

The views expressed in this report are those of the authors and are not necessarily those of the Ministry of the Solicitor General of Canada.

**Making It Work:
Planning & Evaluating
Community Corrections &
Healing Projects in
Aboriginal Communities**

APC-TS 3 CA (1998)

Aboriginal Peoples Collection - Technical
Series

Single copies of this manual may be obtained
by writing to:

Aboriginal Corrections Policy Unit
Solicitor General Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P8

If more than one copy is required, please
feel free to photocopy any or all parts of
this manual.

This manual is also available on the
Internet at www.sgc.gc.ca

Cat No.: JS5-2/3-1998E
ISBN No.: 0-662-26653-6

MAKING IT WORK:
PLANNING AND EVALUATING COMMUNITY
CORRECTIONS & HEALING PROJECTS IN ABORIGINAL
COMMUNITIES



Rick Linden
University of Manitoba

and

Don Clairmont
Dalhousie University

1998

||

Making It Work: Planning and Evaluating Community Corrections and Healing Projects in Aboriginal Communities and Developing and Evaluating Justice/Community Corrections Projects: A Review of the Literature were originally planned as one volume. In looking at the authors' work, the Aboriginal Corrections Policy Unit decided that the two pieces were sufficiently different that their differences should be reflected in their publishing. The former is published as part of the Aboriginal Peoples Collection Technical Series, a group of publications meant to offer practical, on-the-ground advice to First Nations communities, both urban and reserve. The latter publication is part of the Aboriginal Peoples Collection, a series with a history of getting information on the general theme of Aboriginal corrections out to all who may be interested in it. It is the hope of the Aboriginal Corrections Policy Unit that both of these volumes will prove useful not only to their intended audiences but to all who take an interest in the issues concerning the First Peoples of North America.

*Aboriginal Corrections Policy Unit
Solicitor General Canada
March 1998*

EXECUTIVE SUMMARY

The Restorative Approach to Community Corrections

For many years, we have relied on the formal justice system to deal with the problem of crime. Community members have been discouraged from participating in their own protection and have had little say in the services they received. After the victim called the police dispatcher, the police would soon arrive to take care of the problem in their own way, and if an arrest was made case processing was left in the hands of the formal justice system. Many of those found guilty by the court were removed from the community and sent away to jail. Professionals have controlled each step in the system and victims and other community members have had little involvement.

While most people have come to accept this as the proper way of dealing with crime, many of those most familiar with the system feel it has failed them. Victims feel left out because their role as the aggrieved parties is forgotten and they are relegated to the role of witnesses. They have no control over the process; often they are not even informed about the disposition of the case. Offenders are also dealt with impersonally. Their crimes become the focus of concern and their individual circumstances and needs are not considered. Offenders are rarely reminded of the personal harm they have done. Instead, many offenders are sent to costly prisons that result more in alienation than in rehabilitation. The public is often not satisfied with the results of the justice system as it does not respond to their concerns. These problems have been particularly serious in Aboriginal communities that are often geographically and culturally isolated from the system of police, courts, and prisons. Aboriginal people also suffer from rates of incarceration that are much higher than those of other Canadians.

Many critics of the present justice system have advocated returning to a fundamentally different way of approaching criminal justice, to a system that is intended to restore social relationships rather than simply to punish. Advocates of **restorative justice** seek to return the focus of the justice system to repairing the harm that has been done to the victim and to the community. A key element of restorative justice is the involvement of the victim and other members of the community as active participants in the process. The focus of the restorative justice approach is to reconcile offenders with those they have harmed and to help communities to reintegrate victims and offenders. The source of peace and order lies in a strong, active, and caring community and proponents of restorative justice feel that a more humane and satisfying justice system can help to rebuild communities that may have been weakened by crime and other social ills.

A major focus of the restorative justice approach is reducing the number of people in prison. Diversion programs, community-based sentencing, and community corrections all serve to reduce the likelihood of imprisonment and to replace formal consequences with more meaningful community-based sanctions. Community corrections, an important component of the restorative justice approach, shifts responsibility for corrections back to the community and minimizes the

separation of the offender from society at a number of different stages in the correctional process.

The restorative justice movement is becoming very popular in North America. There are several reasons for this popularity including the escalating costs of incarceration, the social conditions inside prisons, the perceived failure of institutional rehabilitation programs, and dissatisfaction with a justice system that does not deal with the needs of the victim and the community. However, despite the apparent demand for restorative justice initiatives, many programs have fallen short of their goals.

Restorative Justice in Aboriginal Communities

Aboriginal communities have been at the forefront of the restorative justice movement for several reasons. First, there has been a serious failure of the conventional justice system in Aboriginal communities. While Aboriginal offenders are over-represented in the system, Aboriginal people play only a small role in running it. Many Aboriginal people feel that the justice system has been imposed on their communities and does not reflect their needs, their values, or their traditions. Second, traditional Aboriginal justice practices have generally taken a holistic approach emphasizing healing and the importance of community involvement in the justice process. Many of the features of restorative justice have deep cultural roots in Aboriginal communities. The community corrections movement is a means of returning responsibility for justice to these communities. Third, many Aboriginal leaders have recognized that restorative justice practices can be a means of rebuilding their communities. Fourth, the small size of many Aboriginal communities means that treatment can be applied within the context of the whole community. It is far easier to take a holistic approach to healing in a small, rural community where the behaviour of offenders can be closely monitored and where the different institutions that touch an individual's life can work closely together. Finally, restorative justice initiatives have been seen as a step toward Aboriginal self-government, as it is a way for communities to begin to regain control over the justice system.

Planning Restorative Justice Programs

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

In this manual, you will learn how to plan programs to address your community's justice needs. The manual provides step by step guidance showing you how to analyse your local problems and to develop and implement solutions. Following these steps will increase the likelihood that you will successfully implement your program and that your efforts will help to make your

community a better and safer place in which to live. Also, the experience gained in planning and implementing well-organized and effective justice programs will provide community members with expertise that can be applied to a wide range of problems.

To guide your work, this manual presents a planning and evaluation framework that will help you with the planning process. The restorative justice planning process includes four major stages:

- Identify and describe justice problems and needs. In this stage you will gather information about justice problems and needs, gather information about your community, prepare an inventory of justice and related services, and prepare a community needs assessment.
- Develop an action plan. In this stage you will define your community, select participants for your program, select the most suitable type of restorative justice program, set program goals and objectives, prepare a work plan, and develop a funding proposal.
- Carry out your action plan. In this stage you will obtain community support, train program staff, and establish operating procedures to guide your program.
- Monitor and evaluate your program. In this stage you will monitor your program's implementation, evaluate its impact, and write an evaluation report.

Conclusion

While restorative justice programs have a great deal of potential, they are not a quick fix to a community's crime problems let alone an easy means of rebuilding community institutions. LaPrairie has noted that "an enormous amount of hope is being vested in restorative justice and by extension, in the ability and willingness of communities to assume justice responsibilities and by doing so, to provide better justice to offenders, victims, and the community itself. But hope will not, by itself, necessarily achieve these ends" (1997a:15). We should remember that the prison system was built less than 200 years ago in the hope of creating a better society just as today's advocates hope to use restorative justice to help rebuild troubled communities. However, few today would hold the prison system up as a model organization. Despite the hope of reformers, it has failed in all but its custodial function. If we are to prevent the restorative justice movement from suffering a similar fate, we must ensure that programs are carefully planned and implemented and that the results are carefully evaluated. This manual has been written to help you to plan and to implement effective community corrections programs that will begin to achieve some of the results that advocates hope to see. Following the steps presented here will help you to develop successful restorative justice programs that serve the needs of victims, offenders, and their communities.

TABLE OF CONTENTS

Executive Summary	i
Chapter One - What Is Restorative Justice?.....	1
Conventional Justice Policy: Relying On The Formal System	3
The Restorative Justice Approach	4
Chapter Two - Planning Community Corrections And Restorative Justice Programs	13
Chapter Three - Identify And Describe Justice Problems And Needs	23
The Need To Target Programs Based On Community Needs	25
Community Analysis.....	31
Inventory Of Justice And Related Services	31
Prepare A Community Needs Assessment.....	32
Setting Program Priorities.....	32
Summary.....	33
Chapter Four - Develop An Action Plan.....	35
Define The Community.....	37
Select Participants.....	37
Selecting A Strategy: Types Of Restorative Justice/Community Corrections Programs	42
Serious Offense Mediation.....	49
Learning From Other Community Justice Programs.....	51
Lessons For Restorative Justice Projects	53
Adapting Programs To Community Characteristics	56
Making A Final Decision: Reviewing Your Program's Feasibility.....	57
Set Goals And Objectives.....	58
Prepare A Work Plan.....	61
Developing A Funding Proposal.....	61
Summary.....	62
Chapter Five - Carrying Out Your Action Plan	64
Training Program Staff	68
Should You Phase-In Your Implementation?	69
Establishing Your Operating Procedures.....	69
Developing A Communication Strategy Within Your Program.....	70
Summary.....	71
Chapter Six - Monitoring And Evaluating Your Program.....	72
Monitoring Your Program's Implementation	74
Evaluating Your Program's Impact	75
Who Should Carry Out The Evaluation?	79
Dealing With Objections To Evaluation.....	80
Reporting Your Evaluation	81
Summary.....	81
Chapter Seven - Conclusion.....	84
Appendix A - Restorative Justice/Corrections Planning Checklist.....	85
Bibliography	89

CHAPTER ONE

WHAT IS RESTORATIVE JUSTICE?



CONVENTIONAL JUSTICE POLICY: RELYING ON THE FORMAL SYSTEM

For many years, we have relied on the formal justice system to deal with the problem of crime. Community members have been discouraged from participating in their own protection and have had little say in the services they received. After the victim called the police dispatcher, the police would arrive to take care of the problem in their own way, and if an arrest was made case processing was left in the hands of the formal justice system. Many of those found guilty by the court were removed from the community and sent away to jail. Professionals have controlled each step in the system leaving victims and other community members with little involvement.

