Alternative Service Delivery Project is one of a number of research projects funded by the Kahanoff Foundation, and collectively known as the Non-Profit Sector Research Initiative.
The Initiative was established by the Kahanoff Foundation to promote research and scholarship on non-profit sector issues and to broaden the formal body of knowledge on the non-profit sector.
The Initiative works to increase understanding of the role that non-profit organizations play in civil society and to inform relevant public policy.
The Canada West Foundation's Alternative Service Delivery Project (ASDP) was initiated to increase understanding of, and stimulate debate about, Canada's non-profit sector, its relations with the state, and its role in the delivery of social services.
Drawing on data collected from 72 non-profit social service agencies operating in five provinces, Strings Attached explores the interface between the state and the non-profit sectors, and discusses the pros and cons of delivering social services on the state's behalf.
The report will form the starting point for a series of roundtables to be held in major cities throughout western Canada and Ontario.

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[13] Canada West Foundation, Susan McFarlane and Robert Roach, Strings Attached: Non-Profits & their Funding Relationships with Government, Alternative Service Delivery Project, Research Bulletin, Number 4, September 1999. http://www.cwf.ca/pubs/199914.cfm?pub_id=199914

The roundtables will allow non-profits to comment on the results of the research and help develop a set of practical recommendations for improving relations between governments and their non-profit service delivery partners.

Government Motivation: Governments seeking to reduce costs, enhance efficiency, and provide citizens with evidence of effective social policy often turn to the non-profit sector as a better and/or less expensive means of delivering social services formerly delivered by government agencies. [14] Governments transfer tax dollars to non-profits to deliver supplemental programs or to help finance causes deemed worthy of public support.

Although government funding of non-.profit social service agencies is a longstanding practice in Canada, three factors have converged to place it in the public policy spotlight:

(1) the need to control public spending;

(2) dissatisfaction with the state's ability to deliver effective social services (and the popularity of the argument that governments are better at setting policy than at carrying it out); and

(3) a general trend in favour of increasing community involvement in social welfare activities.

– But what happens to the agencies that take on government contracts? Do they become mere agents of the state, or are they able to maintain their independent character?

– **Attractive Alternative:** Findings suggest that non-profit social service agencies that deliver services on behalf of the state continue to exhibit the characteristics that make them an attractive alternative to government delivery.

– **Shadow State – Agents of the State:** However, findings also indicate that there is a real danger that non-profits that deliver services for the state will lose their unique identity and become a "shadow state."

– "Whether it is intended or not, governments seeking to achieve legitimate objectives such as public accountability and cost-effectiveness often restrict the freedom of action non-profits need to be flexible and respond to the unique needs of local communities," says the Foundation's Director of Non-Profit Sector Studies Robert Roach.

– "On the bright side, there are numerous examples of healthy relationships that can be used as templates to improve the overall effectiveness of the partnership between the two sectors and the independence of non-profits."

– ...contracting-out necessarily puts voluntary groups in the service of public purposes. While this is perfectly reasonable from the point of view of the state and its citizens who provide the tax resources for service delivery, it nonetheless can limit the range of activities undertaken by voluntary groups and shape their modes of operation. [15]

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[14] Also known as voluntary or third sector organizations, non-profits are defined in The Social Work Dictionary as organizations "established to fulfill some social purpose other than monetary reward to financial backers" (Barker, Robert L., Third Edition. Washington, DC: National Association of Social Workers, 1996). The non-profit sector includes, for example, professional associations, arts groups, churches, research institutes, homeless shelters, and trade unions. The ASDP is concerned with the sub-set of non-profits that deliver social services, often called social service or social welfare agencies. For the purposes of this and other ASDP research bulletins, hospitals and universities are not considered social service agencies.

[15] Jennifer R. Wolch, The Shadow State: Government and Voluntary Sector in Transition. New York: The Foundation Center, 1990, page 216 cited in Canada West Foundation, Susan McFarlane and Robert Roach, Strings Attached: Non-Profits & their Funding Relationships with Government,

I. Introduction

Revenue
The state has been, and continues to be, a primary source of revenue for the non-profit sector.
The charitable sector (a sub-set of non-profits registered as charities with Revenue Canada) received approximately $90.5 billion in revenue in 1994 – 60% of which was provided by governments.
Charities classified as social service organizations received $8.8 billion in revenues – 64% of which came from government.[16]
These statistics illustrate both the importance of the charitable sector and its dependency on government.
The strings attached to the government funding (as well as the actual dollars) are, it follows, likely to have a significant impact on non-profit organizations.
Understanding how these strings affect the character of non-profits is important because it suggests ways that relations between the state and non-profit sectors can be improved and, in turn, will help both sectors to recognize and preserve the service delivery advantages and positive social by-products associated with the non-profit sector.
Non-profit organizations that seek or receive government funding operate in an environment marked by competition for finite resources, evolving public policy, periodic turnover of elected officials, government restructuring, and differences within and across government departments and jurisdictions.
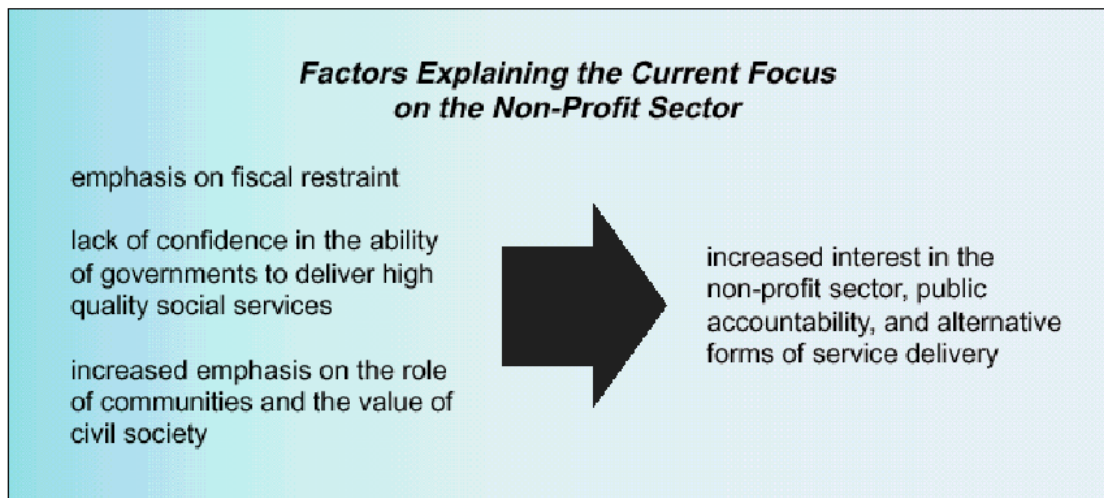
Figure 1

Alternative Service Delivery Project, Research Bulletin, Number 4, September 1999.
http://www.cwf.ca/pubs/199914.cfm?pub_id=199914
[16] Michael Hall and Laura Macpherson, "A Provincial Portrait of Canada's Charities." Canadian Centre for Philanthropy Research Bulletin, Spring/Summer, 1997. The percentage of revenues supplied by government averaged 81% for survey participants. This is explained in part by the fact that the survey excluded agencies that receive no government funding at all. Nine in ten agencies (91%) receive half or more of their revenues from government. A small number (7.1%) receive all of their revenues from government. The agencies that provided financial information (n=56) received an average of $1.3 million from government in 1997.

Despite the complexity of government funding arrangements and the heterogeneity of the non-profit sector, a number of generalizations about the funding relationships between governments and non-profit social service organizations are outlined in this bulletin.

Based on a survey of the executive directors of 72 non-profit social service agencies operating in five provinces, these generalizations illustrate some of the challenges faced by non-profit agencies that deliver social services on the state's behalf and point to ways that relations between the two sectors can be improved.**17**

In 1994, charities classified as social service organizations received $8.8 billion in revenues – 64% of which came from government.

Questions asked during the survey relevant to this research bulletin include:

What is required to secure a government contract?

What conditions are attached to the government funding your organization receives?

How do these conditions affect your organization?

What do you perceive to be the main issues arising out of the relationship between governments and non-profit social service organizations?

The survey allowed participants to comment on their organization's funding arrangements with the provincial government department responsible for social services.

The results illustrate how non-profit social service agencies perceive their relationship with provincial social service ministries and provide a general sense of the pros and cons of taking on government contracts.

II. Some Context

Non-profit social service agencies have a long and venerable history in Canada.

Early private charity organizations in pre-Confederation Canada were often religious or ethnic in origin, and were established to address needs left unmet by families, neighbours, and the state.

Over time, government grants and contracts were used to assist private charity organizations to meet the needs of citizens, and charities came to accept government monitoring and regulations in exchange for the monies they received.5

Legislation defines the social services for which a government deems itself responsible.

These services are typically referred to as statutory, mandated, or government services.

Once a government assumes responsibility for a social service, the government decides if it will deliver the service itself or hire a non- or for-profit provider.

Governments also provide social service agencies with funding for services that are either non-statutory or a supplement to statutory services.

These arrangements create complex relationships between Canada's governments and non-profit social service organizations as non-profits deliver services on behalf of the state, fill gaps left by the state, and respond to emerging social needs.

