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1. Key Themes (to be explored)

There is a restorative justice role that Corrections can pursue - to learn how to better walk the restorative justice talk inside a correctional institution and probation offices. To be part of a movement to promote the fundamental principles of restorative justice in the larger community, then one must be prepared to live it. See chapter on the "RCMP".

2. Research Questions

<p>2.1. Mission/Vision/Objectives/Goals</p> <p>See also chapter on <u>“Definitions/Principles” – “Results/Performance Measurement/Accountability”</u></p> <p>What are the stated mission/vision/objectives/goals of the Correctional Officer in community justice? Short term? Medium term? Long term?</p> <p>Does the Correctional Officer have any suggestions as to what the mission/vision/objectives/goals/values of the other stakeholders should be with respect to community justice?</p>
<p>2.2. History</p> <p>See also chapter on <u>“History”</u></p> <p>What is the history of the Correctional Officer’s role and participation in community justice?</p>
<p>2.3. Sponsor/Organization/Structure/Governance</p> <p>How does the Correctional Officer support the work and decisions of the community justice projects?</p> <p>Does the Correctional Officer have any suggestions as to how should community justice projects be structured?</p> <p>Does the Correctional Officer have any suggestions as to how governmental/non-governmental organizations (that sponsor/support the project) could be organized/structured to support community justice?</p>
<p>2.4. Roles and Responsibilities</p> <p>What are the roles and responsibilities of the Correctional Officer in community justice?</p> <p>Does the Correctional Officer have any suggestions as to what the roles/responsibilities/activities of government/related organizations, councils or working groups should be in community justice?</p>
<p>2.5. Accountability</p> <p>See also chapter on <u>“Results/Performance Measurement/Accountability”</u></p> <p>What are the overall accountability mechanisms of the Correctional Officer with the community justice projects?</p> <p>Does Correctional Officer have any suggestions as to what other accountability mechanisms should be in place for community justice?</p>
<p>2.6. Complaints</p> <p>See also chapter on <u>“Results/Performance Measurement/Accountability”</u></p> <p>Does the Correctional Officer have any suggestions as to what kind of mechanisms should be in place to respond to complaints about the community justice projects?</p>
<p>2.7. Conflict Of Interest</p> <p>Does the Correctional Officer have any suggestions as to how community projects should handle conflict of interest situations and power dynamics?</p>
<p>2.8. Decision-Making</p> <p>Does the Correctional Officer have any suggestions as to how community justice projects should make decisions?</p> <p>Does the Correctional Officer have any suggestions as to how community justice projects enhance its team-building exercises, workshops, training, advice or outside assistance to resolve the differences/disputes?</p>

2.9. Interventions/Referrals/Diversions

See also chapter on **“Interventions/Referrals/Diversions”**

Does the Correctional Officer have any suggestions about interventions/referrals/diversions that should be handled by the community justice project?

2.10. Activities/Services/Approaches

See also chapter on **“Activities/Services/Approaches”**

What activities/services/approaches does the Correctional Officer engage in community justice? How much time is spent on them?

Does the Correctional Officer have any suggestions as to what activities/services/approaches should be undertaken by the other stakeholders in community justice?

2.11. Offences

See also chapter on **“Offences”**

Does the Correctional Officer have any suggestions as to what offences should be handled by the community justice projects?

2.12. Clients

See also chapters on **“Offenders”** and **“Victims”**

Does the Correctional Officer have any suggestions as to who the community justice services should be targeted? Accused? Offenders? Victims? Other?

2.13. Human Resource Management

Does the Correctional Officer have any suggestions as to who should be members of the community justice projects? How they should be selected? Based on what criteria? Community Process, Elders' recommendation, Healthy/respected members of the community, Recovered from abuse, Ex-Offenders Ex- Victim, Experience/Skills, Interest in justice, other

Does the Correctional Officer have any suggestions as to what kind or roles/responsibilities these members should have?

Does the Correctional Officer have any suggestions as to what kind of experience/skills these members should have? Does the community have any suggestions as to what kind of education/qualifications these members should have?

Does the Correctional Officer have any suggestions as to what kind of informal and formal training these members should have?

Does the Correctional Officer have any suggestions as to what whether members should be paid or be volunteers?

Does the Correctional Officer have any suggestions as to how volunteers could be recruited?

Does the Correctional Officer have any other suggestions regarding human resource management in community justice projects?

Questions to ask a Correctional Officer:

- What experience and skills do you have with community justice?
- What training/support do you have/received to work with the community justice project?
- How many hours per week do you work with the community justice project?
- Do you take a break from these duties?
- Are you formally or informally recognized and rewarded for your work with community justice? By whom? How often?
- How has the workload of the Correctional Officer changed as result of involvement with the community justice project?

2.14. Financial Resource Management

See also chapters on **Funding/Budgeting; Costs**

Does the Correctional Officer have any suggestions as to how funding should be determined for community

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justice projects?
Does the Correctional Officer have suggestions as to how much core funding should be available to the community justice projects?
Does the Correctional Officer have any suggestions as to what financial accountability mechanisms should be in place for community justice projects?
2.15. Material Resource Management
Does the Correctional Officer have any suggestions as to what material resource community justice projects should have?
2.16. Project Administration
Does the Correctional Officer have any other suggestions as to whether policies/procedures/standards should exist for community justice? see also chapter on “Standards”
Does the Correctional Officer have any suggestions as to whether community justice processes should be open to members of the public?
Does the Correctional Officer have any suggestions as to community justice project administration?
2.17. Community Services/Resources
See also chapter on “Social Development Factors”
Does the Correctional Officer have any suggestions as to how other stakeholders could facilitate collaboration with programs and agencies providing different support to participants of the community justice project?
2.18. Audits/Evaluations/Reviews
See also chapter on “Results/Performance Measurement/Accountability” and chapter on “Review Methodology”
Does the Correctional Officer have any suggestions regarding the conduct of audits/reviews/evaluations with respect to community justice projects? How often? By whom?
2.19. Working Collaborative Relationships with Other Stakeholders
See also chapter on “Relationships/Partnerships”
- Does the Correctional Officer meet with the following stakeholders in the area of community justice?
- If so, how often? For what purpose?
- Does the Correctional Officer have the support of the following stakeholders in the area of community justice?
- What is working well, in terms of the Correctional Officer’s relationship with the following stakeholders in the area of community justice?
- What are the challenges in terms of the Correctional Officer’s relationship with the following stakeholders in the area of community justice?
- How are disagreements or disputes between parties resolved?
- Does the Correctional Officer have any suggestions on how to improve working collaborative relationships with the following stakeholders?
Victims– see also chapter on “Victims”
Victims’ support/advocacy groups– see also chapter on “Victims”
Offenders– see also chapter on “Offenders”
Offenders’ support/advocacy groups– see also chapter on “Offenders”
Community justice project – see chapter on “Community Justice Projects”
Volunteers - see also chapter on “Volunteers”
Community – see also chapter on “Community”
First Nations- see chapter on “First Nations/Aboriginal Justice”
Native Courtworkers – see also chapter on “Native Courtworkers”
Elders – see also chapter on “Elders”

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Other community resources (eg. Schools, faith-based organizations, local businesses, non-governmental organizations)
YTG – Community Justice
YTG –Crime Prevention
YTG –Victim Services/Family Violence Prevention Unit– see also chapter on <u>“Victims”</u>
YTG –Probation Services – see also chapter on <u>“Probation”</u>
YTG –Corrections – see chapter on <u>“Corrections”</u>
YTG – Health and Social Services (including Alcohol and Drug Secretariat)
YTG Women’s Directorate – see also chapter on <u>“Gender”</u>
YTG Education
YTG Housing
YTG Sports & Rec
Justice Canada
Crown Prosecutors – see also chapter on <u>“Crown Prosecutors”</u>
RCMP – see also chapter on <u>“RCMP”</u>
Judiciary – see also chapter on <u>“Courts”</u>
Defense/Legal Aid – see also chapter on <u>“Defense Counsel”</u>
2.20. Other Issues
Does the Correctional Officer have specific concerns and/or issues about community justice?
2.21. Successes
– see also chapter <u>“Successes”</u>
According to the Correctional Officer, what are the top (5) five best practices in community justice projects?
2.22. Challenges
– see also chapter <u>“Challenges for Change”</u>
According to the Correctional Officer, what are the (5) five greatest challenges community justice?