Most people have come to accept this as the only way of dealing with crime, however, many of those most familiar with the system believe it has failed them. Victims feel left out because their role as the aggrieved parties is forgotten and they are relegated to the role of witnesses. They have no control over the process. Often they are not even informed about the disposition of the case. Offenders are also dealt with impersonally. Their crimes become the focus of concern and their individual circumstances and needs are not considered. Offenders are rarely reminded of the personal harm they have done. Instead, many offenders are sent to costly prisons that result more in alienation than in rehabilitation. The public is often not satisfied with the results of the justice system because the system does not respond to public concerns. These problems have been particularly serious in Aboriginal communities that are often geographically and culturally isolated from the system of police, courts, and prisons. Aboriginal people also suffer from rates of incarceration that are much higher than those of other Canadians.

The Evolution of our Justice System

In earlier times, Aboriginal and non-Aboriginal communities responded to crime by restoring the harm done to victims and by restoring harmony to the community. Crime was viewed as a violation of people and of relationships. Justice was achieved when the victim, the offender, and the community repaired the harm that had been done. William the Conqueror and his English successors transformed the justice system into one in which the state, embodied in the ruler, was seen as the primary victim of crime. Crime became a violation against the authority of government rather than a violation against the individual victim and the community. The victim was essentially excluded from the process, and criminal justice became focused on punishment and deterrence instead of on repairing harm and restoring social harmony. Because of the power of the state and the potential for the abuse of that power, accused persons were provided a wide range of procedural rights. Justice was defined in terms of process, not in terms of results.

There are many problems with this process. The adversarial nature of the justice system and its focus on legal guilt means that the criminal incident becomes secondary to considerations of evidence and procedure. The system's emphasis on process and offender rights is of little comfort to victims who have lost their place in the system. The victim and other community members affected by the offense are simply bystanders as the state controls the prosecution of the case and its disposition. Offenders are encouraged to plead not guilty and to reject the idea of taking responsibility for their actions.

Even when found guilty, the offender is not required to express remorse or to make amends to the victim, though this may be given some weight in sentencing. Because of court backlogs and procedural delays, cases are typically not resolved until months or years after the event. This weakens the impact of any disposition and is very frustrating for victims who cannot bring closure to their cases. Convicted offenders are removed from their communities and sentenced to a correctional system that is not responsive to the needs of victims, offenders, or communities. Public satisfaction with the justice system is low but meaningful reform has been very slow.

THE RESTORATIVE JUSTICE APPROACH

Many critics of the justice system have advocated returning to a fundamentally different way of approaching criminal justice, to a system that is intended to restore social relationships rather than simply to punish. Advocates of **restorative justice** seek to return the focus of the justice system to repairing the harm that has been done to the victim and to the community. A key element of restorative justice is the involvement of the victim and other members of the community as active participants in the process.

Van Ness has summarized the foundations of restorative justice:

- “Crime is primarily conflict between individuals resulting in injuries to victims, communities, and the offenders themselves; only secondarily is it lawbreaking.
- The overarching aim of the criminal justice process should be to reconcile parties while repairing the injuries caused by crime.
- The criminal justice process should facilitate active participation by victims, offenders, and their communities. It should not be dominated by the government to the exclusion of others (1996:23).

Based on these principles, restorative justice seeks to prevent crime in the future by repairing past harms and by restoring social relationships. Rather than relying on imprisonment and other forms of punishment, the focus of the restorative justice approach is to reconcile offenders with those they have harmed and to help communities to **reintegrate** victims and offenders. The source of peace and order lies in a strong, active, and caring community, and proponents of

restorative justice feel that a more humane and satisfying justice system can help to rebuild communities that may have been weakened by crime and other social ills. As Judge Barry Stuart of the Yukon Territorial Court has observed, the formal justice system tries to do too much and "needlessly disempowers parties, families, and communities, and robs communities of an invaluable community building block; active involvement in constructively resolving conflict" (1996:193).

A major focus of the restorative justice approach is reducing the number of people in prison. Diversion programs, community-based sentencing, and community corrections all serve to reduce the likelihood of imprisonment and to replace formal consequences with more meaningful community-based sanctions. Community corrections, an important component of the restorative justice approach, shifts responsibility for corrections back to the community and minimizes the separation of the offender from society at a number of different stages in the correctional process.

Issues in Restorative Justice

The restorative justice movement is becoming very popular in North America. There are several reasons for this popularity including the escalating costs of incarceration, the social conditions inside prisons, the perceived failure of institutional rehabilitation programs, and dissatisfaction with a justice system that does not deal with the needs of the victim and the community. However, despite the apparent demand for restorative justice initiatives, many programs have fallen short of their goals.

The restorative justice approach has great potential but many difficult issues must be addressed before this potential can be fulfilled. Among these issues are: the relationship between restorative justice and the formal justice system; the risk of widening the net by including offenders who otherwise would have been diverted from the system; the extent to which programs are fair to victims, offenders, and the community; and the degree of public support for restorative justice.

Relationship with the Formal Justice System

While restorative justice programs are being used more widely, it is important to remember that they only exist within the framework of the broader criminal justice system. While there is provision in law for alternative ways of resolving disputes, restorative justice programs are still discretionary. For example, under Canadian law a judge is not obliged to accept the decision of a sentencing circle and the range of dispositions available to the court is limited by sentencing guidelines established by courts of appeal and by sentencing maximums from the *Criminal Code* (Royal Commission on Aboriginal Peoples, 1996). On the other hand, decisions handed down by judges on behalf of sentencing circles have been upheld in the Saskatchewan court of appeal.

Manitoba's Aboriginal Justice Inquiry noted another limitation. Under the *Young Offenders Act* each provincial attorney general sets guidelines for alternative measures. These guidelines may limit the number and type of young offenders who are eligible for inclusion in alternative justice programs. Because restorative justice programs must be tailored specifically to each community's needs and resources, regulations and guidelines may impose a degree of standardization that will reduce the effectiveness and legitimacy of these programs.

Because of these legal restrictions, often a community's ability to implement alternative programs depends on whether or not they can negotiate the cooperation of local police and court officials who must agree to change their normal way of dealing with cases. The restorative justice model requires the empowerment of local communities and the involvement of local people, but the mainstream justice system often has difficulty giving up control.

A very different problem can occur if governments encourage restorative justice programs for financial reasons. The system may promote the use of these programs to save money by turning responsibility for offenders over to local communities. If the community is not ready to support the programs or does not have sufficient resources to do so, the programs will fail. In the short term such failure may affect public safety and in the long term could mean the community will not accept alternative programs in the future.

Despite these potential difficulties, there is reason for optimism. In this report we will describe programs where communities have developed viable alternatives to the mainstream system. In most cases, representatives of this system have been willing to work with communities so that they can take control. Also, a recent change in sentencing legislation has made it easier to implement community corrections programs. In addition to the conventional objectives of protection of the public, deterrence, and rehabilitation, the new legislation sets out the objectives of making reparations to victims and to the community and promoting a sense of responsibility in offenders. In announcing the legislation, the government explicitly stated that alternatives to imprisonment should be used where appropriate, particularly for Aboriginal offenders (Department of Justice, 1994). The legislation also added conditional sentences to the *Criminal Code*. Conditional sentences allow convicted offenders to serve their sentences in the community under greater control and represent an important step in the direction of community corrections.

Net Widening

In the past, alternative measures programs have sometimes had the unanticipated consequence of drawing into the justice system minor offenders who would otherwise have been dealt with informally. For example, offenders who might have simply been counselled or warned may be seen as good candidates for alternative programs. This may not be a bad thing as an expanded range of dispositions allows for a more individualized justice system. Also, the victims of these offenses may prefer the opportunity of participating in a restorative justice program. However, program organizers should be aware that in some cases an informal response may be the best

way of responding to minor offenses, particularly those involving first-time offenders. Even more seriously, restorative justice programs may be used as add-ons to prison sentences rather than as alternatives to prison or means of reducing time spent in prison.

Are Programs Fair?

Restorative justice programs must be fair and must be seen to be fair by all members of the community. Those who participate in such programs should represent the community. If participants are self-selected the process may include only supporters of the offender or the victim. This will lead to the perception that justice only benefits certain people and your program will not be seen as legitimate by community members, victims, or offenders (LaPrairie, 1997a). Even where all segments of the community are represented, those responsible for running programs must ensure that everyone gets a chance to participate. Experience with some sentencing circles has shown that there was a reluctance by victims and other participants to speak and that the discussion was dominated by a few high-profile community members. Further, the discussion tended to focus on the accused rather than the victim. For proper healing the needs of both must be addressed (LaPrairie, 1997a).

The need to ensure fairness is particularly evident in cases involving the victimization of women. Mary Crnkovich, a lawyer who worked as a consultant to Pauktuutit's Justice Project, attended the first sentencing circle held in Nunavik, Quebec in 1993 (Canadian Broadcasting Corporation, 1996). The offender was a man who had assaulted his wife. He had been convicted of this behaviour three times before and had been imprisoned. Rather than ordering another prison term, the circle decided that the couple should meet weekly with three community members who were to act as counsellors. The counselling group was not successful and the man resumed drinking and beating his wife. He finally went to jail for sexually assaulting his sister-in-law. According to Crnkovich there was no preparation, no follow-up, and little consideration for the rights of the victim. She feels there is a danger that circles will simply enable offenders to escape punishment and will discriminate against victims who are often women. If wife abuse is not seen as a serious offense in some communities, and if community members who are themselves abusive sit on justice committees, victims will have difficulty receiving justice. Rupert Ross, has called these programs "abuse protection plans" that do nothing to deal with the dynamics of the offense and that additionally are unfair to victims.

A final fairness issue is the reaction of victims, offenders, and community members to the possibility that people who commit similar offenses may receive quite different dispositions. Equity is an important principle of the conventional justice system and many offenders have successfully appealed dispositions that vary from the sentence typically given for a particular offense. By its very nature, restorative justice is individualized so the outcomes of restorative proceedings may be very different from case to case. It may be difficult for offenders and community members to understand why one person must leave the community and go to prison, while another is dealt with in a community correctional program.