It is important to note that relations between the two sectors have evolved in an ad hoc rather than systematic fashion with different governments pursuing different approaches at different times.

As government downloading of social services has gained momentum in Canada, two trends have developed:

(1) non-profit agencies are taking on additional responsibilities as they manage more programs on behalf of government and attempt to serve expanding and increasingly diverse populations; and

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17 As part of the Alternative Service Delivery Project, a survey of non-profit organizations was conducted in two social service areas (services for children and youth and services for women in crisis) and five provinces (B.C., Alberta, Saskatchewan, Manitoba, and Ontario). For a detailed account of the survey methodology see Susan McFarlane and Robert Roach, Making a Difference: Volunteers and Non-Profits,. ASDP Research Bulletin #2 Calgary: Canada West Foundation, 1999. http://www.cwf.ca/pubs/199903.cfm?pub_id=199903

(2) elected officials and government departments are placing greater emphasis on holding non-profit social service organizations accountable as a means of enhancing their control over service providers and of improving program evaluation and policy planning.

Two schools of thought exist regarding the impact of government contracting on the character of non-profit agencies.

First, there are those who claim that government exerts a controlling influence that has caused a distortion of the original mission and role of non-profit organizations.

Hence, non-profits that receive government funding experience a loss of autonomy and distinctiveness, and become "quasi-government" agencies that deliver services according to government specifications.

Others contend that the loss of autonomy, and the professionalization and bureaucratization of the sector are exaggerated, and that the contracting process is characterized by mutual dependence.6

Salamon argues that the relationship between the state and non-profit sectors is best described in terms of a mutually beneficial partnership: government exploits the comparative advantages of non-profits (e.g., flexibility, cost effectiveness, volunteers) and non-profits benefit from financial support.7

In keeping with this, many non-profits believe that accepting????

"We create a program and send our ideas to the Ministry. Then we are told that there is no funding. Years later the Ministry comes out with the same 'new' program. So we have to rewrite our old proposal to match it in order to get funding. This shows the lack of recognition of our innovation and that we are not taken seriously. If the government had accepted what we originally proposed it would have been a great example of something that came from the community."– Survey Respondent

Possible Sources of Non-Profit Revenue/Support
individuals or corporations (includes in-kind donations, cash, and volunteers)
private granting foundations (e.g., Max Bell Foundation, Donner Canadian Foundation)
savings incurred through tax exemptions
fundraising efforts (e.g., charity auctions)
charitable gaming (e.g., raffles, bingos, casinos)
government gaming grants (Alberta, Ontario, Saskatchewan)
local United Ways
membership fees
fee-for-service
municipal, provincial, and federal governments (grants and contracts).

government funding is a **tradeoff** between obtaining the funds they need to carry out their missions and limitations on their freedom of action.

This raises a core question: is it possible to strike a balance between the state's legitimate interest in setting public policy and ensuring that organizations spending public dollars are held accountable, and the need to protect – indeed enhance – the unique qualities that give non-profits a comparative advantage over the state?8

Relationships between the state and non-profit sectors raise a second core question: who is responsible for helping people in need of a specific social service?

Is it the state, the non-profit sector, a combination of both, or an even wider enterprise involving the for-profit and informal sectors?

This question is important because some non-profits argue that the non-profit sector is exploited by governments that are unwilling to pay the full cost of services for which they are responsible, and instead expect non-profits to "do more with less" or make up the difference through their own fundraising efforts.

Who is responsible for a particular social service, and how each sector answers this question, goes to the very heart of the relationship between governments and non-profit service providers and points to potential barriers to a fruitful partnership.

If one partner sees the government funding as a gift and the other sees it as the responsibility of the state to ensure that certain needs are met, this can lead to tension and misunderstandings that hamper the system's ability to help people in need.

The following sections address these questions by examining the contracting process, contract requirements and conditions, and key areas of government influence identified by survey respondents.

III. The Contracting Process

The results of the survey indicate that the contracting process is significantly more complex than an open, competitive bidding system where contracts are awarded to the lowest bidders with the best products.

It is not unusual for governments to roll-over contracts because they have established a relationship with an agency or because other service providers do not exist.

Governments in Canada have, moreover, tended to prefer funding non-profit organizations to deliver social services rather than open the system up to for-profit competition.

As a result, governments interested in ensuring social services are available to citizens tend to rely on non-profit agencies with pre-existing mandates to help people in need.

Although typically one-sided (governments "hold most of the cards"), the funding process is perhaps best characterized as a partnership rather than a market-based exchange.9

Most agencies included in the survey have an existing contract with the province that is renewed on a regular basis.

Although the agency may have originally received the contract through a formal tendering process, the contract is usually renewed if the services are provided

"On one hand there are program standards that need to be met and on the other hand we can't meet program standards effectively with the money that is provided." – Survey Respondent

in a satisfactory manner. Services are most likely to be tendered if they are part of a new government program, or if an existing contract is terminated. Changing contractors every year creates two primary problems that lead governments to maintain existing arrangements:
(1) it is disruptive to clients; and
(2) it is often difficult to find a new agency with similar expertise and reputation.

Formal tendering was not the predominant method for awarding contracts to the agencies surveyed, as many organizations were given a direct offer to provide the service or were informed about new program funding that may become available.

However, this situation can vary with changes in the political environment, as was the case in British Columbia when the Ministry of Children and Families implemented competitive re-tendering of contracts. Core funding or long-term funding that supports primary services (e.g., funding to run programs at a women's shelter or to keep the shelter operating) is usually renewed annually, but the length of the contract can vary.

Participants used the term "rolling over" of contracts, which means that the contract (service requirements and budget) remains relatively unchanged year after year. Other contracts support special projects and usually have a limited term, perhaps lasting a few months. For example, special grants or short-term contracts may support new pilot programs, or are used to produce and distribute public education materials.

IV. Contract Complications
Although rolling over contracts does provide executive directors with at least some sense of security and the feeling that they are providing an adequate service, the procurement process is not without complications. These include:

Unrealistic Expectations. Core funding levels do not always match the government's expectations of what can be provided for that cost. Numerous respondents pointed out that insufficient funding typically means that staff are poorly paid and overworked; in this way, governments exploit the social commitment of non-profit agencies and their staff. Several executive directors of emergency shelters for women suggested that the
government does not respect the value of the work done by shelter staff (e.g., "We are not seen as professionals and we should get more respect for what we do. The government views us as housewives and, as a result, the salaries we can offer are low; they are inappropriate for what we are doing and the education level of staff."). It was also noted that staff often leave the social service sector for higher paying jobs in other sectors.

Instability and Short-Term Focus. The length of contracts was an extremely important concern expressed by respondents. Many argued that the contracts need to be longer because they do not facilitate the stability needed to deliver high quality services and do not allow for long-term planning. The renewal of contracts and the tendering process create stress, consume a great deal of resources, and are unnerving for staff. As one director stated, "the government needs to move away from project funding and instead needs to look at the long-term project funding or core funding. We need time to set up the programs. Reporting requirements have become very stringent regarding evaluation, but we are not funded adequately to have the staff to develop and do these kinds of things."

"When non-profits are small, they can develop procedures and practices aroundwhat works. This is preferable to a large bureaucracy that is putting out policies
around the province that may not work in a certain area. Because non-profits are small, and the people creating the policies are close to the work being done, they are close to what the issues are – this is the advantage of non-profits."
– Survey Respondent

Short-term projects eat up resources and create a sense that helping people is a temporary activity that may end at any time.

Insufficient Opportunity to Negotiate. Numerous respondents cited the lack of a formal negotiation process as an area in need of improvement (e.g., "We just go in and sign the contract and keep the same conditions and the same contract."). Another respondent stated that "there is no application process. The contract is rolled over and there has been no negotiation for three years. We just sign the documents since the government always says that there is no money and no money means no changes."

Ideally, during contract negotiation, a non-profit agency works with the funder to clarify the details of the contract. This type of collaboration builds mutual acceptance of the contract conditions especially those pertaining to appropriate statistical measures and outcomes. Often, however, there is little communication on the specifics of the contract. One executive director commented that "there is no collaboration between government and agencies on what kind of reporting should be done. Frustration is created by the
government forms, and the government often wants information that is difficult to track
or information for things they do not fund." This points to the general lack of

communication between the two sectors discussed in more detail in later sections of this report.

It is important to note that this is not always the case (e.g., "The renewal of an existing agreement means that changes can be negotiated prior to the contract being signed."). Properly carried out, contract negotiations can create changes to the type of service or program offered or the financial resources required to provide the service.

Excessive Use of Resources.
Some respondents reported that applying for funding consumes a great deal of administrative time and redirects resources away from serving clients.
Respondents were, however, generally in favour of using the application process to improve services and "to evaluate programs and let the government know where resources are needed."

Influence of Personal Relationships.
The application process often depends on the personal relationships that develop when non-profit and government staff interact.
A government contract specialist, government liaison, or regional representative may work with non-profit agencies on their funding applications, answer questions, or even expedite the process.
Problems are created when the personal relationships break down.
One director noted that the agency "had the same contract manager for several years, but when he left, we were back to doing line-by-line budgeting. Trust and personality issues are important in the contract process."