3. Relevant Documents, Studies and Practices – Yukon Specific

Criminal Justice Performance Measures for Prisons by Charles H. Logan

http://www.bja.evaluationwebsite.org/html/documents/criminal_justice_performance_mea.htm

3.1. Whitehorse Correctional Centre ¹

- The Whitehorse Correctional Centre, as part of the Community and Correctional Services Branch, is a multi-level minimum-maximum security facility for adult men and women serving sentences of less than two years.
- The objectives of Corrections in general are to protect the public, rehabilitate the offender, reduce recidivism, and assist the offender to reintegrate into the community as a law-abiding citizen.

Did You Know?²

- Public safety and offender rehabilitation are "job one"
- Early community intervention and diversion methods have proven to be more effective in modifying criminal behaviour
- Prisons, by themselves, do not change criminal behaviour
- Physical isolation of individuals from their families and communities does little to contribute to the learning, grieving and forgiving that must accompany fundamental and enduring personal change.
- Longer sentences and incarceration in a secure facility have no significant deterrent effect in reducing crime rates or re-offence occurrences.

Inmate Facts

- Inmates are housed at WCC for a variety of reasons
- Average offender is male
- Average age of WCC offenders is between 22 and 26 years of age
- Inmate count (PDF, 20 KB)
- As many as 70 - 90% are of First Nations descent (from Whitehorse for the most part)
- Current sentences average 45 to 90 days, although many offenders do stay for longer terms
- 90% are estimated to have a problem with substance abuse
- Many offenders take the treatment provided by Offender Programs at the Family Violence Prevention Unit
- All offenders sentenced to serve their sentence in a federal institution spend their first year at the Whitehorse Correctional Centre under the supervision of our correction officers.

Staff

- There are approximately 80 staff who work at WCC
- About half of these staff are correctional officers. There are also case managers, programming staff, kitchen and recreational staff, administrative staff, and a few others
- Public safety and offender rehabilitation are considered "job one"
- Staff profile (PDF, 12 KB)

Facility

- WCC was built in the mid-1960's
- The WCC redevelopment project is underway. We expect that the new facility will be complete in 2005
- WCC does not have cells. Inmates are housed in dormitories.

National Trends in Corrections

- Increasing concern with the rules of law and justice
- Focusing on offender risk/needs assessment and risk management
- Paying attention to the needs of victims
- Creating alternatives to incarceration

¹ <http://www.justice.gov.yk.ca/prog/cor/wcc/index.html>

² <http://www.justice.gov.yk.ca/prog/cor/wcc/wccknow.html>

- Increasing community awareness and involvement
- Reducing the costs of corrections
- Focus on human resources
- Involving the private sector
- Expanding aboriginal corrections
- Increasing the role of technology
- Community-living arrangements
- Community-based programming

Justice provides services that contribute to public safety and security by:

- providing corrections and probation services at the Whitehorse Correctional Centre, and in the community
 - managing the RCMP contract
 - providing programs for offenders and victims of family violence, and other crime;
 - providing crime prevention programs
 - working with community justice committees to deliver community justice services in some communities.
- These services are provided primarily by Corrections and Policing.

Community Partners³

- Corrections works with many partners...
- Public
- Police
- Criminal courts
- Components of each of these systems are interrelated:
- e.g. patterns of policing affect the numbers of cases the crown must handle case screening decisions of Crown determine caseloads of criminal courts
- sentencing of criminal courts determine numbers of sentenced and community offenders
- Public Notification Committee on High Risk Offenders (with RCMP and Health and Social Services)
- Management of Mentally Disordered Offenders (with Health and Social Services)
- Alcohol and Drug Services
- Fetal Alcohol Syndrome Society of Yukon
- Women's Directorate/Shelters
- Family and Children's Services
- Yukon College
- Council of Yukon First Nations
- Government Services Property Management Agency
- Salvation Army Adult Residential Centre
- Yukon First Nations Elders Council Regional Working Group
- Whitehorse Ministerial Association
- Council of Yukon First Nations Justice Department (Pre-release and Transition Worker)
- Yukon College
- Yukon Learn
- Hospice Yukon
- Whitehorse General Hospital
- Correctional Services Canada
- Citizen and Immigration Canada
- Coordinating Committee on Management of Mentally Disordered Accused (with Yukon Health and Social Services)
- National Parole Board

What Do We Do?⁴

- WCC is a multi-level correctional facility for adults serving sentences of two years less a day.

³ <http://www.justice.gov.yk.ca/prog/cor/wcc/wccpartners.html>

⁴ <http://www.justice.gov.yk.ca/prog/cor/wcc/wccdo.html>

- Correction Officers ensure public safety by managing and supervising offenders according to their sentence handed down by the courts.
- Correction Officers are working to keep the general population safe by providing a valuable behind the scenes service, much like fire fighters or police officers.
- Correction Officers manage and supervise a number of inmates every day. Inmates range from those remanded to custody to those serving two years or less. As well, inmates sentenced to federal time normally spend some time in WCC before being transferred.
- [Staff profile](#) (PDF, 12 KB)
- [Inmate count](#) (PDF, 20 KB)

Programs offered by WCC

- [WCC Christmas Toy Program](#)
- [Fish Hatchery Report](#) (PDF, 1.1 MB)
- [Offender Programs](#) with Family Violence Prevention Unit

Whitehorse Correctional Centre Objectives⁵

- to provide a safe and secure environment for staff and inmates;
- to provide supervision of inmates at a level which is consistent with human dignity but assures all necessary protection to the community, staff and inmates;
- to provide an environment which will minimize the detrimental effects of confinement;
- to encourage inmates to take responsibility for their actions and to actively earn their way back into the community; to provide inmates with access to educational, work, recreational and treatment programs in order to reduce the risk of recidivism, reduce the likelihood of institutional behavioural and management problems, and increase public safety; and
- to assist inmates in developing and maintaining healthy, supportive family and community relationships.

Sentencing⁶

Objectives

Sentencing takes place with the following objectives in mind:

Utility (general and specific deterrence, rehabilitation and incapacitation)

- to deter the offender and others from committing offenses
- to separate offenders from society, where necessary
- to assist in rehabilitating offenders

Retribution (denunciation and retribution)

- to denounce the unlawful conduct;
- to provide reparations for harm done to victims or to the community;

Restoration

- to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims and the community.

Options

There are a number of sentencing options, including:

- Absolute discharge
- Conditional discharge
- Fine
- Suspended sentence
- Probation
- Conditional sentence
- Imprisonment

Any or all of these options may be impact on each other, or may be in place at the same time with an offender.