To avoid these problems, community leaders and program organizers must ensure that community members understand the restorative philosophy. Also, it is absolutely critical that they participate in the planning and operation of restorative justice programs and that organizers learn how the community feels about the program. Only in this way will programs be truly accountable to the community.

Community Support for Restorative Justice

One of the keys to successful restorative justice projects is the participation and support of the community. In some cases, victims have been unwilling to participate in victim-offender mediation programs (Umbreit, 1996) and some surveys have shown a relatively low level of public support for alternative programs. There are several reasons why public support for these programs is by no means automatic.

First, we have become used to the retributive model of justice that is the foundation of the mainstream system. For many Canadians, justice has not been done until the guilty party has been punished. People accustomed to this system may be reluctant to support restorative justice programs that they feel are soft on crime. While this objection may be difficult to overcome at a time when fear of crime is high, there is evidence that successful restorative initiatives can lead to a change in public attitudes. Victims are less hostile if they are allowed to have a say in the disposition of their case, and members of the community become more forgiving if they participate in community justice initiatives.

Second, communities may simply have too many other problems to deal with the additional burden of coping with offenders without extra support. In her study of a Saskatchewan Aboriginal community, Carol LaPrairie found that the community was apathetic and that residents were unwilling to volunteer their time for community programs. For example, community members were unwilling to help with diversion programs even when family members were involved. LaPrairie concluded that, "The expectation that communities, through their members designated with the responsibility for offenders and victims, will have the long-term commitment or resources to meet these goals does not seem to have been considered, much less evaluated, in the haste to implement 'community' justice. While individual community members may have the commitment, a common lament in many communities is that the same people always volunteer and eventually 'burn out' " (1997a:8). Empowering the community to take control of justice issues can be a major step in community healing. However, it can be a difficult step because the community institutions that must do this – including the family, schools, and religious and economic institutions – may not themselves be healthy.

Finally, community justice is supposed to empower and unite communities. However, there is also the possibility that community justice may divide rather than unite people. This may occur in small isolated communities where punishment, even when it is intended to reintegrate offenders, may alienate individuals and their friends and relatives from one another. To prevent this, everyone must understand that restorative justice is in the best interests of the entire community.

Many efforts to implement restorative justice programs have failed because of a lack of community support. Organizers must prepare the community for their role in restorative justice programs. Everyone must share the responsibility for ensuring that they live in a safe community in which disputes are handled fairly. Community education and outreach efforts must be made to ensure the support and cooperation of the community and there must be sufficient consensus within the community to support a common set of standards. Also, you may wish to begin with modest programs before taking on larger challenges.

Restorative Justice in Aboriginal Communities

Aboriginal communities have been at the forefront of the restorative justice movement. There are several reasons for this:

First, there has been a serious failure of the conventional justice system in Aboriginal communities. While Aboriginal offenders are over-represented in the system, Aboriginal people play only a small role in running it. Standards are applied that are not appropriate to the circumstances of Aboriginal offenders. For example, parole decisions that favour those who have jobs waiting for them on release discriminate against those who come from communities with high unemployment. Small Aboriginal communities may also lack parole officers and others who exercise community supervision, so alternative dispositions may not be available for offenders who come from these communities. There is a need to develop community-based alternatives to avoid the situation in which offenders are removed from their communities and sent to correctional institutions that may be far from home. Aboriginal people are also more likely than other Canadians to be jailed for non-payment of fines (Department of Justice, 1994). In these cases Aboriginal people may go to jail even though the sentencing judge did not feel such a disposition was appropriate. Many Aboriginal people feel that the justice system has been imposed on their communities and does not reflect their needs, their values, or their traditions.

Second, traditional Aboriginal justice practices which have taken a holistic approach emphasize healing and the importance of community involvement in the justice process. Many of the features of restorative justice have deep cultural roots including:

- the principle that justice should take place in the community, not in the prison system;
- informality;
- the important role played by respected community members;
- the involvement of family;
- the focus on the problems underlying the criminal activity rather than on the behaviour itself;
- the importance of counselling offenders;
- the emphasis on consensus-building;
- the need for talking things through and letting victims and offenders have their say;
- the expectation that the offender will accept responsibility for his or her action.

Third, many Aboriginal leaders have recognized that restorative justice practices can be a means of rebuilding their communities. There is a close linkage between justice and healthy communities. Clearly, the mainstream justice system, and particularly the prison, is not helping to improve the situation in Aboriginal communities and is in all likelihood making it worse. The underlying causes of crime, alcohol abuse, family violence, and other symptoms of community disorganization lie in the history of Aboriginal people. For many, this is a history of oppression by governments, residential schools, and churches. The consequences of these problems are addressed in the justice healing process. Restorative justice can help empower members of the community and help them to leave the past behind.

Fourth, the small size of many Aboriginal communities means that treatment can be applied within the context of the whole community. It is far easier to take a holistic approach to healing in a small, rural community where the behaviour of offenders can be closely monitored and where the different institutions that touch an individual's life can work closely together (Solicitor General, 1997).

Finally, restorative justice initiatives have been seen as a step toward Aboriginal self-government, as it is a way for communities to begin to regain control over the justice system.

Because restorative justice is so closely linked with traditional practices, Aboriginal communities have been very receptive to the new initiatives that will be discussed in this report. In this acceptance they may provide an example the rest of society may follow. As Zion has noted:

Traditional Indian justice rules and methods are not 'alternative dispute resolution'; they are the way things are done ... They provide lessons for general methods of alternative dispute resolution ... Canada has the opportunity to foster and nourish Native laboratories for change. In doing so, it will give its nation and the world the advantage of seeing other approaches to justice, law, and government" (Cited in Royal Commission on Aboriginal Peoples, High Arctic Relocation Report, 1996:74).

While there are many similarities between restorative justice initiatives in the larger society and those in Aboriginal communities, there are also differences. Aboriginal initiatives have a greater sense of collective responsibility, are more likely to involve extensive community and family networks, and are typically grounded in spiritual beliefs. These differences are due to factors such as the relative isolation and homogeneity of Aboriginal communities and to their distinct cultural and spiritual traditions (Jackson, 1992).

Who Should Organize Your Program?

There are many different ways of organizing restorative justice initiatives. In some communities, band leaders have identified justice problems and developed initiatives to solve them. In other places this organizing role has been played by teams of social service workers, community

groups, churches, or justice officials. Several communities have built successful programs by establishing community justice committees. In Figure 1, Judge Barry Stuart, a leading advocate of Aboriginal restorative justice programs, outlines how and why to build such a committee based on his experiences in the Yukon.

FIGURE 1
BUILDING A COMMUNITY JUSTICE COMMITTEE

- Community justice committees can assist in securing community-based direction and ownership, acquiring resources, recruiting volunteers, providing leadership, and building effective working relationships among all partners.
- Community justice committees are strategic mechanisms for dealing with both federal and provincial/territorial levels of government, for networking with justice officials, and for establishing a focus for local justice initiatives that is independent of the local political structure.
- Community representatives on the committee should not be selected by justice officials, but chosen by the community through a process determined by the community.
- Representation on the community justice committee should be balanced among age groups and gender and should include representatives from all sectors of the community. If the committee can remain close to the grassroots of the community, it will be more able to build and to retain community support.
- Justice committees should try to make decisions by consensus.
- While volunteers make up the core of a community justice committee, sufficient funding must be available to provide for staff time for administration and coordination.
- The justice committee should periodically be refreshed with new volunteers.
- The committee should be in regular contact with local justice officials including police, probation officers, courtworkers, and treatment personnel.

Source: Adapted from Stuart (1997)

CHAPTER TWO

PLANNING COMMUNITY CORRECTIONS AND RESTORATIVE JUSTICE PROGRAMS



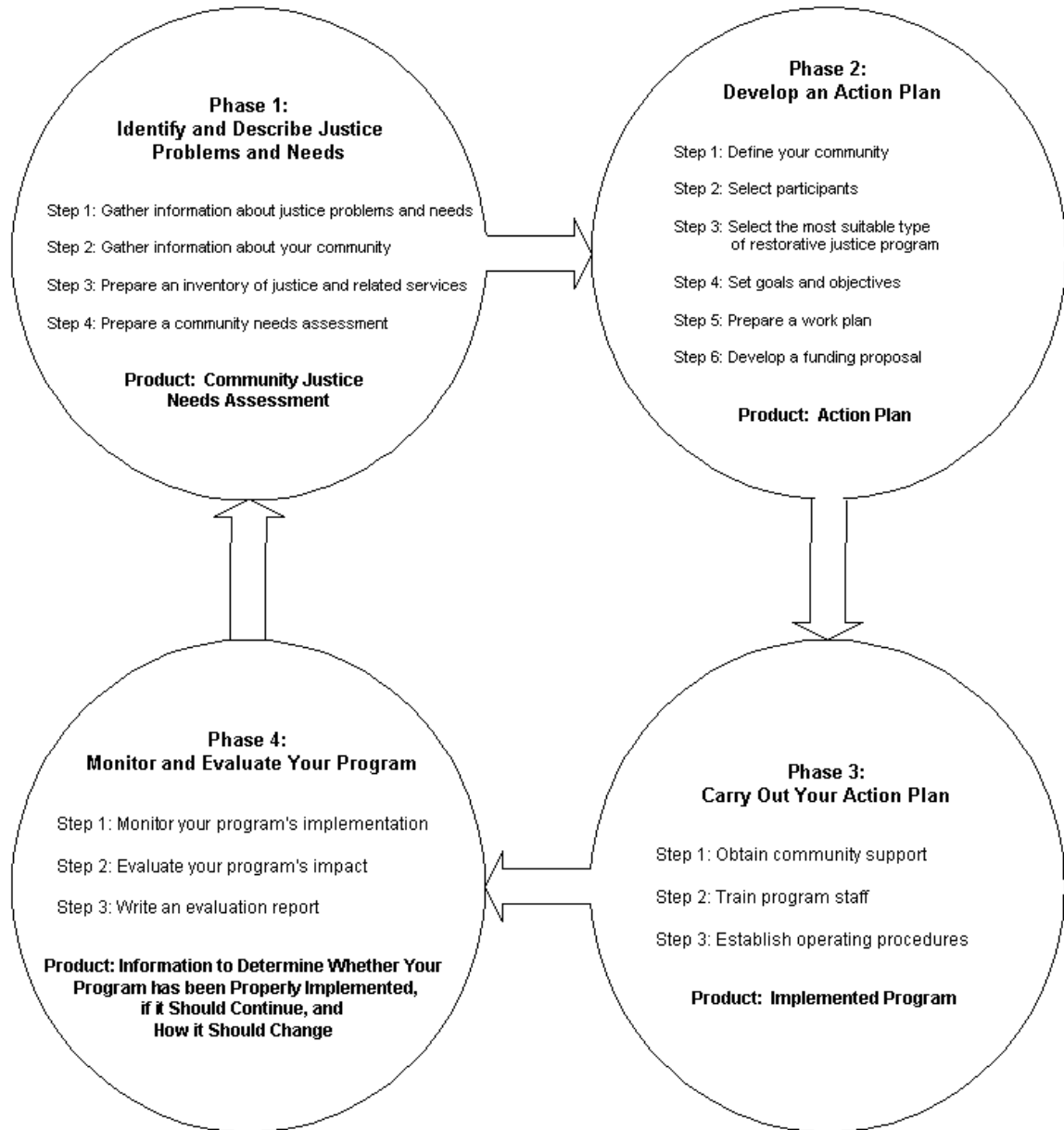
You will see in this report that not all restorative justice programs have succeeded. In most cases, lack of success was due to weaknesses in program planning or to ineffective implementation. On the other hand, successful programs are typically the result of careful planning and careful implementation.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