"Money is very seldom given in a way that you can do with it what you want – there are always strings attached which makes sense or we would all be driving new Cadillacs."
– Survey Respondent

V. Contract Requirements
Accountability is an obligation to explain how a responsibility for an assigned task has been carried out.
Assessing whether or not a service provider has met the conditions outlined in a contract is one of the main mechanisms by which the state ensures an appropriate level of public accountability.
Most survey respondents found the conditions imposed by their contracts with the provincial government to be appropriate.
The following comments illustrate this point: "At an absolute minimum we need some written conditions." "We should have provincial standards for shelters since we need to have a high quality service and the government needs to be accountable." "If non-profits are not run properly, they may be using the money inappropriately, so accountability measures are needed."
Accountability requirements specified in government contracts can be divided into two general categories:
administrative and programmatic.
Survey respondents were asked to describe the conditions attached to the funding they receive from their provincial social service department.
The following comments, although by no means exhaustive, represent the range of conditions attached to the contracts.

Administrative Conditions. Administrative or procedural accountability refers to the process governing the contractual relationship and includes the terms of the procurement process, requirements for audits and fiscal standards, and compliance with provincial standards or laws.

The government must determine if the taxpayer has received an adequate return for the money provided. Examples provided by respondents of the methods the state uses to make this determination include:
statistical reports; external evaluations; performance targets and forecasts for services; provincial program standards; audited financial statements; and financial reports.

Financial requirements are perhaps the strictest type of contractual condition. Budgetary and accounting practices are formalized and financial audits are a standard practice.

Frustration was expressed by respondents because governments do not usually allow agencies to move surplus revenue from one budget area to another. This reduces service flexibility and prevents agencies from reacting to changes that they are aware of from their vantage point within the community. The need for a strict accounting of monies spent and the desire to exert central control over service providers exist in tension with the goal of using the flexibility and community orientation of non-profit organizations.

"I don't think that we could deliver the services to extremely disadvantaged people without government money. We can't run on a fee-for-service private practice model and we can't expect private business to deliver the service. We are beholden to the government for the money, like it or not."
– Survey Respondent

Programmatic Conditions. Programmatic requirements relate to the specific service or services an agency is contractually obligated to provide.
Eligibility requirements, service delivery methods and procedures, and staff qualifications are examples of programmatic requirements. The key question is whether or not the service provider has delivered the service described in the contract. A government may, for example, set the maximum number of days a woman in crisis can stay in a shelter or provide funding for a program that requires clients to be children under 14 years of age. Given the number and variety of conditions described by respondents, government involvement in the day-to-day operations of non-profit service providers is relatively high.

As is the case with administrative conditions, respondents indicated that they respect the need for programmatic conditions and the state's interest in setting them, but feel that more flexibility is necessary and would appreciate greater input into the process whereby conditions are set.

VI. Effects of Contractual Arrangements on Non-Profits
Despite a great deal of variation among individual cases, a significant number of respondents felt that the conditions imposed by the provincial government were unnecessarily onerous and reduced their organization's flexibility, freedom to innovate, and ability to respond to the unique needs of the community it serves.

Participating agencies were asked to comment on the effects that contractual conditions have on their agencies. Responses tended to fall into four categories:
(1) dependency and accountability;
(2) the positive characteristics of non-profit agencies;
(3) autonomy; and
(4) benefits of conditions.

Dependency and Accountability. According to respondents, the regulations, rules, and financial accountability requirements imposed by the state have become more stringent.
As a result, the state is more involved in the day-to-day operations of non-profit service providers. Respondents strongly supported the need to be accountable, but also expressed a great deal of frustration with the one-sided nature of the accountability regime; governments tend to set the accountability requirements without seeking the input of the non-profits that have to live up to them. Many respondents also felt constrained because of the degree to which they depend on government for funding. As one respondent stated, "non-profits feel less secure because government is controlling more of the money." This can place many non-profit agencies in a difficult position and increases the sense that the relationship is one-sided since, "with the stroke of a pen, [the funding] can be gone."

"A lot of agencies have become creatures of government."
– Survey Respondent

At one point our agency was trying to decide whether or not we would adopt the government recommendations. The government position about this was point blank: 'we pay for this service and, if you cannot deliver it [the way we want,] then we will purchase it somewhere else'."

A common theme among the comments is that "black and white" conditions that leave little room for interpretation or innovation are not the best way to ensure that service providers are accountable and achieving the state's policy objectives. When the state exerts too much control, both partners suffer; non-profits lose some of their independence and the state is not able to take advantage of the qualities that are supposed to differentiate non-profits from the state such as flexibility and community responsiveness. In the face of government control, respondents indicated that they *struggle* to maintain their non-profit identity. Although it appears that the non-profits included in the survey have been able to maintain their unique qualities so far, there is a real danger that the need for funding may force them to give up some of their unique qualities in order to survive.

Respondents were apprehensive that the state remains preoccupied with fiscal accountability and reporting the number of clients served despite government rhetoric to the contrary. In theory, governments are placing greater emphasis on outcomes rather than counting dollars and clients, but respondents indicated that this is often not the case. For example, the director of a children's agency said that, "ten years ago they introduced [reform] and it had good intentions as it would be less budget-oriented and use outcomes to describe services. However, this was a failure. Area offices were not able to make good use of the information. It became a tedious process and became a budget process."

Another respondent notes that the "focus is moving toward occupancy rates. It will be difficult because the rural numbers are not as high as the numbers being served in urban shelters. It may be difficult to meet the criteria if the government decides to apply the same standard across the province."

The emphasis on standardization noted by some respondents undermines the ability of non-profits to focus on local needs and circumstances. Respondents stressed that one size does not fit all, and that agencies should not be lumped together as if they are all the same.

The Positive Characteristics of Non-Profit Agencies. As accountability grows in importance, and conditions become more rigorous, there are marked effects on the

positive characteristics that non-profit agencies possess including flexibility, community responsiveness, and their role as advocates for their clients.

Flexibility. Most respondents cited the tendency of contractual obligations to severely limit the flexibility of their organizations as a negative side-effect of accepting government funding. From the perspective of respondents, governments seem very nervous about allowing non-profits to step outside the rigid confines of
government policy and make front-line decisions based on their own assessment of the situation.

Respondents stressed that one size does not fit all, and that agencies should not be lumped together as if they are all the same.

As a result, organizations are forced to find creative ways to be flexible that do not put their government funding in jeopardy. In this way, the non-profits included in the survey have been able to maintain their flexible nature, but have done so in spite of taking on government contracts rather than with the state's blessing.

Respondents made it clear, however, that non-profit service providers should not have free rein to do whatever they want with government funds.

On the contrary, they took pains to point out their support for appropriate government guidelines and monitoring.

The following statement is typical: "Although we believe in accountability, our flexibility is tightened-up by the contracts."

Community Responsiveness. Intimately linked to the need for funding arrangements that allow for a greater degree of flexibility is the refrain embedded in the survey results that the strings attached to government funding prevent them from responding effectively to community needs.
It is, for example, common for the state to require service providers to select clients based on strict guidelines set by a distant government department: "We were forced to establish waiting lists according to the government definition, e.g., 'these individuals are not as high a priority as those individuals'."
The result of this and similar limitations is loss of the local control that is one of the key factors enabling non-profits to be effective service providers.
Respondents noted the need for a greater degree of trust on the part of the state and the value of moving beyond using non-profits to deliver "government services" and allow them the freedom to tailor services to the unique needs of their clients and communities (e.g., "They [the government] don't give local communities control over what would work in their community.").

Advocacy. Contractual obligations also affect an organization's advocacy efforts.
A number of the women's shelters that took part in the survey, for example, are passionate about political campaigning, but their executive directors felt that government funding arrangements limited this activity. One director illustrated this point by stating that *"once government funding is accepted, an organization can lose its political edge and this would mean that other people have to work for political change…. It is almost odd to take government funding and expect to be able to [remain politically active]."*
This raises a number of key questions: If non-profits lose their freedom to advocate on behalf of their clients and communities, what does this mean in terms of their role in society and the health of a pluralist democracy?

Should non-profits have to refrain from advocacy simply because they accept government funds?
How do governments ensure that public funding intended to pay for services is not used to advance particularistic causes?
The strings attached to government funding sometimes reduce the ability of agencies to respond to emerging community needs.

Autonomy. Autonomy allows non-profit organizations to act on their positive characteristics, including being innovative, flexible, and responsive.

It also enables them to maintain an independent identity and avoid becoming absorbed into the state. Respondents repeatedly stressed the importance of autonomy and the fear of becoming too reliant on government funding:
"It would feel like the government owned us if all of our funding came from them." "We still think we are a little bit too dependent on government funding…however, we don't feel it has hampered us a great deal. We still like our autonomy and having some independence and to try and provide a leadership role. Being tied to government funding does not fit with our mindset."
 Overall, and notwithstanding significant frustration with the degree of control exerted by the state, survey participants reported that their funding arrangements with government leave them with a fair degree of autonomy.
Over 80% of the agencies reported that they have a significant amount of autonomy.
They are not, in other words, mere agents of the state, but remain distinct entities.
Nonetheless, 9% of the agencies reported having very little autonomy and 3% reported having no autonomy at all.