Reform

Sentencing Reform:

⁵ <http://www.justice.gov.yk.ca/prog/cor/wcc/index.html>

⁶ <http://www.justice.gov.yk.ca/prog/cor/wcc/sentencing.html#ref>

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In 1996 Criminal Code changes led to Sentencing Reform:

- Section 742 Conditional Sentences
- Section 718.2(e) Aboriginal Offender recognition.
- In 1999 Supreme Court of Canada passed judgment on section 718.2(e) in the *Gladue* decision. The court found that the purpose of this section was to:
 - improve the serious problem of over-representation of aboriginal offenders in prison
 - encourage sentencing judges to take a "restorative approach"
 - consider the unique systemic factors that may have played a part in bringing the offender to court

Information obtained from Canadian Corrections (Griffiths and Cunningham) 2000 Nelson Thomson Learning.

Redevelopment of Whitehorse Correctional Centre⁷

- Planning for the redevelopment of the Whitehorse Correctional Centre is underway.
- We are planning a new Whitehorse Correctional Centre that will be flexible enough to meet the needs of a number of special populations and is expected to last at least 40 years.
- It takes thorough planning and extensive consultation with Yukoners and experts in the field of corrections and architecture to ensure that the redeveloped facility will meet the safety needs of the Yukon public first and foremost, and provide a safe environment for staff and inmates.
- It is expected that the new Centre could open as early as 2005.
- Public safety and offender rehabilitation will continue to be "job one."

3.2. A Framework for Community Justice in the Western Arctic – 1999⁸

- Recently, Yukon Justice has begun consultations on a Corrections Strategy and has introduced a community development restorative justice training approach.

3.3. A Review of the Justice System in the Yukon – 1986⁹

- The Whitehorse Correctional Centre was constantly criticized by those communities visited which included persons who had spent time in the institution.
- **Hotel:** The conclusions were that the Centre does not rehabilitate nor does it act as a deterrent as was indicated by its' reputation as a hotel (in one case an inmate gave the institute a five star rating).
- **Housing:** There is a perception that some individuals offend solely to gain access to the Centre because of the facility provides many comforts that are not available in some homes.
- **Substance Abuse:** It was pointed out that most of those who end up in jail are people who have serious alcohol problems or who do not have the money to pay fines.
- **Decentralizing Containment Facilities:**
 - **Haines Junction Work Camp** – experiment was regarded as a progressive step in containment.
 - It was felt by those in the community that those kinds of projects emphasize the work ethic and personal responsibility and provide an opportunity for inmates to build self esteem through working with and associating with members of a community.

⁷ <http://www.justice.gov.yk.ca/prog/cor/wcc/redev.html>

⁸ Campbell Research Associates, Kelly & Associates, Smith & Associates, prepared for Government of Northwest Territories, Department of Justice, A Framework for Community Justice in the Western Arctic – June 1999

⁹ John Wright and Joanne Bill – A Review of the Justice System in the Yukon, 19 December 1986 – The Government of the Yukon, in response to concerns expressed about the justice system, appointed a panel to review the Justice System in the Yukon.

- The offenders are more productive and this was seen as a form of rehabilitation.
- The Haines Junction model was also viewed as an example of the benefits of decentralizing containment facilities.
- A number of bands in the outlying communities expressed an interest in establishing or using existing remote facilities for those individuals from their communities sentenced to serve jail terms and in particular those who had alcohol problems.
 - It was felt that the local communities could do a much more effective job of assisting people to overcome the difficulties that contribute to their criminal acts if they had control of programs and resources.
 - It was felt a controlled residence should be available in communities for those released from jail or remote rehabilitative centres to help them readjust to community life.
 - These “half-way houses” would permit individuals to avoid the peer influences that may have contributed to their criminal behaviour, including the particular pressures of alcohol and drugs.
 - The Whitehorse Correctional Centre is seen as essentially a place of containment for those criminals who are assessed as unsuitable for rehabilitative programs.
 - It was felt that a minimum number of those now in our jail fall into that category.
 - The majority would be more suited for Haines Junction like projects, or programs offered by members of their own communities in remote rehabilitative centres and halfway houses.
- **Probation:** was seen as essentially a way to punish through the assignment of community work.
 - The committees, for the most part, did not feel community work was being properly supervised or completed.
 - The end result is that offenders were not being punished or held responsible for their crimes.
 - Communities viewed probation officers and youth workers from outside who attempted to supervise or arrange for the supervision of those community work probation orders as ineffective.
 - Young offenders involved in community work are seen to being supervised by youth workers from the Department of Human Resources.
 - Adult offenders on community work are being supervised by probation officers from the Department of Justice.
 - Individuals felt that this was a poor use of taxpayers money and that these supervisory tasks could be performed by the same person.
 - Youth workers complained about having to supervise the community work of juveniles.
 - It placed them in conflict with their primary task of establishing close relationships with their clients.
 - It was explained that most people placed on probation were unemployed, relatively uneducated, suffered some degree of alcohol/drug abuse and generally had no self esteem.
 - It was felt that probation officers selected from members of the community not only were in a better position to understand probationers and their problems but also were more likely to establish some communication with them.
 - Probation officers interviewed indicated about only 30% of those persons placed on probation were suitable candidates for this sentencing option.
 - Their time was wasted dealing with people who could not benefit from or comply with the terms of the probation.

Recommendations:

- **Work camps:** such as that at Haines Junction be continued.
- **Remote Regional Rehabilitative Centres:** be established where offenders with drug/alcohol abuse problems be sentenced and these facilities should be staffed and operated to the greatest extent possible by trained members of the communities served by these centres.
- **Halfway House:** be established in communities where a need for such a facility exists where individuals can stay who are required to live in a controlled community setting as they attempt to integrate themselves back into the community life.

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- **Probation Officers:** should be hired from the specific communities they serve and these Probation Officers supervise young offenders, as well as adult offenders on community work probation orders, in addition to their own tasks.
 - o Before probation is used as a sentencing option by the courts, a pre-sentence report confirm the offender's suitability for this option.
 - o All probation orders must include at least a condition that the offender report to a probation officer.
- **Whitehorse Correctional Facility:** be used only to confine those persons who are considered unsuitable for either work camps or regional rehabilitative centre programs.
 - o The amenities provided to the inmates at these facilities be the minimum required by law in an effort to make confinement in this facility a deterrent.

4. Relevant Documents, Studies and Practices – Other Northern

4.1. Aboriginal Justice Strategy – Trends - 200010

4.1.1. Incarceration

- Nunavut and the Northwest Territories: another common theme in these northern communities is the problems associated with community members being sent to distant institutions to be incarcerated.
 - Northern incarcerated offenders are often isolated from any community support mechanisms that may exist.
 - This situation begets problems and challenges that individual and community must face upon the return of the offender to the community.
-

4.2. Crime and Corrections in the Northwest Territories – 1998 11

- This comprehensive report examines social problems, crime and justice issues in the North as well as the dynamics between community justice and mainstream justice.
- This report clearly articulates the state of crime in the Northwest Territories, specifically in the Eastern region (Nunavut).
- Having this information, knowing the conditions and the state of affairs is vital for putting together an effective strategy in crime prevention and addressing the specific justice issues that exist in the North.
- It also addresses the community level response to enlarging community-based corrections and community responsibility in the area of corrections, thereby addressing the issues that must be addressed before true community-based initiatives can be successful.
- Further, it illuminates the interconnected nature of Northern justice issues.
- Finally, the report highlights the importance of adequate preventative measures and the role of programming in ending the cycle of abuse/crime.
- As a whole, the report speaks to the Northern environment, the relationship that may be developed with the mainstream justice system, and the dynamics of community mobilization and power dynamics.