To guide your work, this manual presents a planning and evaluation framework that will help you develop better community justice programs. Following the steps in this framework should result in better programs and stronger communities.

The primary goal of the planning and evaluation process is to improve the quality of justice services in your community. Planning is required to ensure that you have the best solution to your community's problems and that you have the human and financial resources to carry out the program. Evaluation is the way you learn whether the program has worked. Resources are always limited, so you must ensure that your programs give your communities good value for the money and time you spend.

Planning and evaluation are part of the same process. This can be illustrated by Figure 2, the restorative justice planning model. In the rest of this manual, you will have the opportunity to work through each of these steps as you analyse your community's problems and plan programs to address these problems. For now, a brief introduction to the model will help you to see how following each step will enable you to develop programs to deal with the most important justice issues in your community.

**FIGURE 2
CRIMINAL JUSTICE PROJECT PLANNING MODEL**



Phase 1: Identify and Describe Justice Problems and Needs

- Step 1: Gather information about justice problems and needs
- Step 2: Gather information about your community

Step 3: Prepare an inventory of justice and related services

Step 4: Prepare a community needs assessment

Product: Community justice needs assessment

Phase 2: Develop an Action Plan

Step 1: Define your community

Step 2: Select participants

Step 3: Select the most suitable type of restorative justice program

Step 4: Set goals and objectives

Step 5: Prepare a work plan

Step 6: Develop a funding proposal

Product: Action plan

Phase 3: Carry out Your Action Plan

Step 1: Obtain community support

Step 2: Train program staff

Step 3: Establish operating procedures

Product: Implemented program

Phase 4: Monitor and Evaluate Your Program

Step 1: Monitor your program's implementation

Step 2: Evaluate your program's impact

Step 3: Write an evaluation report

Product: Information to determine whether your program has been properly implemented, if it should continue, and how it should change.

Remember that successful programs do not just happen, they must be planned. In this manual, you will learn how to plan programs to address your community's justice and corrections needs. The manual provides step by step guidance showing you how to analyse your local problems and to develop and implement solutions.

Following these steps will increase the likelihood that you will successfully implement your program and that your efforts will help to make your community a better and safer place in which to live. Also, the experience gained in planning and implementing well-organized and effective justice programs will provide community members with expertise that can be applied to a wide range of problems. The planning process will take time. It is not unusual for organizers to spend one or two years planning and working with the community before their programs are ready for implementation. However, experience has shown that this time spent planning greatly increase the chances that your program will succeed.

Phase 1: Identify and Describe Justice Problems and Needs

This is your **research** stage. Crime and justice statistics and consultation with the community are used to define crime and justice problems in their community context, to establish priorities, and to describe the key aspects of these priority problems through detailed problem analysis. The result is a precise statement of the problem(s) you wish to address. Ideally, your problem analysis will consist of two steps:

- First, you will describe the major justice issues in your community in sufficient detail that you can assess their relative seriousness.
- Second, once you have identified your community's priority problems, you will want to analyse these problems in detail before you begin working on solutions.

The final product of this stage is a statement describing your problem in as much detail as possible.

Step 2: Develop an Action Plan

This is your **strategic planning** stage. Your planning group will develop a set of approaches most likely to be successful, including selecting potential participants, setting goals, establishing indicators of success, and choosing between alternate strategies. The product of this stage is an action plan detailing the strategy you will use, along with a statement of goals and objectives and a detailed work plan.

Step 3: Carry Out Your Action Plan

This is your **action** stage. Your group will decide on the roles of participants, obtain necessary support from agencies that are to be involved, and decide how to maintain your program during the years ahead. In this stage you will implement your program.

Step 4: Monitor and Evaluate Your Program.

This is the **assessment** stage. As each step of the program is being carried out, you must **monitor** its implementation to ensure that all steps are implemented as planned. When your program has been in operation for an appropriate length of time, an **impact evaluation** should be done in order to determine whether conditions have changed because of the program. The degree of success your community experiences with your initial action plan will help to determine the approach to be used in subsequent attempts to resolve the same or similar problems. Impact evaluation also introduces an element of accountability into the process, because those involved know the results of their efforts will be measured.

Evaluation is the final stage in the planning model. However, you should not wait until your program has been completed to begin planning your evaluation. It should be built into your program from the beginning. This will ensure that you will monitor implementation from the beginning and that you will collect the information required to do an impact evaluation. Without sufficient data about the implementation of each component of your program, you will be unable to determine the reasons for its success or failure. Prior to beginning your program, you should do an assessment of what information will be required for your monitoring and evaluation and you should plan when and how to collect this information.

Careful planning is a vital component of successful programs. To help your planning, this manual describes the process in a step by step fashion. **The steps you should follow are also listed in the restorative justice planning checklist in Appendix 1.**

CHAPTER THREE

**IDENTIFY AND DESCRIBE JUSTICE PROBLEMS AND
NEEDS**



THE NEED TO TARGET PROGRAMS BASED ON COMMUNITY NEEDS

New justice programs are continually being implemented across Canada. Some, like family violence courts and youth justice committees, fill an important community need and slowly spread across the country. Others fail for a variety of reasons including failure to accomplish their goals, lack of funding, loss of interest by participants, or a realization that they may involve more work than the problem merits. All too often programs are implemented with no systematic analysis of needs. Planners sometimes find a program they like and try to find a place to implement it, so programs may be offered simply because they have worked elsewhere or because they have become fads.

To be effective, justice programs must be based on a community's needs and directed where they will do the most good. Focusing your community's efforts on these carefully selected targets has several positive consequences:

- First, limited resources, both human and financial, can be directed towards the most serious problems.
- Second, if programs are systematically planned and targeted, the activities of different agencies can be coordinated.
- Third, it is easier to assess the results when activities are focused on carefully-defined problems. This provides information about the success of different strategies or programs, and also adds a degree of accountability to the process.

The idea of developing new programs can result from dissatisfaction with existing justice services or from the need to deal with new problems that are affecting the community. We can illustrate this process by looking at the reasons why communities started several recent Canadian programs. The results of some of these programs will be discussed later. In this section we will look at how a community's analysis of its justice problems led to the implementation of programs designed specifically to address these problems. Organizers of each of these projects made use of statistical information to identify a need and to plan their program. This analysis played a vital role in the success of the program.

Waseskun House

Waseskun House is a charitable organization that operates a Native community residential centre in Montreal for First Nations and Inuit men from Quebec. Waseskun House provides a variety of services including:

- Residential and intensive programming services for male Native offenders;
- Direct supervision of federal clients;

- Parole supervision for clients in First Nations communities;
- Private treatment services;
- Private community referral services;
- Community reintegration services and training; and,
- Intensive training and support networks for front-line workers.

Over 400 men have taken the program since 1988. One of the core programs involves men completing their sentences in a five month residential program. Up to 20 men at a time participate in an intensive program that covers a variety of subjects including life skills, sexuality, and anger and stress management. Waseskun House has a holistic philosophy that emphasizes healing and restoration, and an important component of the program is a community healing circle that involves all the participants. During the summer, clients and their families are given the opportunity to participate in intensive therapy camp sessions in a secluded environment. Waseskun House has also established an Internet site (<http://www.waseskun.net>) that is part of a nation-wide Aboriginal computer network. The site is a resource for caregivers and social workers serving Aboriginals and is an excellent source of information on community corrections issues.

The Hollow Water Community Holistic Circle Healing Program

In 1984 a Resource Team in four neighbouring Manitoba communities came together to discuss community problems. Three were Metis communities and the fourth, Hollow Water, was a status Indian Reserve. The team was concerned about youth problems in their communities and sought to work together to deal with youth issues. However, the team's focus began to change in 1986 when a disclosure of child sexual abuse caused them to investigate intergenerational cycles of abuse. As they gathered information about this problem, they were shocked at the high levels of abuse. The team estimates that 80 percent of the residents of their community have been victims of sexual abuse, most at the hands of family members, and 50 percent of the population have been abusers (Ross, 1996). The team realized that responding through the conventional justice system would be devastating to the community and began to develop a restorative program that emphasized individual and community healing rather than punishment. The investigations and trials in such a large number of cases where victims and offenders were family members and neighbours would have been very divisive to the families and to the communities. Also, child sexual abuse is a very serious offense and if the mainstream justice system had been used, a high proportion of the population would have been incarcerated.