Benefits of Government Conditions. Contractual conditions can also have a positive impact on non-profit social service agencies. The following comments are typical:
"Conditions have a positive impact since they give us good feedback and suggestions, and help to create an effective and efficient service."
 " The program standards are quite comprehensive, but not really a bad thing. Overall, they are quite good and ensure a certain amount of standardization between shelters."

Respondents stressed the need for a relationship with government in which both sides take part in the development of conditions, standards, and accountability mechanisms *(e.g., "The government needs to continue to set standards of service, promote collaboration and communication, provide staff training, maintain regular contact, and act as a liaison.")*

VII. Maintaining a Healthy Relationship
The overall government-non-profit working relationship is determined by the:
tone set during contract negotiations,
length of time that the contract has been in place, and
degree and nature of the personal interaction among government personnel and non-profit staff.
Respondents cited good communication and a high level of interaction between the two sectors as critical elements of a fruitful relationship.

Government Role: Government staff perform a variety of fundamental roles including:
negotiating contracts,
answering questions,
articulating government policy,
announcing new programs, and
monitoring and assessing programs.

Agencies that have a good relationship with government staff stressed the value of the relationship; agencies with a bad relationship or an insufficient level of contact stressed the need for improved relations and/or more interaction

(e.g., "We requested a meeting with the contract specialist in July and they are not coming until October – this needs to be improved and they need to show more support for the organization.").

It is important to note that the strings attached to government funding can also have positive effects on non-profits.

Numerous respondents reported that they have a good relationship with the government staff assigned to work with their agency but lamented the lack of authority possessed by local government contacts (e.g., "The local representatives are good, involved, and caring [individuals]…but they have no power over the money.").

Respondents noted the value of government staff that are trained to work with non-profit organizations and understand the environment in which non-profits operate and the pressures they face. The following comment illustrates this general concern: *"There is a need to establish reliable and consistent senior representatives to work with agencies]. Also, they should be training them to work with non-profits and they need adequate skills suited to the realities non-profits have to deal with such as budgeting, administration, and labour relations."*

The importance of ongoing communication was also stressed and a number of problems were linked to a lack of discourse with the government *(e.g., "[Government] could have more discussions with us since there is a lack of communication about issues and sometimes their expectations are unclear.").*

Finding time to meet, keeping each other informed, and articulating clear expectations are crucial to the establishment and maintenance of a healthy government and non-profit sector relationship. There is some tension evident in the position of respondents, however, created by a simultaneous desire to have a close relationship with government and a relatively hands-off relationship that allows the agency a fair degree of autonomy.

How to strike a balance between these two scenarios is an issue of central importance to the future health of Canada's system of social services. The state must want to be involved and expend the resources necessary to ensure that it is. Non-profit organizations must be open to this involvement and, given, the results of this survey, it appears that they are. The results also indicate that there is some apprehension about state interference in the operations of non-profits.

For this reason, and as a means of ensuring that non-profits remain a meaningful alternative to the state rather than mere producers of government services, governments must respect the autonomy of their non-profit partners and work with them rather than adopt a command and control approach.

VIII. Concluding Remarks
Although the survey used as the basis of this report is far from the final word, it points to a number of factors that directly affect the health of the relationship between governments and the non-profits they fund. Understanding these factors will help policymakers to minimize the degree to which taking on government contracts alters the unique characteristics of non-profit agencies.

The state must respect the autonomy of its non-profit partners and work with them rather than adopt a command and control approach.

Non Profit Ethos: As a group, respondents have been successful at maintaining a non-profit ethos in the face of government funding:
they use volunteers;
they find ways to be flexible and respond to the unique needs of the communities they serve;
they try innovative methods of service delivery; and they put their clients first.
There is a strong sense among respondents that non-profits have something unique to offer and that this differentiates them from both the state and the for-profit sector.

Fears: At the same time, there is an underlying fear that government will, if it seeks to exert more control over the agencies it funds, limit the expression of the sector's unique traits.
It is also important to note that, although the survey results cannot be used as evidence of broader trends within the non-profit sector, a small but significant portion of the sample reported that their funding arrangements with the state leave them with no autonomy.
If non-profits have something to offer to the delivery of social services and a vibrant civil society, this situation bodes ill and should be carefully monitored.
Respondents are concerned that if the state is not held at bay, it will overrun the sector and transform it into a shadow state.

Successful Partnerships: Nonetheless, the results also indicate that the partnership works well for many non-profits. These examples can, in turn, be used as templates of healthy relations between the two sectors. Although more research is required, the findings suggest that successful partnerships are marked by:

ongoing and two-way communication;
a balance between the state's interests in setting policy and ensuring accountability and the value of allowing non-profits the freedom they need to realize their comparative advantages and maintain their independence;
a straight-forward and consistent tendering process;
recognition of, and empathy for, the needs of non-profit social service agencies; and
a clear sense that both partners are "in this together" and committed to helping people in need.

Two-way communication was identified as a critical element of a healthy relationship between the state and non-profit sectors. Although the results of this survey indicate that non-profits have been able to maintain their non-profit character, they have had to struggle to do so.

There is no reason to assume that a tighter partnership between the state and non-profit sector must lead to the erosion of the non-profit sector's independence and its
metamorphosis into a mirror image of the governments that fund it.

First, the state has, or should have, no interest in undermining the qualities that make the non-profit sector unique for it is these qualities that make it an attractive alternative to state delivery in the first place.

Second, the survey results suggest that non-profit social service organizations have a strong sense of their identity and have been actively defending their independence even as they have found it necessary to accept a more intimate relationship with the state.

Third, there are numerous examples of good relations between the two sectors. Also of importance is the willingness expressed by respondents to accept direction from the state, strive to be accountable, and work with the state toward common goals.

Sole Source of Funding: It is important to note that many non-profit social service organizations do not have the option of turning down government funding.
The state is often the only source of adequate funding or organizations find it difficult to turn down money that can be used to help people in need.
As a result, government is often "in the driver's seat" simply because it has the money non-profits need.
This places an additional burden on the state to make sure that it does not unduly restrict non-profits and allows them – within the limits set by public accountability – to be themselves and do what they do best.
This is not an easy task given the complexity of the social service system.
Governments need to become better managers and remind themselves why they are using non-profits in the first place.
There is also the difficult task of working out the philosophy behind the contemporary welfare state; in short, who is responsible for meeting social needs?

Notes
5. Guest, Dennis, The Emergence of Social Security in Canada,Second Edition, Revised. Vancouver, UBC Press, 1985, page 13.
6. This argument is outlined in Ralph M. Kramer, "Voluntary Agencies and the Contract Culture: 'Dream or Nightmare?'" in Social Services Review, 68:1, March 1994, page 47.
7. Lester Salamon, "Partners in Public Service: The Scope and Theory of Government-Nonprofit Relations" in W.W. Powell (ed.), The Nonprofit Sector: A Research Handbook.New Haven: Yale University Press, 1987.
8. See Susan McFarlane and Robert Roach, Great Expectations: The Ideal Characteristics of Non-Profits, ASDP Research Bulletin #3. Calgary: Canada West Foundation, 1999. Copies are available from the Canada West Foundation or may be downloaded from the Foundation's web site (www.cwf.ca).
9. The inappropriateness of applying market analogies to government funding of non-profit social service agencies is also highlighted by the fact that the state purchases services on behalf of citizens – it is not the actual consumer of the services it buys.
10. It is an assumption that only the state is concerned with accountability when, in fact, many survey participants noted that they have their own internal procedures or that they are affiliated with provincial or national associations that set operational guidelines and standards. Conditions are tied to the core standards or program standards and the agency's mandate and, in this way, a non-profit seeks internal
accountability for the services it provides. As Salamon notes, "pressures for improved agency management, tighter financial control, and use of professionals in service delivery do not, after all, come solely from government." Salamon, "Partners in Public Service," page 115.

Alternative Service Delivery Project Publications
Research Bulletin #1: Introduction to the Project and Recent Policy Trends, December 1998
Government Relations With Religious Non-Profit Social Agencies in Alberta: Public Accountability in a Pluralist Society, January 1999
Research Bulletin #2: Making a Difference: Volunteers and Non-Profits, March 1999
Research Bulletin #3: Great Expectations: The Ideal Characteristics of Non-Profits, June 1999

The Canadian Social Service Policy Landscape: A Roadmap of Recent Initiatives, August 1999
Exploring Alternatives: Government Social Service Policy and Non-Profit Organizations, August 1999

5.5. Aboriginal Justice Programs Handbook - 1997[18]

Federal priorities
In reviewing justice proposals and during negotiations, the Department of Justice will be looking for programs that fit the priorities that have been identified.
The Department will give first priority to proposals for long-term or permanent programs that can make lasting changes in the administration of justice for Aboriginal people.
The second order of priority will be programs that can reduce, over time, the number of Aboriginal people sentenced to prison.
The third level of priority will be given to programs that use multi-disciplinary approaches and involve relevant federal, provincial, territorial, and community programs.
The fourth priority will be programs that show economies of scale, including, where appropriate, those involving more than one community.
Federal funding
The federal government will share the costs of implementing and maintaining justice program arrangements agreed to by an Aboriginal community or communities, the provincial or territorial government and the federal government.
Its maximum contribution for each arrangement will be 50% of the costs incurred before April 2001. However, the contribution can be as high as 70% in any one year.
This will mean, of course, that the federal contributions for other years would be less than 50%.
The actual amount of the federal government's contribution for each arrangement will be settled during negotiations.
The resources available for any individual Aboriginal justice arrangement will be decided on a case by case basis.
Costs of community consultations and negotiations:
Each community must cover its costs for developing proposals, conducting consultations, and participating in negotiations.
Criteria
The federal government has identified a number of criteria that communities must meet before the Department of Justice can enter into an agreement to implement Aboriginal Justice Programs.
The community must show that it can satisfy these criteria
Charter and Criminal Code
The Canadian Charter of Rights and Freedoms and the Criminal Code of Canada will apply under Aboriginal Justice Programs and self-government.
The federal government is committed to the principle that the Charter applies to all government in Canada and that all Canadian enjoy the rights and freedoms it projects.
The government is also committed to the principle that everyone in Canada is subject to the same criminal law.
Community Support
The community's leadership and its members must support any justice program proposal.
They must also be prepared to provide financial resources and/or services in-kind.
The people involved in preparing a justice program proposal will use a variety of methods to show the level of support.