General Overview

- This study was undertaken for the Minister of Justice and the Minister of Health and Services Government of Northwest Territories.
- It represents a
 - review of the correctional system of the Northwest Territories,
 - the trends in crime and criminal justice,
 - the implications and desirability of enlarging community corrections, and
 - the challenges facing institutions in meeting the needs and assessing the risks of offenders.
- The terms of reference for the study also included examining how corrections might be organized and delivered following the division of the Territory to create Nunavut.
- The methodology included the use of raw data, interviews (with community members and justice officials) and past research.

¹⁰ 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 -

¹¹ Evans, John, Robert Hann and Joan Nuffield. Crime and Corrections in the Northwest Territories. Government of the Northwest Territories, 1998. cited in Department of Justice Canada, Research and Statistics Division, by Naomi Giff, Nunavut Justice Issues: An Annotated Bibliography, March 31, 2000, <http://canada.justice.gc.ca/en/ps/rs/rep/rr00-7a-e.pdf>

- The interviews represented the views of 14 communities (out of over 60) that were chosen by the Ministry.

Underlying Themes

- Although this report was focused on corrections in the Northwest Territories, which implies an ‘after the fact’ locus for attention, the report spoke about the need to prevent criminal activity and addressed the integral role of prevention in rehabilitation strategies, both institutionally and at the community level.
- The interrelated nature of criminal activity must be incorporated into any discussion or strategy to address crime and corrections in the Northwest Territories.
 - Social and economic status, family relations and personal relationships can be criminogenic factors and as a result they must be examined.
- The majority of the offenders in Territorial institutions are there as a result of committing violent crimes or sexual assault.
 - Although the researchers spoke about victim services, generally, the report does not adequately address the needs of women in the Northwest Territories.
 - The impact that such crimes and acts have on the relations between men and women and the needs of women in the small, isolated communities were not adequately explored.
 - The goal is to hand justice administration and delivery over to the communities when they are ready for it.
 - Although many communities are not presently ready to take on responsibility for community-based justice and corrections, with effort, time and resources they will be.
- Although the communities they interviewed were very different in terms of geography, size, level of isolation, and impact of social and economic problems, a number of shared concerns (between communities) were identified regarding the problems associated with community-based justice delivery and administration at present.
- It is important to remember that a significant amount of crime, up to 40%, goes unreported.

Major Findings and Conclusions

- The current environment of corrections in the Northwest Territories is in serious need of attention:
 - The prisons are overcrowded. In 1996/1997 they were operating at 43% over capacity.
 - Further, they found that the Northwest Territories has the highest incarceration rate of all provinces and territories (representing three times the Canadian average) and the majority of those incarcerated are there as a result of committing violent crimes.
- *Growing ‘crime-prone’ population:*
 - The general population of the Northwest Territories is growing steadily and faster than other parts of the country.
 - The birth rate is twice the national average.
 - The researchers predict a growing ‘crime-prone’ population in both the Eastern and Western regions (between the ages of 12-24).
 - This implies that if criminogenic factors are not addressed and prevention strategies are not developed the situation in the Northwest Territories in regards to crime and corrections will be aggravated.
- *The unique characteristics of offenders in the North:*
 - Offenders in the Northwest Territories have specific risks and needs that require more relevant approaches and strategies to be adopted in corrections.
 - The high prevalence of criminogenic factors such as unemployment, low educational levels, substance and solvent abuse, previous convictions, dysfunctional family life, early exposure to violence, poverty, and despair present significant challenges for corrections in the North.
 - These conditions demand that more effective strategies are developed.
- *The geography of the Northwest Territories:*
 - The geography of the North (like the characteristics of the Northern offender) requires that unique approaches be taken.
 - The researchers point out that what is considered a ‘standard’ approach in the South, will not work in the North where communities, generally small, are dispersed over a vast geographic area.
 - This geography requires a specific strategy.

- Limited resources – both human and financial - are also a reality in the North and that must be incorporated into any initiatives that are developed.
- *Use of police in Northern communities:*
 - The researchers noted that it is a significant event when officials are called in.
 - Once the police are called into the community to address an offence or an offender, the community members often feel that they have exhausted all of their resources and it can no longer protect itself from the offender.
- *Communities and community-based corrections:*
 - Communities are not prepared to take on more responsibilities regarding community-based corrections.
 - They have neither the resources nor in many cases the commitment or strength to assume more responsibility for these offenders.
 - Communities are in varying degrees of preparedness and ability to address justice in a community-based fashion.
 - The researchers found that many community members see the devolution as a situation of ‘off-loading’ the problem onto the community without giving them the adequate resources to do the job.
- *Failure of the current community-based corrections system:*
 - Researchers found that to many communities, the current community-based corrections system is not working.
 - Community residents and local officials indicated that paperwork monopolizes the agencies and agents time, aftercare (for the offender when they come back to the community), a vital component to corrections and rehabilitation is virtually absent, and the roles between social worker and probation officer are often dangerously blurred.
 - Further, probation is seen as a joke, with set conditions that often go unfulfilled lacking any adequate level of accountability.
- *Importance of victim services in the communities:*
 - A discussion of corrections cannot take place without incorporating the victim into the equation.
 - Similarly an effective strategy must not only support the victim in publicly denouncing the crime and demanding that it be addressed, but also in their journey through corrections.
 - Without such services many victims may not pursue the matter and as a result they will suffer the financial costs (property offences) and spiritual and human costs (violence and sexual assault) without any assistance.
 - In small, isolated communities, where support for the victim is lacking and/or there is an opinion that family violence is accepted as a part of life (as is the case in some communities of the North) these services assist the victims many ways.
 - Researchers also found that in many of the communities the focus was on the offender, while the victim was not given the attention they required.
 - For these reasons, victim services are very important to these communities and they must be given adequate support in developing them.

Major Recommendations

- To address the particular needs and risks of Northern offenders, and facilitate community-based corrections and community-based justice, a strategy must be developed to make changes at both the institutional and community level:
 - *Institutional Level Reform:* Over-crowding has made effective programming almost impossible.
 - The particular needs and risks of Northern offenders must be assessed to ensure that they are improper facilities and **core programming** (based on social learning theory) should be developed.
 - Such programming should be broad-based, address criminogenic needs and be developed and implemented in a culturally appropriate fashion, grounded in Inuit culture.
 - Aboriginal Healing Programs, programs focussed on family violence, sexual offending, alcohol and drug treatment, mental health programs and employment programs are all vital.

- None of these programs should be incorporated at the expense of the others.
- Such programs acknowledge the need to address the problems that brought the individual to the criminal justice system, (the factors associated with recidivism) and attempt to prevent the reoccurrence of offending by teaching new skills and behaviours.
- *Community Level Reform:* Strategies must be developed to address the low level of community tolerance, readiness and ability to assume more responsibility for handling offenders in the community.
 - The strategy the researchers propose is a multi-faceted approach that puts **community development at the foreground**.
 - Before community-based justice systems can become more effective a number of pre-conditions must be in place.
 - The researchers conclude⁴⁰ that much community development and healing is required.
 - Communities need to gather strength and develop a strategic plan for healing the community to effectively assist in healing others.
 - This requires not only the input of the members of the community, but also a significant level of desire and commitment within the community to take on the challenge.
 - It requires that effective training for those who will be community-based justice agents be available.
 - It requires effective drug and alcohol programs in the community and aftercare for the offender to follow-up with after the prison programs.
 - It also requires that victim services be developed.
 - At this level, justice issues and healing are often part of the same process.