The Community Holistic Circle Healing Program was developed to deal with sexual abuse and family violence. The program is aimed at healing abuse victims, offenders, families, and the community. The community-based healing model takes community members through thirteen steps from the initial disclosure to the final public cleansing ceremony over a period of several years (Lajeunesse, 1993). Many adults in the community have received special training and an organizational structure was put in place to administer the program. Representatives of the conventional justice system have been very supportive of the program and have given their

cooperation. By 1995, over 100 victims and offenders and over 200 of their relatives were involved in the healing program. Only five offenders have been sentenced to jail and only two offenders in the program had reoffended (Ross, 1996). Community members intend to use the program as the core for future community development work, including transforming educational institutions, creating youth development and employment programs, and articulating the community's cultural foundations.

Kwanlin Dün Community Justice - Circle Sentencing

In 1992 the leadership of the Kwanlin Dün Band in the Yukon realized that many band members were involved with the criminal justice system, and that many of them were reoffenders. With little or no community support for offenders or victims there was little hope of reducing the community's problems with crime. Band leaders met with justice officials to seek a better way of dealing with the problem. The result was a circle sentencing program that focused on healing the damage caused by crime and on reintegrating the offender into the community. The circle consisted of a wide variety of people including judge, crown attorney, defence counsel, court worker, probation worker, alcohol and drug worker, crime prevention coordinator, family members, elders, and other community members (Church Council on Justice and Corrections, 1997).

Atoskata – Victim Compensation Program for Youth

As in many other Canadian cities, rates of auto theft increased dramatically in Regina. Many of these thefts were committed by young joyriders, and the justice system responded by increasing the number and length of closed custody sentences given to juvenile car thieves. The Saskatchewan Department of Social Services began to question the use of closed custody when research showed that rate of youth taken into closed custody in Saskatchewan was 70 percent higher than the Canadian average and almost 250 percent higher than the average in the United States. Concerns about this rising use of custody led the Department to look at other sentencing options. One of these was Atoskata which was run out of the Regina Friendship Centre. Atoskata is a supervised work program in which convicted youth earn money to compensate victims for money they have lost because of the vehicle theft. An important component of the program involves Aboriginal elders mentoring the youth as part of a healing process (Church Council on Justice and Corrections, 1997).

Aboriginal Legal Services of Toronto

A 1989 report on native justice in metropolitan Toronto found that Aboriginal people were disproportionately represented in provincial criminal courts. The report showed that there was a kind of 'revolving door' justice as many Aboriginal people were repeat offenders who were neither being rehabilitated nor effectively sanctioned by the justice system. The high levels of substance abuse and related offences such as prostitution indicated the presence of deep-seated social problems that would be very difficult to heal. A large number of the charges were court-

related offences such as failure to appear and failure to comply with court orders suggesting a high level of estrangement of Aboriginal offenders from the formal justice system.

According to some estimates, Metropolitan Toronto is home to 60,000 Aboriginal people and over forty native cultural and social service organizations. The community had the challenge of taking advantage of the population numbers and the organizational infrastructure to develop a healing program that would help reduce the number of Aboriginal people in the justice system.

The adult diversion program began in 1991 at Aboriginal Legal Services of Toronto (ALST), an organization that also provides legal aid, courtworker services, and various types of training. The program diverts adult Aboriginal offenders before their cases are formally processed in court. The program has a small staff that coordinates the work of a diversion panel consisting of Aboriginal volunteers. The program has placed an emphasis on the healing of offenders and on connecting them with the Aboriginal community in Toronto. Program staff have systematically collected data on many factors including offense type, socio-economic characteristics of offenders, and compliance with dispositions. The program has been very well-managed and has outlasted all other Aboriginal adult diversions programs. ALST also plans to implement a post-release program to help reintegrate offenders back into Toronto's Aboriginal community.

METHODS OF GATHERING INFORMATION FOR JUSTICE PROJECTS

After you have defined your project, you must determine the information you need for planning, implementation, and evaluation. There are several different sources of information available to you. These include:

- Police, court, and corrections statistics;
- Social agency data;
- Community consultation through surveys, focus, and community meetings;
- Surveys of key people in the community including elected officials, elders, traditional teachers, offenders, and justice personnel;
- Community analysis; and,
- Inventory of justice and related services.

Do not be overwhelmed by all this information. Remember that you will not be using all these sources for any individual project. Simply choose the types of information you need to analyse **your** community's problems and to develop programs to help deal with these problems. In the remainder of this chapter, we will discuss each of these sources of information in more detail. We will also describe the **purpose** of each of the data sources, the **process** of gathering the information, and the **product** you might wish to obtain from each (Boles and Patterson, 1997).

Police, Court, and Corrections Statistics

Criminal justice agencies keep a range of statistical data on things like crime occurrences, institutional admissions, and caseloads. For example, local police departments or detachments keep detailed statistics on crimes reported to the police. Statistics Canada publishes yearly statistics on crimes reported to police in all Canadian communities that can be used to compare crime trends over time among different communities. Corrections departments collect information on prison admissions and probation and parole caseloads. You should also try to assess the availability of programs available for Aboriginal people in the correctional system. Corrections data may distinguish between Aboriginal and non-Aboriginal offenders and may be particularly useful in developing new community corrections programs for Aboriginal offenders.

- Purpose** To understand the nature of crime and justice in your community. How much and what type of crime is committed in your community? How many people are incarcerated or on probation or parole?
- Process** Meet with police and correctional officials to put together the statistics about crimes reported to the police and the caseloads of the correctional system.
- Product** A statistical profile of crime and/or the criminal justice process in your community.

Social Agency Data

Many social agencies have information that is a valuable supplement to criminal justice system data. For example, child and family services, women's shelters, detoxification centres, and sexual assault centres all have information that is of great interest to people planning restorative justice programs. These agencies all deal with people who may be victims and who may benefit from participation in restorative justice programs. The victims who come to the attention of social agencies are typically from vulnerable groups including women and children, so it is very important that you consult these agencies.

- Purpose** To supplement justice system data about crime by collecting information from social agencies whose mandate includes dealing with crime victims.
- Process** Meet with social agency personnel to obtain their statistical information and to discuss with them victimization issues that will help your program planning.
- Product** Better information about the nature and consequences of crime victimization.

Community Consultation

Community members can be consulted in several ways including community surveys, focus groups, and community meetings. Consultation with community members is important, as it will give you sound information about the community's perceptions of its problems. It will also help obtain public support for your programs, as people are more likely to support and to participate in programs if they have been consulted beforehand. Experience has shown that if you implement programs without consulting those who will be affected, those programs will not likely succeed. Crime and justice statistics give you a picture of crime in the community, but you should also talk with community members to get a more complete picture of your community's crime and justice problems.

Restorative justice programs are designed to restore the role of the victim in the justice process, so it is particularly important to talk with people who have been victims of crime. You might wish to talk with victims individually, or to meet with several victims at once in focus groups. A special effort should be made to consult with people who may be especially vulnerable including women, youth, and the elderly. You may also wish to talk with offenders to ensure that the programs you develop will help to meet their needs. This is particularly important because the offender's participation in some types of restorative justice programs is usually voluntary.

Purpose	To obtain feedback from community members, including crime victims and offenders, about their perceptions of community problems, their experiences with criminal justice agencies, and their needs.
Process	Design and administer a community survey; select individuals and conduct focus groups; or organize and conduct community meetings. Analyse the results.
Product	Community members' perceptions of the community's crime and justice problems and needs. Consultation with victims will provide information on the experiences of crime victims and their perceptions of how they have been treated by the justice system. Interviews with offenders can add to your knowledge about patterns of crime as well as the motivations and needs of those who commit these crimes.

Community Leaders Survey

A good way to obtain the views of the community about crime issues is by interviewing people with a broad knowledge of the community and local issues. Community leaders can familiarize you with general community trends and issues, crime problems, resource availability, and current activities in the justice system. In addition, they can help identify community agencies and community groups that might be able to help with restorative justice activities. The key persons to be interviewed will vary from community to community, but they might include band councilors, women's groups, elders, traditional teachers, clan leaders, church leaders, school officials, police, welfare and child and family service workers, judges, probation and parole officers, and youth leaders.

Purpose	To learn about community issues and trends, current justice activities, and resources that might be available for your program.
Process	Identify key persons who may have information that can assist your planning and carry out interviews with these people.
Product	An informed assessment of the community's crime and justice problems and needs can be used with the material you have obtained through consultation with other community members to give you an understanding of the community's justice needs and resources.

COMMUNITY ANALYSIS

In addition to crime statistics and information from members of the community, planners also need information about the physical and social characteristics of the community. Factors such as neighbourhood characteristics, housing conditions, population density, age, gender, socio-economic class, family and community stability, youth activities, resource availability, and the general economic climate can all have an impact on criminal justice problems as well as on the best solutions to those problems.

Purpose	To learn about the social and economic conditions of the community. Knowledge of the dynamics of a community and its strengths and weaknesses is a necessary step in your community needs assessment.
Process	Use all available sources of community information. Some will be obtained in community and community leader surveys. Other sources of these data include Statistics Canada publications, band officials, municipal planners, community groups, and your own knowledge of your community.
Product	An analysis of community characteristics that may affect criminal justice problems and programs

INVENTORY OF JUSTICE AND RELATED SERVICES

An inventory of justice and related services is a list of agencies and programs along with contact names, a statement of the nature of the services provided, and a specification of the target clients. The inventory has many functions. It can be used by those who must find programs and services to refer victims and others with justice-related problems. Existing agencies can also be very useful as homes for new programs and services. Also, when combined with the information you have collected about the community and its problems, the inventory is a necessary part of a community needs assessment.