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[18] Department of Justice Canada, Aboriginal Justice Programs Handbook, Revised August 1, 1997.

For example, they might provide reports on consultations or community discussions about the proposal.

Similarly they could include records of the meetings of governing bodies, such as band councils or boards of directors, as evidence that community leaders support the plans.

Provincial/Territorial Commitment

The provincial or territorial government must be a full partner in the negotiation and funding of Aboriginal justice arrangements.

If a provincial or territorial government chooses not to participate, the federal government will not be able to consider justice program proposals from communities in that provinces or territory.

Each participating provincial and territorial government will, of course, have its own criteria for approving proposals.

For this reason, the community should get provincial or territorial officials involved in discussion and negotiations quickly.

Women's Participation

The women of the community must play a significant role in all stages of the development, negotiation, and implementation of Aboriginal justice program arrangements.

Negotiating Team

The community's negotiation team must have a clearly identified mandate approved by the appropriate council, board of directors or other governing body.

Appropriate Program

The program that the community wants to implement must meet the needs of the community and its members.

The people working on the proposal will have to document those needs and show how the program will be able to deal with them.

Feasibility

The community will be required to demonstrate that its goals for the justice program can be met within the time available.

In assessing this, the federal government will want to look at the community's experience with proposals and projects in areas such as health, policing, recreation, or education.

Cost Effectiveness

The costs of the proposed program must be reasonable.

The program costs will, of course, depend on a number of factors.

The program's objectives,

the number of cases it will handle,

its compatibility with similar services in near-by non-Aboriginal communities and

the community's location can all influence costs.

Other Services

The community must have the police, health, education, substance abuse welfare, child protection, and other services needed to make the justice program work.

It will be important to show how these services will be coordinated with the justice program.

Political and Management Accountability

The community must have political and management accountability systems comparable to those of other governments and justice programs with similar responsibilities.

Among other things, the systems should, ensure that:

Decisions about justice program policies and procedures are made in an open, public way.

in individual cases, decisions are free from inappropriate interference and influence;

Conflict of interest rules in place

Information about policies and standards is readily available to everyone in the community; and

Procedures for administrative reviews or appeals are implemented.

Administrative and Program Management Capacity

The community must have the administrative capacity and financial systems to maintain the justice program.

The financial systems should meet generally accepted accounting practices for justice programs of similar scope and size.

Justice Agencies

The community will have to establish arrangements with any Aboriginal and mainstream justice agencies whose cooperation will be needed to develop and maintain the proposed justice program.

For example, if the police will make referrals to a diversion program, the active involvement of senior police officers, as well as prosecutors, will be needed.

Self-government Negotiations

The justice program should be part of a plan leading to self-government arrangements sometimes in the future.

The justice program arrangements must respect the federal government's policy on self-government.

Evaluation

A program evaluation will be required in all Aboriginal justice program arrangements.

The details of the evaluation plan will be developed in the discussions between the community, federal, and the provincial or territorial government.

Sustainable Programs

The community must have a plan to keep the justice program going after the Aboriginal Justice Strategy ends in 2001.

Only limited funding that will be available to help cover the costs of maintaining some programs after 2001.

The Process

The detailed steps in the development of program proposals and the negotiation of agreements will vary according to the circumstances and plans of communities and the provinces or territories.

The details of each proposal may vary, however, the basic stages will be the same for all communities.

Preliminary discussions and preparations

Before taking any formal steps, the Department of Justice recommends that the people working on a community's plans for justice programs contact the Aboriginal Justice Directorate.

Early informal discussions will ensure that the Directorate and the community have a common understanding about what will have to be done to reach an agreement.

Such preliminary discussions, which will involve the provincial or territorial government, will help everyone make the best use of their time and resources.

During this time, the community will have the chance to clarify the kinds of information the federal and provincial governments expect from the community during negotiations.

A good understanding of their expectations will help the community's representatives prepare a successful proposal and plan for their discussions and negotiations with government representatives.

Proposal

The next stage in the process will begin when an Aboriginal community submits a formal proposal to the Aboriginal Justice Directorate, Department of Justice.

The Department of Justice will review each proposal with other federal departments to see if it meets the federal criteria

The Aboriginal Justice Directorate will also consult the province or territory concerned to find out whether it is prepared to enter into discussions on the proposal.

Following the Directorate's assessment of the proposal, the federal government will decide whether it is prepared to enter into negotiations.

If it is ready to start discussions, the Aboriginal Justice Directorate will identify the federal negotiation team. It will also make a proposal to the community and the province or territory about a process for negotiations.

If the proposal does not meet the federal government's criteria, the Aboriginal Justice Directorate will give the community an explanation of the problems it found and why the proposal did not meet the criteria. This will give the community an opportunity to make changes in the proposal and make another submission.

Negotiations

Once the negotiation teams for the community, the province or territory, and the federal government have been identified, the teams will meet to discuss and agree on the "next steps."

Generally, the federal government would prefer to use existing processes for justice program negotiations.

The federal government recognizes the importance of open and fair negotiations.

For this reason, the federal government wants municipalities, justice agencies, and others that would be affected by the agreements to have opportunities to have their views heard.

The Department of Justice will work with the Aboriginal community and the province or territory to find ways for such groups to become involved in the discussions at the appropriate time.

The objective of the negotiations will be to reach an agreement-in-principle on the program, the community's responsibilities, the responsibilities of others, funding arrangements, and an implementation plan.

Ratifying agreements

The community, federal and provincial or territorial governments will need to ratify the justice program agreement.

During negotiations, everyone will need to identify the ratification process they will have to follow.

Implementation

As part of the planning and discussion leading to an agreement, the community, the provincial or territorial, and federal organizations will prepare an implementation plan.

This plan will identify the activities, time frames and resources to get the justice program up and running.

The plan will ensure that all the groups understand and are ready to carry out their part in implementing the program.

Proposal

Before the federal government will enter into formal discussions with an Aboriginal community and the provincial or territorial government, the community must submit a formal proposal.

The proposal will be an important reference document for everyone during the negotiations.

The following material describes the points the proposal should cover.

It also highlights the information that the community's representatives and government officials will need to assess the proposal.

Preparation of a proposal of this kind is a major undertaking.

For that reason, the Department of Justice recommends that the community's representatives begin by having informal consultations with people from the Aboriginal Justice Directorate and the provinces or territory.

Such consultations will ensure that its proposal is considered as quickly as possible.

These kinds of discussions will also give the community representatives the opportunity to take advantage of the Aboriginal Justice Learning Network.

Because the plans and circumstances of communities vary, it would not be realistic to expect everyone to follow a single format for proposals.

Similarly, it is not possible to identify all the questions that might be asked about a program proposal. It is important, however, to include as much of this information as possible.

The more complete the proposal is in the beginning, the sooner an agreement can be reached and the program implemented.

The following checklist will help the people who are responsible for preparing and reviewing proposals identify the information they need. The proposal should include:

Negotiating Team and Its Mandate
The names, mailing address, email address, if available and telephone numbers for each of the community's representatives who will be participating in discussions with the Department of Justice and the province or territory.
The responsibilities of each of the members of the negotiating team.
The team's mandate and the source of that mandate.
For example, the mandate of the team may be set out in a band, tribal or regional resolution, a board of directors motion or similar document.
Description of the Community
Details about the community, its people and their justice needs are an important part of planning for and implementing justice programs.
The information that will be needed depends on the justice program the community wants to implement and other factors.
Generally, a proposal would include the following:
Population and demographic data for the community
Geographical location of the community
Availability and location of existing programs and services relevant to the proposed program.
The community's past and present experience in delivering health, education, justice, welfare and other programs.
Statistics and other related information about the community's justice needs and experiences.
Description of the community's policing arrangements and other justice programs and services.
Program Description
The description of the program should include detailed information about:
The types of offences or disputes the program will handle.
Information and statistics about the nature, frequency, and seriousness of the offences or disputes the program will handle
The program's objectives and their relationship to the priorities of the Aboriginal Justice Strategy.
a full description of the procedures and interventions that will be used to deal with the offences or disputes
the ways the community will ensure the involvement of women, youth, elders, and others in the development, planning and administration of the program
the qualifications, roles and responsibilities of staff and volunteers;
staff and volunteer recruitment, training and personnel development plans;
procedures for reviews or appeals, as required.
Community support
The community's submission must contain information about the nature and extent of support for the proposed Aboriginal justice program among its members including the following:
council resolutions, board of director motions, or some similar evidence of the support and commitment of the community's leadership;
reports from and descriptions of the consultations, hearings or other means used to assess community support
reports about the involvement of women, youth, elders, and others in the consultations;
details of the nature and amount of the volunteer, in-kind, and/or financial resources that the community will devote to implementing and maintaining the program.
Political and management accountability
The proposal must include information and documents that detail the ways in which the political and management accountability requirements will be met.
This information should describe:
the structure, jurisdiction and authority of the governing body of community or the organization sponsoring the proposal;

the procedures to ensure that decision-making about important program policies and procedures are open to community in-put;

the procedures to ensure that decision-making in individual cases are free from inappropriate interference and influence;

rules to deal with potential conflict-of-interest situations.

how community members, including women, will participate in the accountability process;

procedures to ensure that information about program policies and standards is readily available to the community.