Conclusions

- *Communities need to work at their own pace* in developing and administering community-based justice initiatives.
 - Communities differ in their ability to adequately address community corrections and as a result no standard approach or timetable will work for them all.
 - *The problems associated with how community corrections are now operated need to be addressed.*
 - To address the criticisms regarding how they are presently being operated, the researchers make a number of recommendations.
 - Specifically, that more resources be placed in the community for correctional operations, more training be offered to those in the community who perform correction functions, and more effective and responsive victim services need to be created.
 - *Any future efforts to have communities take on more community-based responsibility should be evaluated for their impact on victims, offender, communities, and the justice system.*
 - The programs should not be haphazard or unexamined; community-based corrections and justice initiatives are a learning process and the successes and failures have to be noted and learned from.
 - *Victim services must be developed.*
 - A significant investment must be made in services to victims and their families.
 - Support for victims is almost absent.
 - *Working with the family is essential.* The large number of cases that involve sexual assault and spousal assault require addressing the needs and cycles that exist within the family.
 - The researchers conclude that without effective programs the cycle of violence continues.
 - *A strategic and operational plan must be developed to respond to the expected increases in prison populations in the Northwest Territories and especially Nunavut.*
 - The uneven distribution of inmates between the facilities in the Eastern and Western regions indicates that facilities in Nunavut are not able to accommodate the inmates who are from Nunavut.
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4.3. The Use of Community Service Orders/Restitution in the Canadian North- 1990¹²

This article examines the Northern environment, the dynamics of community mobilization, and community mobilization and power dynamics.

General Overview

- Combining a literature review with relevant data on crime in the Northwest Territories, this article examines the failure of localized corrections to meet the needs of local community members and communities in the North.
- The vast distances between and relative isolation of Inuit communities in the North significantly influences the form, process and delivery of justice services.
- As a result of this Northern situation, circuit courts have been the form of justice delivery.
- The researchers note that these conditions - vast distances and relative isolation – are prime conditions for the development of community-based justice services and programs.
- However, although such community-based corrections have been used, several difficulties have hindered their effectiveness as potential community-based and community originated approaches.
- The authors examines the way that the use of community service orders and restitution in corrections in the North have failed to be an effective community-based alternative that is relevant to the needs of the offender

Themes

- The authors hold that corrections in the North need to draw upon and represent the community.
- The experience of restitution and community service orders, as they have been used in the past, represent a missed opportunity.
 - o They presented an opportunity to develop a community-based alternative that first, is relevant to the needs of the offender, victim and community and that second, meets both the needs of the community and the demands of the larger Canadian criminal justice system and the *Criminal Code of Canada*.
- The relationship between the community-based alternative and the larger, formal system is one that must be approached carefully - there is a tendency for the community-based corrections programs to be undermined by larger system.
- The focus in this research is on the failures of *community service orders* and *restitution* as forms of 'localized corrections'.
 - o There are a number of other forms not dealt with in this analysis that the authors may propose as more successful in meeting the needs of and representing the communities (i.e. Youth justice Committees or Elders Councils).

Findings

- *Community-based corrections provide an alternative to circuit courts:*
 - o Circuit courts are problematic.
 - Huge backlogs, time constraints, the absence of interpretive services and a lack of understanding of Inuit culture by those who fly in, have resulted in dispositions that are not relevant to the community.
 - Community-based corrections, by involving the community in addressing crime is seen as an alternative that meets the needs of the parties for restitution and reconciliation and does so in a more relevant manner.
 - As a result, a number of initiatives have developed grounded in diversion (Youth justice Committees) and corrections (community service orders, restitution, Elders Committees, Victim Offender Reconciliation Programs).
 - These are all commonly utilized corrections in the North.
- *Difficulties that have been encountered - the limitations of community service orders and restitution in Northern communities:*

¹² Griffiths, C.T and A. Patenaude. "The Use of Community Service Orders and Restitution in the Canadian North: The Prospects and Problems of 'Localized Corrections' ", in B. Galaway and J. Hudson (eds.) *Criminal Justice, Restitution and Reconciliation* Monsey, NY: Criminal Justice Press, 1990.

- The researchers attempt to determine why the use of community service orders and restitution in the North have failed to meet the justice needs of the community in resolving disputes at the local level.
- They found three difficulties, or factors, that have limited the ability of community-based corrections to be a true community-based initiative, with a community originated approach.
- Underlying these three factors is the formal criminal justice system and the way it operated to undermine the concept of localized corrections:⁵⁴
 - First, the dependency of the communities upon outside government to initiate, fund and support community corrections programs was a problem.
 - As a result of this the programs have been imposed upon the community, not developed by the community.
 - Second, the researchers note that there is tension between the traditional notions of conflict resolution and those that are represented in the community service order or restitution.
 - In the mainstream system the state intervenes and restitution is sought on its behalf since it is the victim (crimes and anti-social acts are crimes against the state).
 - Traditionally and (in many cases) presently, in Northern communities, these anti-social acts were a transgression against another person.
 - The form of restitution then, based on the mainstream system's approach to who is harmed, does not meet the community needs and expectations since the victim, in these localized corrections does not receive restitution.
 - Third, operational difficulties have limited the ability of restitution and community service orders to meet the needs of the community.
 - For example, many community service orders go unfulfilled because of a lack of adequate supervision and a lack of worthwhile community service order projects.
- *Lack of community involvement:*
 - This was seen as the major problem. Instead of using the community and its resources, the initiatives were developed from outside, with no community participation or input.
 - The researchers held that local programs must be tailored, developed and implemented to meet the specific needs of the community, drawing on the community's skills and strengths.
- *Consequences of inaction:*
 - If these limitations are not addressed the authors hold that there will be a continued dependency upon external forces for corrections and a further erosion of traditional practices.

Recommendations

- *Development of a bottom-up framework:*
 - The researchers suggest the development of a bottom-up framework for local corrections.
 - This framework would guide the use of localized corrections in the North.
 - Such a framework has many benefits for community members.
 - Specifically, community residents, rather than government and their agencies, have responsibility for identifying and addressing the needs of offenders and victims.
 - It also acknowledges the unique needs of each community and allows for direct input of community members in local corrections.
 - It is important to remember that such an approach requires a clear definition of who and what makes up 'the community'.
 - Such a definition will certainly assist the community in many of its community-based alternatives and initiatives.