Purpose	To become aware of all crime and justice resources currently being used in the community
Process	Develop a list of services and agencies that provide justice and related services
Product	A list of agencies, programs, and organizations that provide justice and related services

PREPARE A COMMUNITY NEEDS ASSESSMENT

At this stage of your project planning you have studied your community and its justice-related problems and you have identified programs to deal with these problems. The product of this stage will be a **community needs assessment**. Analysing the problem has pointed to certain needs in your community. Your inventory of existing agencies and programs will allow you to identify the needs that are not being met.

The needs assessment you have just completed is very important as its justice-related problems and you have identified programs to deal with these problems. The product of this stage will be a community needs assessment. Analysing the problem has pointed to certain needs in your community. Your inventory of existing agencies and programs will allow you to identify the needs that are not being met.

The needs assessment you have just completed is very important as it forms the basis of the rest of your planning. The work you have put into this stage of the process will pay off later, as it is much easier to develop and to implement an action plan once you know your community's needs and have identified some of the resources that are available to meet these needs.

SETTING PROGRAM PRIORITIES

If there are several unmet needs, you will have to **set priorities**, as it is not advisable to take on too many problems at once. Several factors should be considered when you determine your priority problems:

- First, if possible you should address the problem that is of greatest concern to your community. The consultation that you did as part of your community needs assessment will have identified the problems that are of greatest concern.
- Second, you must ensure that your community has the capacity to deal with the problem you select. If you decide to take on a problem that demands more human and financial resources than your community can provide, your program will almost certainly fail. It may be best to begin with modest goals and to build on success when tackling larger issues. For

example, you may wish to gain experience using restorative justice programs for minor offenses before facing with the challenges of supervising long-term serious offenders within your community.

SUMMARY

You have now completed the first phase of your restorative justice planning. The product of this stage of the process is a community justice needs assessment that is based on your community's problems and the programs available to meet those problems. In this stage you should have completed the following steps:

- gathered information about your community's justice problems and needs using data from a variety of information sources.
- gathered information about your community in order to understand the community characteristics that may affect criminal justice problems and programs.
- prepared an inventory of justice and related services to determine the agencies and programs in your community.
- prepared a community needs assessment that has identified the gap between needs and available services.

After completing this part of the planning process, you may wish to report back to the community, perhaps through a public meeting, to let interested community members know the problems and needs your program will be dealing with and to receive their views about the plans your team has developed.

CHAPTER FOUR

DEVELOP AN ACTION PLAN



Once you have identified a priority problem and defined the dimensions of the problem, the next task is to develop your action plan. In this stage, your planning group will develop programs to address the problem you have defined, including selecting potential participants, setting goals, establishing indicators of success, and choosing among alternative strategies. The product of this stage will be an action plan detailing the strategy you will use.

DEFINE THE COMMUNITY

Before you begin to develop your program, you must decide who is going to be involved. The issue of who should be involved in developing a program and who should be its clients partially depends on where you draw your community's boundaries. Defining the community is sometimes a simple task, as communities often correspond to natural geographical areas or administrative areas. For example, a reserve, a small town, or a distinct urban neighbourhood is easy to define. However, in other cases, such as in urban Aboriginal communities, you may have to make an arbitrary decision about the boundaries of your community before beginning your research. Sometimes the community does not correspond to a geographical area or political jurisdiction. It may be a community of people who do not necessarily live near one another, but who share a common interest or a common set of problems. For example, urban Aboriginal people may be geographically dispersed, but still make up a community with common justice interests. Thus the offender supervision programs run by the Waseskun House deal with Aboriginal people across the Montreal area as well as those in the Akwesasne community.

SELECT PARTICIPANTS

Your next task is to identify the persons to be involved in the planning and implementation phases. Who is in the best position to help you deal with the needs and problems you have identified? Some will already have been involved in the needs assessment stage of the planning process. If a steering or planning committee has been responsible for this stage of the planning, at least some members of this committee will likely form part of the group that will be responsible for the rest of the work.

One factor that you must consider in selecting participants is that responsibility for justice issues is shared among a number of different orders of government. Programs can operate at the national, provincial, city or town, band, or community group levels. This means that programs will involve partnerships between a variety of different groups and organizations. For example, in establishing the Community Holistic Circle Healing program to deal with the problem of sexual abuse in and/or around the Hollow Water First Nation in Manitoba it was necessary to work with several federal and provincial government departments as well as to develop the program at the community level (Lajeunesse, 1993). At the federal level, the RCMP were responsible for policing the community; Health and Welfare Canada provided psychological counselling and assessment services; and, the NNADAP worker was a member of the team coordinating the program. At the provincial level, the judiciary and Crown Prosecutors had to

agree to refer offenders to the program rather than dealing with them in the normal fashion. Probation Services were involved because offenders normally received the disposition of probation. Child and Family Services were involved because the program was directed at sexual abuse and family violence. A variety of people, including members of the Southeast Tribal Council were involved at the local community level where program services were actually delivered. Finally, while not all community members were formal participants in the program, all had to support the offenders and victims who lived among them or the program could not have been successful.

Because of its size and scope the Hollow Water program also had full-time staff, specifically seven full-time family violence workers, and an administrative assistant. In addition there were some community volunteers.

A final factor that should guide the selection of participants is that you have representation from all segments of the community. Women and men should be represented, along with representatives of as many of the community's families as possible. This will ensure that justice programs operate in the interests of all community members and do not favour members of one group over others.

Your own decisions about program participants must be based on your local circumstances including the nature of your problem, the financial resources available, and the degree of participation you can expect from members of your community and the agencies that serve them. It is important that you determine who will represent the community in developing and applying community justice responses.

You can use Figure 3 to help in your decision about who should be involved in your program and their reasons for participating.

Figure 3

Description of Problem or Need		
Participant	Task/Role in Planning	Reason for Getting Involved

--	--	--	--

Consider the following simplified case:

Your planning group has found that your community has a problem with offenders who continually victimize other community members. Most of these repeat offenders have alcohol problems. These offenders are shunned by most other community members, but this only serves to isolate them further. The justice system has not handled these offenders in a satisfactory manner as cases take a long time to resolve and offenders often continue to cause trouble in the community while awaiting the disposition of their cases. They sometimes go to jail but when they come back the cycle of offending continues. Victims of their crimes are very dissatisfied with the justice process. Your planning group finds there are no supervisory or treatment programs in the community and a long waiting list for alcoholism treatment. The group decides that you would like to introduce a program that is culturally-relevant, that helps the offender reintegrate into the community, and that gives the victim a much larger role in the process. Following this needs analysis, you have determined that your program will be targeted at residents of your reserve.

Your next task is to decide who you want to participate in the rest of the planning process. One category of participants will be representatives of different components of the criminal justice system including the police, the judiciary, the courts, and the correctional system. You should also include people from the reserve such as band officials and elders along with alcohol and drug counsellors. It is crucial that the interests of victims should be represented. One of the best methods of mobilizing community members is to use existing community groups. Groups such as support groups for domestic violence victims that have the mandate of dealing with justice-related issues can be a good source of interest and expertise for new programs.

For each potential participant, you can outline the task to be performed or the role to be carried out. You also should think about the reason why the potential participant should get involved. Not everyone has the time, the interest, or the motivation to become involved so you must be prepared to make a strong case to them to convince them to help with your program. Also, restorative justice is an innovative alternative to normal correctional and court practices and the mainstream system must adapt to new methods such as mediation and community involvement in sentencing. Thus you should be prepared for resistance from some of those working in the justice system and you must have a strong case in order to obtain their participation and commitment.

The role of the federal and provincial governments is particularly important. Governments have a number of incentives to move toward greater use of restorative justice practices. In an era of cost-cutting, some governments have recognized that alternative justice methods can save money. Also, despite the get tough rhetoric of many politicians and community members it is clear that sending more people to jail for longer periods of time is not the most cost-effective means of reducing crime (Donziger, 1996). The failure of the justice system to deal with crime and to deal with the harm done to victims opens the door for alternative approaches to justice. Governments have taken some steps that will facilitate restorative justice programs. For example, the governments of Quebec and New Brunswick have both moved to close

institutions and to deal with more offenders in the community in order to save money and to allow the use of alternative approaches. Federal legislation including the Young Offenders Act and the recently-enacted conditional sentencing legislation have given judges and communities the legal tools necessary to make use of restorative approaches.

SELECTING A STRATEGY: TYPES OF RESTORATIVE JUSTICE/COMMUNITY CORRECTIONS PROGRAMS

Once you have decided who will participate in the rest of the planning and implementation process, you must decide what type of program you will implement. A program can be defined as the activities undertaken by your community to accomplish a particular objective or set of objectives. This definition is very simple, but it is also very important because it assumes that anyone planning a program will be able to specifically state their objectives. This statement of objectives will be important in keeping your program on track. It will also act as the basis of your program evaluation as the actual results of your program can be assessed against its objectives to see if changes are needed.

Several types of restorative justice programs have been traditionally used in Aboriginal communities and you will likely be able to adapt one of these programs to your community's needs. The research that has been done on these programs tells us they can be effective only if they are implemented properly. Those who are planning restorative justice programs can learn from the lessons of others who have implemented such programs. In this section of the manual, we will describe how these programs work, briefly review some of the research on each of these programs, and point out the lessons learned for those who wish to implement restorative justice programs. While these programs are popular ones, you should not feel limited by what has been done elsewhere. Because each Aboriginal community has its own history, cultural traditions, resources, social problems, and administrative capacities programs that have been successful in one place may fail in another. Members of your own community will have the best idea of what will be most successful in resolving your unique problems.

All of these programs are intended to reduce the use of imprisonment in Canada. Prison remains the cornerstone of the criminal justice system (The Church Council on Justice and Corrections, 1996) but the use of imprisonment is costly to the state and to the individual and does not provide satisfying justice to our communities. Whether programs involve community-based probation, healing circles for incarcerated offenders, or diversion of young offenders from the system, they are intended to reduce the likelihood or the duration of confinement.