Status of self-government plans

The submission should describe the community's plans for self-government.

This information should identify:

whether the community is involved in negotiations or has any plans to do so in the future;

the relationship between self-government proposals and the justice program proposal.

Arrangements with related law enforcement and justice agencies

Successful justice programs need the cooperation and support of police and other justice agencies.

Since it may be difficult to complete these kinds of arrangements before negotiations begin, the community's first submission may be limited to describing its plans for dealing with these issues.

In either case, the submission should:

describe the process that was, or will be, used to establish arrangements or protocols with relevant justice agencies;

show that the police and justice agencies are willing to participate in discussions to establish and maintain arrangements or protocols;

identify the policies and case management procedures that will be used;

describe the ways that the community and the agencies will monitor and, as necessary, modify the arrangements or protocols;

enclose copies of any agreements or protocols that the community and the relevant justice agencies have established.

Implementation Plan

The success of a program often depends on the success of the implementation plan and process.

A full implementation plan will be developed during negotiations and will describe the responsibilities of the community, the federal government, and the provincial or territorial government.

Nevertheless, the community's submission should include its initial implementation work plan.

It should identify the work to be completed, the timetable, and the people who will have responsibility for the work including the following:

staff recruitment and selection;

training and orientation;

community information and orientation;

confirmation and documentation of the program's internal and interagency procedures;

financial and administrative procedures.

others: _____

Administrative and financial accountability

The submission must include information about the administrative and financial management systems that will be implemented.

These systems should ensure that the managers are accountable to the program's governing body and, as appropriate, to the federal and provincial or territorial governments for:

proper implementation of program policies and procedures;

maintenance of financial records;

audits and evaluations;

program records and statistics;

community relations and information;
interagency relations and liaison;
staffing;
training and development.
Application of the Charter and the Criminal Code
The submission must include a statement that community's justice program will comply with:
the Canadian Charter of Rights and Freedoms;
the Criminal Code of Canada.
Evaluation
Before negotiations can be finished and the agreements signed, an evaluation plan will have to be
established.
The submission should identify the evaluation needs and expectations. It should show how the
program managers will meet the evaluation and information requirements of:
the community;
the provincial/territorial government;
the federal government. (Documents describing the federal government's evaluation requirements
and guidelines for community managed evaluation plans are available through the Aboriginal Justice
Directorate, Department of Justice Canada.)
Budgets
The budget information contained in the submission must provide:
detailed projections of revenues (amount and source) and expenditures for the first and second year
of the program.
budget forecasts for the third and following years of operation, together with supporting
documentation and explanations

5.6. Aboriginal Justice Strategy (AJS) Evaluation -2000 [19]

Northwest Territories -Evaluation and Accountability Framework
In June 2000, the AJD assisted and supported GNWT to hire a consulting firm to develop a final
evaluation framework for the Community Justice Division (it should be noted that the AJD Regional
Coordinator participated in the development of this framework).
The GNWT will no longer provide blanket funding for community justice (funding will now be
discretionary) and the GNWT will require accountability from the communities.
Additionally, the territorial government will maintain databases for the projects.
This will make it easier for the AJD to negotiate common reporting requirements for co-funded
projects.

5.6.1. AJS Funding in Canada

In 1996, the AJS began funding of 26 community justice projects carried over from the previous five-
year Aboriginal Justice Initiative (AJI), which ran from 1991-1996. As of 1999-2000, the number of
funded projects had grown to 84 – serving a total of 280 communities.

The project types and activities vary across the country. Projects may be urban, on reserve, North of
60, or off-reserve. Projects serve rural and reserve communities of 400 to 60,000 residents as well as
larger urban areas.

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[19] Department of Justice Canada, Evaluation Division, Final Evaluation Aboriginal Justice Strategy, Technical Report, October 2000

Projects funded under the Community Justice Strategy have total budgets ranging from under $25,000 (4 projects in 1998-99) to over $100,000 (23 projects in 1998-99). Note that total budget includes all contributions from provincial/territorial governments, federal contributions, in-kind contributions, and any funds from First Nations or Aboriginal Agencies. Typical budgets cover salaries, honoraria, travel, training, committee support, administrative costs, office supplies, rent and meeting costs.

5.6.2.   Selection criteria
Choosing what projects would be funded under AJS were clearly established when the project was initially approved;

5.6.3.   Method of Choosing Projects
However, the manner in which projects were actually chosen for funding varied considerably across provincial and territorial jurisdictions.

5.6.4.   Late Payments
Results from case studies and interviews indicate that funding continues to be a major concern for project staff. While there have been improvements in the receipt of federal funds, several projects indicated the payments continue to be late.

5.6.5.   Funding Stability
Along with late payments, comes the issue of paying staff, rent for office space, etc., which leads to the community perception that the project is not stable. Respondents indicated that they would like financial stability through funding agreements of 3-5 years to enable projects to become "institutionalized" in their communities. Financial stability can affect levels of volunteer recruitment, referrals and supervision of clients.
5.6.6.   Funding process
In relation to the negotiation of funding, project workers were frustrated by the process.

5.6.7.   Levels of resources
Project workers were frustrated by the limitation to "bare bones" levels of resources.

5.6.8.   Reporting Requirements
 The reporting requirements are seen as time consuming and many project workers emphasize service delivery at the expense of project administration.
One project worker pointed out that their project is based on oral traditions and as such, paperwork would be kept to a minimum, as it is perceived as a burden on the project's limited resources.
The statistical reports seem to be of limited value as many lack information, and what is available is unclear, making it difficult to use these reports as indicators of project work.
It appears many communities offer a number of services that are not being captured by the current data collection instruments.
There is a definite need to capture the activities of workers, both in terms of knowing what services are required in the community and knowing when they may be able to access other funding.

5.7. Aboriginal Justice Strategy (AJS) Trends -2000[20]

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[20] 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 -

–   Justice Canada, together with its provincial and territorial partners, has been funding community-based justice programs in Aboriginal communities across Canada through the Aboriginal Justice Strategy (AJS) since 1996.

Fiscal Year	# of Programs
1996	26
1997	42
1998	62

5.7.1.   Funding Agreements:

As of fiscal year 1998-99 there were two types of funding agreements in place for the AJS: double bilateral and tripartite.

Double bilateral agreements indicate that the Aboriginal community/organization is party to two funding agreements: one with the Department of Justice Canada and on with the province or territory.

Over 80% of all agreements in each year were double bilateral.

Tripartite agreements represent a situation where the Aboriginal community/organization signs only one agreement and that agreement is also signed by the Department of Justice and the province or territory.

The majority of tripartite agreements have been established in Ontario and Manitoba.

In British Columbia, Newfoundland, the Northwest Territories, Nunavut, Nova Scotia, Yukon and Saskatchewan, there were no tripartite agreements; all the projects in these jurisdictions are funded on a bilateral basis.

Budget and Allocation of Funds
5.7.2.   Total Budget

	Total $		
Province/Territory	1996-97	1997-98	1998-99
British Columbia	171,663	342,246	795,753
Saskatchewan	1,494,000	2,449,649	2,856,383
Manitoba	207,024	780,650	1,374,264
Ontario	193,834	422,622	675,807
Quebec	0	0	143,000
Nova Scotia	88,700	99,100	184,000
Newfoundland	94,500	0	0
Nunavut	0	180,385	258,498
Northwest Territories	0	226,418	268,120
Yukon	542,901	216,550	845,440
TOTAL	2,7492,622	4,717,620	7,401,265

There was steady increase in the budgets within each province or territory with each year.

The jurisdiction with the highest budget was Saskatchewan, where over the course of 1996-97, 1997-98 and 1998-99 $6,800,032 was allocated to community-based justice projects.

That high figure corresponds with the fact that there are more AJS projects in Saskatchewan than anywhere else in the country.

On-reserve projects clearly represent the location that has the highest budget.