5. Relevant Documents, Studies and Practices – Other Canadian

5.1. Canadian Families and Corrections Network -2001¹³

- Waiting at the Gate: Families, corrections and restorative justice, a 35-hour college level curriculum that was developed by the Canadian Families and Corrections Network.
 - The curriculum uses a restorative justice and dispute resolution/harm reduction approach to focus on the experiences of families coping with incarceration, and how correctional staff, service agencies, faith communities and volunteers can provide effective services.
- The first harm reduction concept is that families are harmed by the criminal behaviour of the offending family member as hidden victims.
 - Moreover, family members are often direct victims of the offence, including homicide, family violence and sexual offences.
 - It was suggested that the offender needs to acknowledge the harm and work toward healing.
 - In some cases this can be done directly with the family and in other cases not.
 - A restorative justice approach demands that the offender work toward healing.
 - This approach goes beyond just ‘doing the time.’
- The second harm reduction concept is that the family of the offender may be harmed directly or inadvertently by correctional policy, practice or attitude.
 - The harm caused by the correctional process needs to be reduced or mitigated.
- A restorative justice/harm reduction approach safeguards that family/marital support as an important factor in conditional release success is not lost or damaged.
 - In small groups, the participants were asked to rank the seven dynamic factors in conditional release success as identified in the Case Needs Identification and Analysis (CNIA) of the Offender Intake Assessment (OIA) used by the Correctional Service of Canada.
- Participant rankings were compared to the research of Motiuk (Director General, Research Branch, CSC (1998).
 - The participant rankings were used as a springboard to discuss family/marital ties as a target domain for service delivery and the interrelationship of family/marital ties with the six remaining target domains.
 - This included family/marital support affecting and being affected by employment, substance abuse, associates and personal/emotional functioning.
 - An example of the interrelationship of the domains included a family/marital relationship that would limit or restrict the time available for associating with negative companions, or the family/marital relationship may limit or collude in a substance abuse problem that leads to sporadic or chronic unemployment.
- Offenders often ‘burn out’ their family/marital support and the relationship ends, and that the correctional process may directly or inadvertently harm the family and lower family support through stressing the relationship beyond its capacity to be resilient.
- The presenters continued with the restorative justice concept of, “Who has been harmed, and how can the harm be reduced?” in a focus on the correctional process.
 - This included a discussion that family members will end up doing the same amount of ‘time’ as their loved one inside.
 - Family members are not, however, co-sentenced by the courts.
 - They are members of the public, to be treated with respect and without bias.

¹³ Report on the 28th Canadian Congress On Criminal Justice, June 20 - 23, 2001/20 Halifax, Nova Scotia Law, Justice, And The Community, hosted by the Canadian Criminal Justice Association: Summary By: Lloyd Withers, National Coordinator Canadian Families and Corrections Network Waiting At The Gate: Families, Corrections And Restorative Justice <http://home.istar.ca/~ccja/angl/report.html>

- Treating family members with dignity and respect does not threaten the good order and security of the institution.
 - The core themes of the *Waiting at the Gate* curriculum include:
 - The family of the offender is in crisis and requires support
 - The children of an incarcerated parent are at-risk
 - The family maintains ties in a correctional atmosphere that challenges the survival of the family
 - The family of the incarcerated person is an asset during incarceration
 - Family ties increase parole success and reduce recidivism
 - Stronger family ties are an effective form of crime prevention and lead to safer communities.
 - It is important to avoid or reduce further harm to the family that may be done in the name of rehabilitation and deterrence.
 - In a small group format, presenters posed the question, “Is the correctional process, in its current form, harmful to the maintenance of family ties?” and proposed that a restorative justice approach includes a dialogue between the family, the offender, victims, correctional staff, service providers, faith communities and volunteers that is often challenging to establish.
 - In the correctional setting, the family of the offender is sometimes viewed as a problem to be accommodated.
 - The family maintains family ties in a correctional atmosphere that challenges the survival of the family relationship.
 - Because family support is an important factor for parole success and for reducing recidivism, the provision of opportunities to strengthen family ties and to institute policies and programs that mitigate the effect of incarceration on the family are essential.
 - The opposite is also true: policies, practices and attitudes can serve to sever this important factor in crime prevention.
 - ‘Family-friendly’ policies and practices are needed to guide correctional staff such that the effects of incarceration on the family relationship is minimized or mitigated.
 - Continuing in a small group discussion format, participants were presented with several scenarios and were asked to assess and resolve the dilemma in the scenario. Small group responses were evaluated in the context of “family-friendly” policies and practices.
 - Presenters then discussed one form of effective service delivery to families, the Visitors Resource Centre (VRC) that is operated by the Canadian Families and Corrections Network at Kingston Penitentiary in Kingston, Ontario.
 - The VRC is based on restorative justice principles to provide coordinated, consistent and effective service provision to families.
 - The presenters concluded by summarizing that a restorative justice approach challenges the offending family member to acknowledge the harm that has been done and to work toward healing and restoration and that restorative justice demands more of the offender than just “doing the time.” Incarceration in and of itself does not effect change.
 - Healing and restoration takes place in community, not in exile.
 - Restorative justice challenges approaches that fail to address the root causes of criminal behaviour, including systemic issues within society.
 - It has also been identified that there are fears that a restorative justice approach to corrections and the family may have unexpected consequences, and that what at first appears as a functional decision may have implications that stretch far beyond what could have been imagined, or become dysfunctional in its application within a correctional environment.
 - What is apparent, however, is that the family of the offender is at the heart of a restorative justice approach to the correctional process. In fact, the degree to which the family is involved may determine both how restorative the correctional process is, both in terms of harm reduction, healing and reintegration/conditional release success.
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5.2. Examining Aboriginal Corrections In Canada - 1996 ¹⁴

- This monograph provides an in-depth assessment of Aboriginal corrections in Canada.
 - It is based on a variety of methods (interviews, analyses of corrections data, excellent bibliographical review, etc.) and always seeks to place Aboriginal corrections in the larger contexts of Canada's corrections policy, Aboriginal social and cultural realities, and general criminological theory.
 - The author establishes the point that Aboriginal peoples are particularly over-represented in prisons in western Canada.
 - o She contends that this is primarily because Canada, as a society, uses the imprisonment sanction quite heavily in comparison to other societies, and Aboriginal peoples, particularly in the prairie provinces, fall disproportionately into the disadvantaged socio-economic category most vulnerable to being caught up in the criminal justice system.
 - She also discusses the programming available for Aboriginal inmates, noting that not only is there insufficient information on the value of the mainstream programs for Aboriginal offenders, but also that few critical questions or in-depth evaluations have been advanced concerning the cultural and spiritual Aboriginal programming that has become so commonplace in prisons in recent years.
 - Surveys of inmates have consistently indicated that education and employment programs were deemed to be the greatest needs, and substance abuse the greatest problem.
 - The lack of support from the home community and the problems of reintegration there have been quite neglected, perhaps because of presumptions made about Aboriginal communities as a whole.
 - LaPrairie advances many policy suggestions, primarily calling for alternatives to imprisonment, refocusing community sanctions to facilitate reintegration, and community development strategies to get at the primary causes of the social problems that are at the heart of Aboriginal over-representation.
 - While some of LaPrairie's contentions can be challenged (e.g. the claim of little post-arrest racial discrimination may hold for sentencing and corrections but might overlook areas such as bail and plea-bargaining), she makes many insightful observations (e.g. with respect to Aboriginal offenders one especially sees that dealing with the life circumstances and experiences that result in federal sentences is extremely difficult for the criminal justice system to address).
 - o Her central thesis is well developed, namely that the cause of Aboriginal over-representation lies largely in the social and economic conditions of Aboriginal communities (e.g. the legacy of colonialism, discrimination, etc.) and that these same type of factors inhibit current rehabilitative efforts.
 - Consequently there is a need for refocusing community sanctions, and for effecting community involvement and community programs in the context of community development and institutionalization, and emphasizing that the development of local justice interventions must be guided by that larger imperative.
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5.3. Community Development Project- 1992¹⁵

- This report evaluates recent community initiatives undertaken by Correctional Services of Canada (CSC), primarily the utilization of a community development officer to develop community linkages and resources for offenders either released or on day parole.
 - o It is interesting for two major reasons:
 - one, that the Community Development Officer was found to spend far too much time and energy on administrative rather than community development matters, and,