Traditional healing is a means of reconciling wrongs within a person or a community. Healing is a broad notion that encompasses restorative justice. The commission of a crime indicates a lack of spiritual balance within the person, and the healing process is intended to restore this balance by uniting the four elements of the person: the Spiritual, Emotional, Physical and Mental. Justice is the restoration of this balance. Healing is at the core of the Hollow Water program in

which justice was “not only a consideration of the imbalance that led to the wrongful act, but also the external forces that caused the imbalance, as well as the consequences of the act” (cited in Lee 1996). A conference at Waseskun House (1991) outlined several dimensions of the Aboriginal perspective on healing:

- Workers, healers, and community leaders need to be encouraged to incorporate the holistic approach to healing. This means focusing on the four spokes of the medicine wheel: physical, mental, emotional and spiritual health.
- Workers need to be encouraged to work on healing the expanding circles of the individual, the family, the community and the nation, instead of focusing only on the individual. Exclusion from the community is one of the major problems affecting offenders and reintegration is a major part of the healing process.
- Traditional culture, ritual, ceremony, language and spirituality need to be revived and reintroduced as an integral aspect of healing.

The Waseskun House program for offenders is based on a daily routine of several types of healing, including a community healing circle, in order to rebuild the relationship between offenders, their victims, and their communities.

Circle sentencing is an application of the healing principle to dispute resolution. This traditional (in some, though not all, First Nations) method of resolving disputes was reborn in Canada through the willingness of some judges to utilize traditional methods of dealing with members of Aboriginal communities who have broken the law. It was clear to most Aboriginal people and to some justice personnel that the conventional justice system was not working in Aboriginal communities. The traditional sentencing circle was a community-based process that allowed friends and neighbours of the victim and offender to express their feelings of grieving, anger, and support. Offenders became directly accountable to the community rather than to some remote justice system, and members of the circle were able to begin the restoration of peaceful relationships in their community.

Circle sentencing typically takes place in a setting away from the formal court. Chairs are set up for each participant in the circle. Community members should be allowed to choose the setting and to host and run the circle as this will help in "creating a comfortable participatory environment, affirming community responsibility, and ensuring that the values, customs, and concerns of the community influence the process" (Stuart, 1996: 198). Everybody is introduced and all are invited to actively participate in the process. The shape of the circle encourages everyone to speak as equals. Other guidelines including speaking from the heart, speaking briefly so all will have time to speak, and respecting others by not interrupting and by recognizing the value of their contribution. Since the focus of the circle is on healing, the discussion will range beyond the details of the particular case to include individual, family, and community factors that are relevant to the offenders' problems and to the healing process. All

participants must be willing to talk openly and to raise both positive and negative issues. Members of the circle will try to reach a consensus concerning the sentencing plan for the offender. Traditional rituals may accompany the opening and closing of the circle. Some communities have also adopted review circles in which the offender is brought back to meet again with members of the original circle to report on his or her progress.

Several conditions must exist in order for circle sentencing to be effective.

- The offender must take responsibility for his/her offence and agree to take part in the circle and to follow its recommendations.
- The community must be prepared to participate in the circle and to support the offender and the victim during the circle process and after the disposition.
- The victim must agree to voluntarily participate in the circle.
- The judge must be prepared to listen to the community's advice within the constraints of existing sentencing principles (The Church Council on Justice and Corrections, 1996). Sentencing circles normally act in an advisory capacity to the judge following conviction within the existing justice system, though circles can easily be modified to deal with other matters such as the adjudication of responsibility for wrongdoing. It is likely that the circle concept will continue to evolve in this direction in the future.

Circle sentencing has both strengths and weaknesses. One major benefit is that it strengthens the community. Circle sentencing is a return to historical Aboriginal traditions and it can mobilize community resources that may have never before been tapped. Accusers are confronted with the consequences of their crime and given a meaningful sanction for their offense, but at the same time they are also given support by the community to change their lives. The process provides the opportunity to rebuild relationships that may have been damaged by the offenders that may have been damaged by the offenders' behaviour. Along with other approaches to restorative justice, this represents what Braithwaite (1989) has called reintegrative shaming. The victim is given the opportunity to talk about the pain caused by the crime and to participate in the discussion of the case and to ensure that the outcome meets their needs. This participation is an important factor in helping the victim's healing process.

Despite its successes, several problems have arisen that must be considered by those planning new programs. Earlier we discussed the fact that political and power relationships in some communities can lead to a situation in which victims do not feel they have been fairly treated. This has been a particular problem in cases of sexual assault and domestic violence where women victims have not received sufficient support from their community. In order to remedy this problem, some have recommended that these vulnerable and often powerless victims be given counselling and also be accompanied in the circle by a team of supporters. Before healing can take place, the imbalance in power between victim and offender must be changed so that both are equal.

Communities must also ensure that adequate resources are in place prior to establishing circle sentencing. If community support is not available for victims and offenders the dispositions resulting from the circle process will be meaningless. There have also been difficulties determining how circle sentencing can be adapted to urban areas where the Aboriginal population may be dispersed and where victims and offenders may not both be of Aboriginal background.

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

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

Aboriginal elder-assisted parole board hearings allow elders to accompany Aboriginal inmates to parole board hearing. As a respected representative of the offender's community, the elder provides cultural and spiritual support for the inmate at a very important time in the inmate's life. The elder can also give the parole board information about the applicant's likelihood of successfully completing parole. This may help overcome some of the disadvantages

that face Aboriginal offenders applying for parole. The presence of the elder allows the hearing to focus on traditional Aboriginal concerns such as the offender's efforts at healing, in addition to the more usual concerns of risk assessment. The elder also has the opportunity to meet with the offender after the decision in order to prepare him for what lies ahead, whether this be return to the community or a continuation of his stay in prison.

Family group conferencing is a restorative justice technique that had its origins in New Zealand. It is similar to circle sentencing, but there are restrictions on who can participate. Family group conferencing typically applies to young offenders and normally involves the victim, offender, and as many of their family and friends as possible. Professional or community workers may also participate. A typical family group conference involves about a dozen people. When adult offenders are involved the process is called community group conferencing and is more likely to involve community members rather than families. The goal of the conference is to allow those affected by the crime the opportunity to resolve the case in an environment that is supportive of both victim and offender.

Conferences are facilitated by a trained coordinator who begins by explaining the procedure to the participants and by outlining some of the details of the case. Usually, the offender begins by telling his/her version of what happened followed by the victim who describes the event from his/her perspective, expresses his/her feelings about the event, and asks questions of the offender. At any point in the proceedings, the offender can make an apology to the victim. The victim's friends and family then have the opportunity to speak followed by the offender's family and friends. The coordinator then leads the conference into a discussion of what might be done to repair the harm done to the victim. Victims and their family and friends outline their expectations, and offenders and their family and friends respond. Negotiation continues until a plan is agreed upon and written down. The coordinator then establishes mechanisms for enforcing the plan.

The philosophy behind group conferencing is giving the conflict back to those who are directly affected by the crime (Church Council on Justice and Corrections, 1996). In the formal justice system, bureaucrats are in charge and the focus is on the violation of the law. With conferencing, the victim and offender and their friends and families are responsible for the outcome and the focus is on the harm that has been done. The principles that apply to conferencing are those of social justice rather than legal justice. Offenders are encouraged to face the consequences of their behaviour in a process that is intended to reintegrate the offender into his/her immediate community. The offending behaviour is rejected, not the offender. While the offender is shamed, the process is one of reintegrative shaming. The conferencing process is intended to encourage reintegration into the immediate community of relatives and close friends as well as into the broader community.

Conferencing can be a very comprehensive method of restorative justice. Rather than simply obtaining material restitution for victims, it can also help to repair the symbolic and emotional damage to victims and their families. The family and friends of both the victim and offender are encouraged to offer continuing help to ensure the resolution arrived at during the conference is actually carried out in the community.

The Church Council on Justice and Corrections has suggested several issues that should concern those who are responsible for organizing family group conferences. The most important is that vigilance is needed to keep the interests of the victims at the forefront. Also, the conference participants must be people who are meaningful to victim and offender. This can be difficult for offenders who may be alienated from family and friends.

Evaluations of conferencing have identified concerns about the enforcement of conference agreements, the possible conflict with the due process rights of the accused, the potential for net-widening through including offenders who might otherwise be dealt with in less formal ways, conflicts over jurisdiction among various professional groups, and the inability to address the conditions that cause crime such as unemployment, poverty, and the breakdown of family support networks. Despite these concerns family group conferencing can be a good way to ensure that those persons who are closest to the offender and to the victim are involved in the restorative justice process. This support can be critical in helping to ensure a positive outcome.

Victim-offender reconciliation was a program devised in Elmira, Ontario in 1974 as an initiative by two individuals to persuade a judge to deal in a positive fashion with two youths who had vandalized property belonging to twenty-two different victims. Rather than a normal court disposition that may well have involved incarceration, the offense was handled in the community. After a process of victim-offender reconciliation, the boys had to deal personally with each of their victims and to make restitution for the damage they had caused. The matter was resolved successfully and reconciliation programs are now in common use in many countries.

Victim-offender reconciliation programs use a mediation process to make things right between victim and offender. This program represents a dramatic shift from the conventional justice system in which control of the process lies in the hands of police, lawyers, and judges. Victim-offender reconciliation programs return control of the process to those involved and shift attention from the legalities of the crime to the harm that has been done. A facilitator or mediator arranges a meeting between the victim and the offender to identify the injustice, to make things right, and to consider future actions (Van Ness and Strong, 1997). Both victim and offender tell their stories about the circumstances of the event. The victim describes the impact of the crime and the offender is given the opportunity to express remorse. The nature and extent of the victim's loss is considered, and the parties determine how the offender might repair the harm. An agreement between the parties specifies the nature of the restorative actions to be made to the victim. This might include such actions as restitution, a formal apology, or services to the victim. This agreement is usually made in writing and includes time schedules for the restorative

actions and a means for monitoring the agreement. The mediation process might also address problems such as alcohol and drugs that might have contributed to the offender's behaviour and specify how the offender might change his/her behaviour to help ensure problems do not recur in the future. This process gives victims a chance to have a say in what happens, and gives offenders the chance to make amends.