5.7.3. Size of Budget

	# of Programs		
Size of Budget	1996-97	1997-98	1998-99
Under $25,000	4	2	4
$25,00-$49,999	2	9	17
$50,000-$100,000	12	17	18
Over $100,000	8	14	23
TOTAL	26	42	62

Fiscal Year	Budget < $25,000 (# of projects)	Budget $25,000 - $50,000 (# of projects)	Budget $50,000 - $100,000 (# of projects)	Budget > $100,000 (# of projects) The majority of these projects, each year, were in Saskatchewan.
1996-97		2	12	8/26 or 35%
1997-98		9	17	14/42 or 33%
1998-99	4 or 7% of all projects	17 or 26% of all projects	18 or 29%. of all projects	23/62 or 39%

5.7.4. Allocation of Funds

Like many other areas, budgets are uniquely tailored to meet the needs of the project.

Some budgets provide monies for salaries only, or salaries in combination with training, committee honoria or outreach activities.

Some budgets have a larger focus.

A typical budget would include such categories as (or a combination of any of the following): salaries, honoria, travel, training, committee support, administrative costs, supplies, rent,, meeting costs, or any combination thereof.

5.7.5. Honoria

Approximately, half of the projects each year reported on how much of their budget was allocated to distributing an honoria to council members, committee members, Elders etc

The majority of the projects report that honoria makes up less than 10% of their budget.

Honorariums are sometimes viewed by the project workers as an expected expense.

Conversely, it can be seen by other projects as an undesirable expense.

Nevertheless, in an environment that relies heavily on the efforts and commitment of their volunteers, it is important to be aware of which programs offer an honorarium, as well as the ranges available (less than 10%, 10-14%, 1-20%, more than 20%).

5.7.6. Salaries

	# of Programs		
% of Total Budget Allocated To Salaries	1996-97	1997-98	1998-99
<25%	0	4	0
25-50%	8	8	18
>50%	15	23	35

	# of Programs		
% of Total Budget Allocated To Salaries	1996-97	1997-98	1998-99
TOTAL	23	35	53

The majority of projects for all years report that more than 50% of their funding is allocated for salaries.

The ranges include: less than 25%, 25-50%, more than 50%. There is an increase within each range – with the lowest number of project reporting less than 25% and the highest number reporting more than 50%.

National Perspective (Shared Concerns): while not every AJS project articulated this concern, a large number across Canada did.

5.7.7.   Late funding

was reported by many projects across the country. Project reports spoke about late funding as a barrier to the project fulfillment and a serious issue in having a real impact in the community and sustaining any successes that they may have achieved. Late funding presents a multitude of problems and setbacks that touch on every aspect of the project. Late confirmation receipt of funding is frustrating and impedes the project's momentum. When payments are sent late staff salaries are threatened, program activities are curtailed, confidence in the project is compromised, and plans cannot be implemented.

5.7.8.   Instability of funding

from one year to year was also a theme. The reports indicated that it was difficult to make long-term goals when there was uncertainty regarding the continuation of funding in following years.

5.7.9.   Inadequate funding

funding was also considered to be too little to be truly effective. Project staff and volunteers reported operating on a budget that was not enough to sustain the program effectively. Inadequate funding also affected the project's ability to meet the administrative obligations as set out in the contribution agreement. These requirements require office space, administrative training, supplies, as well as the time to sit and record activities.

5.8. Planning/Evaluating Community Projects - 1998 [21]

Developing A Funding Proposal

All restorative justice programs have some costs and some programs can be very expensive. Thus you will need to find a source of funding for your program. If you have worked through each of the steps outlined in this manual, you will have most of the material you need for a funding proposal. If you add to this some information about your organization and its staff and prepare a budget, you will have a proposal which will meet the requirements of most funders. The Solicitor General's Aboriginal Corrections Unit has outlined several criteria that your project should meet prior to applying for funding. These are shown in Figure 8.

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[21] 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

Figure 8 Criteria for Funding Applications	
	A clearly defined and comprehensive statement of needs.
	The suitability of the project to meet the community's needs.
	The capacity and interest of members of the community to implement and manage the project.
	The use of existing structures and resources to avoid duplication.
	Commitment to training local people and involving them in the program to ensure that skills are left in the community.
	Commitment to a strategy of communicating the project's objectives, processes, and outcomes and to the use of appropriate monitoring and evaluation.
Source: Adapted from Solicitor General (1995)[22]	

Remember, during times of financial restraint programs will only be funded if they are likely to succeed. If you can demonstrate to a funding agency that you have completed a thorough analysis of your community's problems and needs, that you will develop restorative justice programs targeted at these problems, and that you will have a sound implementation and evaluation plan, you will have a good chance of obtaining funding.

5.9. Restorative/Criminal Justice–Identifying Some Preliminary Questions, Issues & Concerns - 1998[23]

Further information is now available with respect to the allocation of resources to this imitative. Indeed, it has been made increasingly clear that the amount of resources that the Ministry is allocating to restorative justice initiatives at the community level is miniscule.
The latest figures available peg the allocation of resources for the development and implementation of community restorative justice programs at approximately one million dollars.
The allocation of so few funds raises a number of important questions, including the availability of funds for:
Designing and implementing quality programs
Augmenting the increased workloads of victim service providers
Establishing provincial standards….
Providing appropriate training and adequate training to volunteers and justice system personnel
Designing and implementing a centralized, province-wide monitoring and tracking mechanism.
In sum, at the outset of this reform initiative, there is significant concern that its' implementation and effectiveness will be jeopardized due to insufficient funding levels.

Degree to which Initiatives are Budget-Driven
The extent to which restorative justice initiatives and diversion/alternative measures policies are being introduced as cost-cutting, deficit-reduction measures remains a concern.

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[22] Aboriginal Corrections Policy Unit (eds.). 1995. Community Development and Research. Ottawa: Solicitor General Canada, Aboriginal Peoples Collection.

[23] 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

It was generally agreed that cost-savings was an objective of the current reforms.
There was some divergence in opinion as to the extent to which this objective trumps all others.
If the government is embarking on these reforms primarily as a way of saving money – a different and much harsher light is shed upon the whole process.
The rudimentary appeal of restorative approaches is completely stripped away.
It is clear that such a major reorientation of the criminal justice system requires resources.
Rather than talking about communities assuming responsibility in partnership with offenders and victims to prevent crime and facilitate reparation for offenses committed, we are instead looking at unilateral devolution of government responsibility for the administration of criminal justice.
There is a clear need for the requisite resources to develop provincial standards and training programs for all the various aspects.
Without these resources, the restorative justice initiative is essentially an exercise in off-loading criminal justice responsibilities onto the local community with no additional resources to deal with these added responsibilities.
Kim Pate, Executive Director of the Association of Elizabeth Fry Socieities suggests that these new reform measures being introduced across the country are reminiscent of the de-institutionalization of people with mental health problems – an initiative that was viewed as progressive at the time.
However, that initiative did not live up to its promise because it was not accompanied by the necessary resources to ensure that community supports existed with these people.

5.10. Incorporation of Dispute Resolution into the Criminal Justice System: Playing Devil's Advocate -1998 [24]

Resource Commitments to ADR and Restorative Justice
In an earlier section of this paper reference was made to the need for stemming the flow of resources into custodial facilities if adequate and stable resources are to be made available to *restorative justice* programs[25].
In Nova Scotia, for example, the seven alternative measures societies that administer the only true ADR diversion program widely available in the province today, have historically operated on less than insufficient funding.
At the very least, they have operated on funding contributions from the Department of Justice that the Department itself has acknowledged are not intended to cover all of the costs associated with the agencies' programs[26].
The net result has been under paid and over worked staff, minimal resources for staff and volunteer training, virtually no resources for victim support, and little experience in dealing with complex serious offences.
In practice, this approach to funding diversion has led to community-based societies constantly operating on the edge, even in delivering the modest programs currently offered.
Clearly, to add newer, more demanding programs to their load without rationalizing their costs, and transferring adequate resources for implementation, leaves the agencies vulnerable either to financial collapse or to compromising the integrity of the new programs.

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[24] Montgomery, Andrew N. Restorative, Justice Canadian Forum on Civil Justice, The Incorporation of Dispute Resolution into the Criminal Justice System: Playing Devil's Advocate, 1998
http://www.law.ualberta.ca/centres/civilj/full-text/montgomery.htm

[25] 98 Ibid, footnote 7, at p. 2.

[26] 99 Gary Dupuis, Director of Community Corrections, Nova Scotia Department of Justice: personal communication

While the *restorative justice* initiative in Nova Scotia recognizes the need for additional resources allocated to the community-based agencies that will be responsible for implementing the initiative, there is no clear indication of awareness:

100 1998. *Restorative Justice: A Program for Nova Scotia,* published by the Nova Scotia Department of Justice through Communications Nova *Scotia,* at p. 19.

Of the projected costs associated with enhanced training, implementing new programs, requirements for additional staff or, needs for additional space.

Of what amount of new money might be made available to each agency.

Of the fact that the agencies have historically been under funded even in the context of existing diversion programs.

Of a strategic plan for moving resources out of the conventional justice system into community-based alternatives.

In attempting to implement restorative justice initiatives, this lack of attention to resources, both human and fiscal, has the potential to lead to these undesirable and unplanned results.

First, the launching of a program in the absence of an adequate assessment of resource requirements which will severely limit its chances of success.