¹⁴ LaPrairie, Carol. *Examining Aboriginal Corrections In Canada*. Ottawa: Solicitor General Canada, Aboriginal Peoples Collection, 1996 (also available at this Internet site) *cited in* Ministry of the Solicitor General of Canada, Don Clairmont and and Rick Linden, *Developing & Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature*, March 1998 <http://www.sgc.gc.ca/epub/abocor/e199805/e199805.htm>

¹⁵ Schrimi, Ron. *Community Development Project: Final Report*. Prince Albert Saskatchewan: Prairie Justice Research, 1992 *cited in* Ministry of the Solicitor General of Canada, Don Clairmont and and Rick Linden, *Developing & Evaluating Justice Projects in Aboriginal Communities: A Review of the Literature*, March 1998 <http://www.sgc.gc.ca/epub/abocor/e199805/e199805.htm>

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- two, that the author emphasizes that there is a need for CSC to have an orientation to local communities which invites a larger role for them, one that is empowering and has input into correctional policies and practices.
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6. Relevant Documents, Studies and Practices – USA

6.1. National Institute of Justice¹⁶

Restorative Justice: What's in it for Corrections

- The cost of corrections-due largely to increasing prison construction- is skyrocketing and, in some states, surpasses the amount of taxpayers' dollars spent on higher education.
- Many corrections and their allied justice professionals feel that the current system of corrections "doesn't work," which can lead to higher levels of staff frustration, cynicism and burnout. Restorative justice programs offer promising alternatives to the "status quo."
- Restorative justice practices provide innovative, sound approaches for some offenders that do not require incarceration, and are cost-effective when compared to the expenses related to prison/jail construction and maintenance.
- Restorative programs and processes hold offenders accountable to their victims and communities for their criminal and delinquent actions.
- Important partnerships are formed with allied justice professionals^{3/4} law enforcement, prosecutors, defense attorneys, the judiciary and courts^{3/4} that can enhance more coordinated, cost-effective and consistent programs and services.
- Crime victims, who have been traditionally suspect and critical of corrections, are viewed as "clients" of corrections, and their involvement usually improves their opinions of and relationships with corrections.
- National, state and local victim service providers work closely with corrections in the restorative justice model, and form partnerships that view the rights and interests of victims, offenders and the community as equal.
- Restorative justice responses to critical incidents and workplace violence provide greater opportunities for victim involvement, offender accountability, and correctional community support for developing a fair and appropriate response to staff victimization.
- The community enhances correctional operations and programs as volunteers and in advisory capacities, expanding opportunities to initiate and expand programs for offenders, as well as for their victims.
- Model restorative justice programs currently sponsored in community and institutional corrections have been enthusiastically received by offenders, victims and correctional staff, and have been positively highlighted by the news media.

6.2. Building Community Support for Restorative Justice Principles/Strategies¹⁷

Changing The Relationship Between The Corrections System And The Community

- Efforts by a corrections agency to stimulate change toward the restorative paradigm must of necessity present particular challenges.
 - The restorative justice framework calls for the inclusion of all stakeholders, especially victims and community members, in designing and implementing local justice practices.
 - It is an empowerment model that must clearly be grounded in grass-roots commitment at the local level.
 - However, corrections agencies are not typically oriented toward grass-roots participation and are generally very hierarchical organizations.

¹⁶ http://www.ojp.usdoj.gov/nij/rest-just/CH5/3_sntcir.htm

¹⁷ Pranis Kay, Director of the Restorative Justice Program of Minnesota DOC, Building Community Support for Restorative Justice Principles and Strategies http://www.restorativejustice.org/rj3/Action/Tutorial.1/BuildingSupport_Pranis.html

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- Restorative justice, on the other hand, is based upon highly participatory decision making, from individual cases to system design.
- Thus the corrections agency promoting changes toward the restorative justice model is challenged to provide leadership while not usurping the power of other participants.
- Any agency promoting change must model the values of restorative justice in its process by providing vision and encouragement to all stakeholders while avoiding specific directives.
 - There is an inherent tension between the desire by traditional stakeholders for details of implementation in order to understand the functional framework, and the need for the leading agency to leave the details of implementation to the participatory process.
 - At early stages of discussion participants may become impatient with philosophy and just want to be told what to do.
 - The question of 'how to' can be turned back to the participants asking them to apply the principles and identify practices which fit the principles.
- Over a period of time the responses from participants can become the basis for providing multiple examples of restorative practice to bring life to the concepts.
 - However, at all times the leading agency should resist the urge to develop detailed plans unilaterally because that might supplant the development of plans based on the participation of all the stakeholders.

6.3. What Future for "Public Safety" and "Restorative Justice" in Community - Corrections? 2001¹⁸

¹⁸ What Future for "Public Safety" and "Restorative Justice" in Community Corrections?. June 2001
<http://www.ncjrs.org/pdffiles1/nij/187773.pdf>

7. Relevant Documents, Studies and Practices – International

7.1. Restorative Justice In Prisons-2001¹⁹

There are enduring concerns about what purposes are justified by criminal punishment. These concerns should be taken seriously as they drive the political agenda but also raise legitimate issues about justice in a society. The public concerns about what criminal punishment should achieve are:

1. It should protect innocent law-abiding citizens from the harms the law is designed to prevent. It should do this by encouraging citizens to obey the law. The aim of law is to maintain a morally acceptable community.
2. Offenders should receive their just desert. The moral idea is that the punishment should ‘fit’ the crime.
3. It should redress the injustice done by the criminal offence by requiring offenders to ‘pay for’ their wrongdoing. The moral concern is that when a wrong is done to someone, justice requires that it be made right. There is also the assumption that the wrongdoer should make it right.
4. Punishment should not make the offender worse. Ideally it should make him a better person, through moral reform, therapeutic cure, conformity out of fear or as social integration.

Restorative Justice has been mainly seen in England and Wales as a diversion procedure for young, minor offenders. It has not always addressed the main concerns that the public, the judiciary and politicians have about what should be achieved by the justice system. It is possible to see that RJ is the only approach that addresses the concern for ‘just deserts’, the concern for deterrence and social protection, for rehabilitation, for restitution and provides for a wide discretion in tailoring the conflict resolution to all the factors in the crime situation.

Whilst we continue to regard restorative justice and prisons on opposite poles of the spectrum then the public will not recognise the validity of restorative justice as a realistic approach to resolving the conflicts involved in the decisions central to criminal justice. The debate about prisons must become more central in seeking to establish restorative justice as anything other than an interesting alternative for the less serious offenders and offences. The victims of serious crimes are being let down by the current exclusion of prisons as places of restoration for offenders, victims and their communities.

Developments in restorative work within prisons can be seen in the following ways:

- Operational styles. Without a safe prison little constructive work can be done with prisoners, their families and their communities. There is a need to focus on the using some of the procedures for conflict resolution in the community within the prison. Authoritarian styles do not encourage prisoners to use their time to transform themselves. The use of adapted family group conferences to resolve issues of disciplinary hearings has been tried in several prisons with good effect. Similarly prisoner grievances can be handled through the process of mediation. Increasingly staff matters are being addressed through this process but there remains a strong culture of formal inquiry and disciplinary hearing that will take time to change.
- Victims Needs. Respect for victims’ rights requires voluntary participation in all phases and thus any involvement will need to be carefully handled. There is some work taking place within prisons now

¹⁹ Tim Newell, Governor, HM Prisons Grendon Springhill Restorative Justice In Prisons <http://www.law.soton.ac.uk/bsln/rj/rjfprog.htm>
Restorative and Community Justice Inspiring the Future An International Conference March 28 – 31, 2001 Winchester, England

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but it is sporadic and temporary. Some matters are likely to progress

- Victim empathy is developed through many of the offending behaviour courses that are developing through the What Works agenda. Victim Support runs workshops in prisons, issues concerning victims are taken into account in planning release and home leaves, more victims are visiting prisons.
- Victim-offender mediation has been more developed in prisons in other countries although there are some good experiences in England. The Sycamore Tree project provides a focus for this work to take place in several prisons involving volunteers,
- Outreach to victims groups can be achieved by staff and prisoners supporting Victim Support formally or informally through attending their meetings and groups to share the experience of imprisonment.
- Reparation. This is one of the most established ways in which prisons have for many years tried to provide prisoners with opportunities to pay back something to society by charity work in workshops or through prisoners direct efforts, through inviting groups of less advantaged people into the prison to use facilities. It is possible through the mediation of a probation officer for the prisoner to make some direct restitution to the victim, but this must be carefully arranged.
- Restoration of offenders. Prisoners may not be able to be in direct relationship with their victim but they can be encouraged through the regime of the prison to take some responsibility through offender empowerment programmes in order to build their capacity to prosper in outside society. The focus currently upon resettlement programmes encourages this move towards accepting full responsibility for employment, family and return to society. During the sentence this can be prepared for through a gradual progression towards return and through the participation on accredited courses that are known to help reduce recidivism. However the whole capacity to progress in these matters is dependent upon the environment of the prison being a safe one. Unless prisoners can avoid experiences of being victimised in prison they are unlikely to be able to focus their attention upon those they have damaged by their offending behaviour. Thus the need to create and sustain safe healthy prisons is vital for restorative justice to be developed.

Conclusion

The potential for restorative justice in prisons is considerable. But it should not be seen as a tool towards reducing recidivism but as a means towards empowering offenders to take responsibility for their actions and to make amends. Nor should the work be entered into without much preparation and careful development, based on experience. The Prison Service cannot carry out this work on their own but should consult with practitioners in the outside community where there is increasing expertise in the process. To build a consensus that prisons can become more restorative cannot be done without this partnership. The offering of support may have to come from the community with an expectation that prisons can be true places of healing and transformation for the community as well as those directly affected by crime – victims and offenders.

7.2. Restorative Justice Options to Parole Suspension with Federally Sentenced Adults in Canada-2001²⁰

Victoria Parole is conducting a restorative justice project to demonstrate the applicability of restorative justice principles at the "end of the system" for offenders currently well lodged in the criminal justice system. The primary objective of the "Restorative Justice Options to Parole Suspension" project is to initiate a process using Family and Community Group Conferences for offenders facing possible parole suspension.

The focus of the Restorative Options project is to:

- Focus on the harm done when an offender is failing to successfully integrate pro-socially with his community.
- Shift the focus of the correctional system and the attitude of the correctional professional from an exclusive concern for the needs of the offender to an equal concern for the victim where appropriate and the community who are also victims of an offender's behaviour.
- To engage the local community served by correctional staff by involving and empowering the affected community and increasing its capacity to deal with criminal behaviour in their midst.
- To recognize that without adequate pro-social assistance, the obligations an offender faces while on conditional release may be difficult and feel like punishments.
- To provide an opportunity for dialogue between an offender, his family, his community, and the correctional officials. This does not preclude restorative dialogue with victims of the index offence where possible, and where appropriate.
- To reduce a sense of isolation and coercion on the part of all concerned, and instead to create an environment of collaboration in an offender's bid to reintegrate with his family and community (inclusive of the victim, where possible and when appropriate).
- To determine how an "end of the system" approach fits with the overall goals and objectives of the governments' support for restorative justice approaches.
- To determine how the project could be enhanced to further embrace the tenets of restorative justice without jeopardizing community safety.
- Give attention through an evaluation process to the possible unintended harm of our actions and programs, including those potentially resulting directly or indirectly from this project.

The Restorative Justice options project directly taps the two most powerful factors known to influence the risk of criminal offending. These factors have been categorized by Andrews and Bonta (1998) and are well recognized by other researchers and practitioners within CSC (e.g., Motiuk & Serin, 1998). First among the most powerful of these influences is the category known as "social support for crime". Variations in the direction (i.e., either pro-social or antisocial influences) are known to negatively or positively influence the occurrence of further criminal offending. The Restorative Justice options project serves to identify and strengthen an offender's pro-social influences in his community. Secondly, and perhaps the most powerful

²⁰ Shelley Trevethan, Research Branch, Correctional Service Canada and Andrew McWhinnie, Victoria Parole, British Columbia, Canada Restorative Justice Options to Parole Suspension with Federally Sentenced Adults in Canada: An Approach to Evaluation <http://www.law.soton.ac.uk/bsln/rj/rjfprog.htm> Restorative and Community Justice Inspiring the Future An International Conference March 28 – 31, 2001 Winchester, England

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influence on criminal offending is a category describing an offender's attitudes, values and beliefs. When an offender is confronted by the people he has harmed who can tell him what that harm has meant to them, the potential for positive shifts in attitudes and beliefs is present. While these shifts in attitudes and thinking may ideally occur among offenders, they may also shift among family members, members of the community, and survivors. A more constructive, collaborative atmosphere can develop out of which the motivation for positive change can occur. The offender realizes he is not alone, that he needs to make changes, that he is capable of these changes with people around him will support him while holding him accountable. As a safeguard for community safety the community parole officer has the last say and right of veto in any of the Restorative Justice options interventions. As well, there is always representation from the community (e.g., non-professional, non-partisan) and the victim survivor community.

We are proposing to conduct an evaluation of the "Restorative Justice Options to Parole Suspension" project. The purpose of the evaluation is to: describe the process and profile those involved; examine outcomes; and, examine decision-making processes. The following indicate some of the proposed research questions.

Process Analysis - to describe the process followed in the Restorative Justice Options to Parole Suspension project:

- How can the process be described?
- What are the steps leading up to, and following a conference?
- What occurs in a conference? And, are tasks that form the basis of the process being properly performed?
- How much time does the process take?
- Is the training of facilitators sufficient?

Profile - to profile the people who participate in the project, as well as the type of agreements reached:

- Who are the offenders involved in the process?
- Who are the participants in the process? What is each person's role?
- What agreements/plans are reached in a conference?

Outcomes:

- Are the goals of the project being achieved?
- Are the principles of "what works" in corrections honoured?
- Is the process meeting the principals of restorative justice?
- Are appropriate clients being targeted for the process?
- Are participants satisfied with the process?
- Do participants think the process was fair?
- Do participants understand the process better following the conference?
- What are the immediate outcomes of the process?

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- To what extent does the RJ Options project produce unintended outcomes?
- Are agreed-upon actions successfully completed?
- To what extent has the process effected a change in the offenders' actions and/or attitude?
- To what extent has the process effected a change in consensus-building between parole officers, offenders and the community?
- To what extent has the RJ Options project educated the community about the mandate and operations of the parole service?

Decision-Making Processes:

- What are the cost implications of running the project?
- What obstacles does the project face?

Some of the research instruments we are planning to use include:

- Pre- and post-interviews with participants (offenders, offender supporters, victims and/or surrogate victims or survivors, as appropriate, the community as victim, the "general" community, the facilitators and assistants, and CSC staff).
- Observation of conferences.
- Review of offenders' case files.
- Focus groups or interviews with parole officers.
- Other key informant interviews.