Second, a budgeting precedent will be set which, should the implementing agencies be able to survive the initial years, will be difficult to change down the road.

Third, in the interests of survival, implementing agencies may tend to bend over backwards to ensure that the programs operate or, at least appear to operate even if a lack of resources threatens to compromise the integrity or long term success of the new programs.

Perhaps the strongest indicator of commitment to restorative justice alternatives will be a measurable reduction in incarceration rates and a concomitant re-allocation of savings into community-based alternatives.

In this respect, Umbreit (1998) has stated: "The other major risk facing the movement is that of being so focused on restorative justice interventions that we ignore the larger issue of the tremendous overuse of costly incarceration. Unless the issue of overuse of incarceration is ultimately dealt with, there will simply not be the financial resources available to move toward a truly restorative justice model."°'

If governments are serious about fundamental change, they will have to exhibit clearly that commitment in their budgeting processes.

In Nova Scotia, in particular, the lack of support for alternative measures to-date, has produced the following observations from program participants.

"Office space is not adequate at all times, and part of the frustration is that if we are going to have an alternative measures program in _____ there is a base cost that must be faced to put the operational structure in place and this cost is independent of the size of the caseload It is simply the cost of opening up for business."

"Personal commitment and the belief of individuals in the alternative measures program can only carry the program so far. Staff and volunteer burn out is a serious concern and forcing people to operate continuously on the edge (financially and otherwise) invites burn out."

"Alternative measures should become a bigger part of the system and get the attention it deserves. It should be more than a tag on." 2

6. Relevant Documents, Studies and Practices – USA

6.1. Resolving Disputes Locally: Alternatives for Rural Alaska - 1992[27]

Absence of Outside Funding. None of the three organizations relies on outside funding sources; in fact, none of the three has any significant material support. PACT owns an answering machine, Minto owns case files alone, and Sitka owns only a file cabinet.
That these organizations have accomplished so much with so little is testimony to the integrity of the ideas that inspired them and the commitment necessary to bring those ideas to life.

Resources Needed. Remarkably few resources were needed for the operation of each organization. Increased resources would permit better training of decision-makers/conciliators, less turnover and burnout among decision-makers/conciliators, and more effective service to the communities, among other benefits.
However, the organizations' fiscal resources were not the most important aspect of their operations.

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[27] Alaska Judicial Council, Resolving Disputes Locally: Alternatives for Rural Alaska, August 1992,
http://www.ajc.state.ak.us/Reports/rjrepframe.htm

7. Relevant Documents, Studies and Practices – International

7.1. Restorative Justice Programs in Australia - 2001 [28]

- **Resource problems:** Limited financial resources may restrict the expansion of programs unless the political will exists to do so.

  - As observed above, the costing of programs remains vague wherever it has been undertaken, especially in comparison with the alternatives of cautioning and court, though the Queensland evaluation report (Hayes et al 1998) suggested that '[A]t least several million dollars would be needed to fund the program State-wide' (p 60).

  - It also observed that strategic issues needing to be addressed particularly in rural areas included transportation costs of conference participants, the location of conference coordinators and the status of convenors required only on an irregular basis: this is all true, but the same issues have been faced and dealt with, apparently successfully, in New South Wales, for example.

7.2. NZ Restorative Justice Package Announced-2000[29]

Restorative justice package announced
Courts Minister Matt Robson and Justice Minister Phil Goff today announced funding for a package of measures that will give more victims of crime the option of restorative justice.

The Restorative Justice package provides funding of $4.857 million over three years to introduce new court-referred restorative justice pilot projects, and expand current community-managed restorative justice projects.

"Restorative Justice puts victims of crime at the centre of the justice system. Victim's needs are paramount, and offenders face the full consequences of their crime and its effect on a victim," say Phil Goff and Matt Robson.
"Putting an offender face to face with their victim so they see and hear the hurt they've caused, is a more effective wake up call than just putting an offender in the dock to glare across a courtroom. Restorative justice is our best chance at changing criminal behaviour. That's how we'll build stable communities and reduce the fear of crime," says Matt Robson.

"The new court-referred restorative justice pilot will be introduced into three new courts, and will focus on alternatives for more serious offenders who require close oversight from the Court.

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[28] Criminology Research Council, Heather Strang, Director, Centre for Restorative Justice, Research School of Social Sciences, Australian National University A Report to the Criminology Research Council, Restorative Justice Programs in Australia, March 2001, http://www.aic.gov.au/crc/reports/strang/

[29] NZ Restorative justice package Hon Phil Goff - 11 June 2000 ; New Zealand's first Restorative Justice manual Hon Matt Robson - 3 March 2000

"We'll be able to cater for around 1200 cases a year, which means hundreds of victims of crime will get the opportunity to choose to participate in the justice process and around 1200 offenders will have to confront their offending and make good on the effects of their offending. This is a very different approach to the traditional retributive system of justice managed by the courts," says Matt Robson.
Phil Goff says the expanded community-managed restorative justice project would see five additional programmes in 2000/01 and one further in 2000/02. Priority will be given to developing Maori and Pacific community-focussed programmes.
"The $3.582 million three year court-referred restorative justice pilot, and the $1.275 million three year expanded community-managed restorative justice projects, will be monitored and evaluated in terms of the benefits they bring to victims and their effectiveness in reducing re-offending," says Phil Goff.

Minister of Corrections, Matt Robson will launch New Zealand's first Restorative Justice manual in Auckland tomorrow.

Victim's needs, whether emotional, financial or material will be paramount in a new partnership between government and the community," Minister of Corrections, Matt Robson says.

He was launching New Zealand's first Restorative Justice Practise Manual which will be used as a working guide in the restorative justice pilot scheme in Waitakere District court. The pilot will last for six months and will take on 50 cases to test the viability of restorative processes.

"I know that groups like Restorative Justice Trust have pioneered these sorts of victim focused processes with very little resources. Times have changed. You now have a government who wants to work with you. Let's get started."

Restorative justice introduces new techniques aimed at reducing re-offending and placing victim's needs in the centre of the justice process. In a supervised conference offenders who plead guilty will come face to face with their victims.

Victims determine for themselves, with offenders, what should happen to make amends.
"The justice system to date fails in two key areas: it fails to make offenders fully accountable for their actions, and it fails victims. It also fails the community.

"Under the old system, offenders are removed from the consequences of their crime. Now they will have to face the consequences of their actions, and that can have profound effects on them.

"The first adult court pilot will begin next month in Waitakere, and I am also keen to build on the success of diversion schemes like Project Turnaround in Timer which has successfully reduced the re-offending rate by 7% while the national crime level continued to rise.
"In this present budget round consideration has been given to funding a range of court pilots. This will be an important step forward.

"There are many other community initiatives in at least 11 other towns and cities which are finding success with restorative justice processes and diversion techniques. This is what it's all about: the community getting involved in the justice system," said Matt Robson.

7.3. Restorative Justice The Public Submissions-1998[30]

Funding
Sixteen submissions strongly expressed the view that restorative justice had to be adequately resourced, particularly in terms of the funding and training of restorative justice practitioners, if it was to work. Some were of the view that the effectiveness of youth justice family group conferences had been impaired by inadequate resourcing (7 submissions).
Eight submissions expressed resistance to any suggestion that restorative justice could be viewed as a cost saving measure.
It is apparent that restorative justice will not be extended solely to improve the cost effectiveness of our justice system. Indeed the costs may be higher as more effort is put into negotiating agreements. This will involve specialist training for those involved and constant monitoring and review of the programme outcomes. (Women's Division of Federated Farmers of New Zealand, 81)
Restorative justice, it was suggested in 10 submissions, was an investment, the benefits of which would be realised in the long-term.
...what we spend now on restorative justice must be seen as an investment which will reap a future dividend. (Rhodes, 7)
While this system will not I believe be any cheaper, in terms of greater consideration of victims and further progression of offenders into the prison system I believe it will be much more cost effective in the long term. (Aitken, 35)
Purchase Priorities for Government
When responding to this question, 33 submissions referred to the options listed at paragraph 6.9.1 of the Ministry's discussion paper. This asked which of the following should be the priority:
• Expanding restorative justice programmes for adult offenders;
• Parenting skills programmes and early childhood education as a general contribution to a crime prevention strategy;
• A system of victim advocacy;
• Community-based crime prevention programmes;
• Programmes and services for child and juvenile offenders;
• Programmes and services for adult offenders to reduce the likelihood of their offending.
Several stated that all the options were important, and that they were therefore hesitant to attempt to chose between all, or some of them. Some also viewed the options as complementary to each other. One said that restorative justice initiatives:
...Don't have to be at the expense of things like parenting skills programmes and early childhood education or programmes and services aimed at reducing the offending of adults. The former would come from a different budget so that it should not be a question of either/or anyway. (French, 98)
Those most consistently seen as priorities for Government spending were:
• Expanding restorative justice programmes for adult offenders;
• Parenting skills programmes and early childhood education as a general contribution to a crime prevention strategy.
Nevertheless, all the options listed in the discussion paper were seen as the first purchase priority by at least some submissions.
A small number of submissions suggested that other priorities for government funding were: strengthening and educating families; working on addressing factors which lead to alienation in youth and are predictors of later offending (such as glue ear) and drug law reform.

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[30] 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