The reconciliation process can be used with a wide range of offenses. It is most often used to resolve property offenses but can also help with more serious cases. For example, Mediation Services in Winnipeg successfully mediated a case involving a dispute among several teenagers at a drinking party that resulted in four teenagers being charged with offenses ranging from assault to attempted murder (The Church Council on Justice and Corrections, 1996). Each of the offenders agreed to compensate the victim for the costs of his injury and the most serious offender received a conditional discharge with two years of supervised probation. The mediation was part of the healing process for the victim and ensured that the offenders were accountable while remaining out of prison. Later in this report, we will describe serious offense mediation that shows how mediation can be used along with, or following, a prison term. In such cases, mediation has the potential for reducing the time spent in prison and also helps to provide the healing that is not a part of the mainstream system.

Youth justice committees and sentencing panels involve citizen volunteers who determine or recommend the disposition of cases referred to them. These committees are common in Aboriginal communities (e.g. the Manitoba community of St. Theresa's Point has a well-established Youth justice committee) where often elders are involved as committee members. The measures decided by the committees typically involve restorative measures such as mediation, restitution, and reparation. These committees are a way of allowing citizens to deal with problems in their community and to resolve disputes in a restorative way. Committees can also coordinate the work of different agencies or community groups involved in the case, as representatives of these groups can be included on the committees.

Victim-offender panels provide a means of indirect reparation in cases where the offender has not been caught, refuses to admit culpability, or will not participate in alternative programs. Victims of particular types of crime meet with offenders who have committed the same crime even though the victims and offenders have not been involved in the same event. While the particular crime event cannot be dealt with, the intent is the same as for other restorative programs. Victims are looking for some resolution to their harm and offenders are exposed to the damage to others that their offenses have caused. These panels have been used with young burglars and with victims of drunk drivers (Van Ness and Strong, 1997).

Other programs designed to avoid incarceration have been used extensively in many parts of the country. These include diversion (pre- or post-charge), community service orders, intensive supervision, alternative placement programs, bail option programs, and client-specific planning. These programs are typically run by criminal justice agencies, not by community groups although some do use volunteers and they do ensure that more offenders remain in the

community. However, many of these programs lack the direct contact between victim, offender, and community that is so important to restoring social harmony.

While any means of keeping offenders out of institutions without increasing the risk to the community is a good thing, these programs have several problems. One is net-widening – offenders who might otherwise be kept out of the formal justice system may be dealt with by these programs. Another is that the agencies that must implement these programs may not have sufficient resources to do the job so they may not be effective. Further, because they do not give a role to the victim and the community, they do not provide justice that the community finds satisfying (Church Council on Justice and Corrections, 1997) and may not receive strong community support.

SERIOUS OFFENSE MEDIATION

Before proceeding with your planning, you must decide upon types of offenses your program will handle. One of the most difficult and controversial issues is that of whether alternative dispute resolution methods should be used for serious crimes. **A basic principle of restorative justice is that the outcomes must be meaningful both to victims and offenders.** This may be difficult to achieve with serious offenders who may find community sanctions much less severe than the prison term they might otherwise have faced. Serious offenders are often repeaters and care must be taken that they cannot simply use restorative justice programs to manipulate the system.

Your decision concerning the type of offenses and offenders your program will handle must be based on your own community's needs, concerns, and resources. Planners must recognize that their communities may have limits in the degree of seriousness of offenses they wish to deal with through restorative justice programs. Many communities prefer to restrict restorative programs to less serious offenses, at least until they become comfortable dealing with offenders this way. However, there is some evidence that restorative justice methods can be used with serious offenses.

For example, the Hollow Water program has used a number of different treatment approaches including individual counselling, traditional healing methods, and community living. The traditional component is based on sharing circles involving victims, offenders, and support people from the community. Sweat lodge ceremonies, sacred fires, fasts, and feasts are used for healing and to bring the community together. Organizers proceeded with this program very carefully and spent a great deal of time planning the project. Program staff received extensive training and a great deal of effort went into educating the community. Because of the serious nature of the offenses committed, the program is very long and very intensive. The thirteen-step healing process typically stretches over a number of years. Professional clinical help is available for victims and offenders and both parties have the option of going to the formal justice system. This can be necessary if victims are not happy with the community-based process or if offenders continue their harmful behaviour or refuse to follow community-imposed dispositions. We should not

assume that offenders will want to participate as it may be easier for them to go through the mainstream justice system where they do not really have to face up to the consequences of their behaviour or try to change themselves.

Another program for serious offenders was carried out in Anchorage, Alaska (Flaten, 1996). Mediations were conducted with juvenile offenders and their victims for offenses as serious as manslaughter and attempted murder. While mediations for minor property offenses typically have the goal of obtaining restitution, the primary goal of serious offense mediation is to help in the healing process. Participation in mediation did not result in more lenient dispositions for the offenders, most of whom were already serving their penalties at the time of the mediation. Most participants reported that mediation was successful in meeting the goals of reconciliation, accountability, and closure. All the victims reported that mediation was very helpful in helping them to bring closure so they could put their victimization behind them. They also reported that being able to ask questions and to talk about their feelings was important to them. Some reported that the mediation helped them reduce their fear of the offender. The offenders reported that the mediation helped them to realize that they were victimizing real people and that their actions had done real harm. They said it was helpful to them to have been able to apologize to the victims. The format of serious offense mediation will vary depending on local circumstances, but some have used the process of group conferencing.

This type of mediation should not be attempted without a great deal of planning. Organizers of the Anchorage project waited at least one year after the offense before entering into mediation. Victims and offenders received extensive preparation prior to the mediation session and participants found this preparation very helpful. Organizers felt that debriefings should also be conducted after the mediation because of the powerful emotions involved. Some of the participants also expressed the desire for follow-up mediation or a way to keep informed about the rehabilitation progress of the offender.

Several projects involving prison-based mediation have been done with adult offenders. As with the young offender program, the goals are somewhat different from those of community-based programs in that they emphasize sharing information and healing rather than restitution. They involve voluntary meetings held between victim and offenders in an institutional setting. Typically, they explicitly exclude offender benefits such as parole release (Immarigeon, 1996). However, this need not always be the case. For example, in March, 1997 Dwayne Archie Johnson, convicted of murdering Helen Betty Osborne in The Pas, Manitoba, was granted day parole. While an earlier day parole had been revoked following the protests of Osborne's family, the family decided not to oppose a subsequent application after Johnson met with them and also made a public statement about the murder.

The Johnson case illustrates the potential value of prison-based mediation. The case had remained unsolved for many years and the Osborne family's search for justice became a very painful one. While the murder took place in 1971 the case did not come to trial until 1987. Four men were present when Osborne was murdered, but Johnson was the only one of the four to be

convicted to any crime. Protests by the family and community members about the handling of the murder led to an examination of the case by the Manitoba Aboriginal Justice Inquiry. The family's feelings that justice had not been done continued when Johnson was initially granted day parole. It was not until the meeting with Johnson that the family could finally bring some closure to the case and feel comfortable with his release.

While the opportunity for such a reconciliation is relatively rare in our prison system, evaluations of prison-based mediation programs indicate these programs can be quite successful.

Immarigeon's (1996) assessment of several prison-based programs found that hundreds of victim-offender reconciliation meetings have been held with a great deal of success and with no negative consequences.

LEARNING FROM OTHER COMMUNITY JUSTICE PROGRAMS

Experience is the best teacher and we can learn from the successes and failures of community justice projects conducted in other communities. In Part 2 of this manual, we review many different justice projects. There are few completely new programs as most are borrowed from other places. However, as they are implemented in different communities the programs change to fit new circumstances. This means that programs evolve over time. Some disappear because they are not effective, are too costly, or do not receive community support. Others change and grow into important new ways of administering justice. Restorative justice programs are now spreading from community to community across Canada. The successes and failures of these programs teach important lessons that should be learned by those organizing restorative justice initiatives. Before considering some of those lessons, you can read Figure 4 to see why one promising program was unsuccessful.

FIGURE 4
WHY PROJECTS FAIL: A CASE STUDY

The objectives of the South Island Tribal Council program in British Columbia were to improve the delivery of justice services to the eight Tribal Council communities by involving the elders' council in justice-related programs and by applying traditional Aboriginal practices through several community programs (Griffiths and Hamilton, 1996). However, the project ended prematurely after two years of operation. Sheila Clark, who evaluated the project, praised the community-based and culturally-grounded foundations of the program. She concluded the initiative had failed because of serious weaknesses in planning and implementation. Among these were:

1. Community consultation was insufficient as community residents and front-line personnel were excluded from the initial planning process.
2. Many of the key program organizers did not have credibility in the communities.
3. The programs did not address the specific needs of the communities or of victims and offenders.
4. There was political unrest in the communities and during the program there was intervention by tribal council members and elders in the cases of family members.
5. The program did not take into account the fact that not all community residents shared the same cultural values.

There are several lessons we can learn from this project. For example, those who would assume key roles in the restorative justice process must themselves have been healed. Also, the rights of victims, particularly those who are vulnerable, must be protected to prevent them from being further victimized by family and political power hierarchies in the community (Griffiths and Hamilton, 1996)

The South Island Tribal Council project did not achieve its goals. However, some failures are to be expected when new ground is being broken, and the effort made by those responsible for the South Island project will not be wasted if others can learn from their experience.

LESSONS FOR RESTORATIVE JUSTICE PROJECTS

1. Prepare for the implementation of the project

Developing new justice initiatives requires time, planning, community collaboration, and resources. Where there has been little pre-implementation development work Aboriginal justice programs have often been less successful than hoped for (e.g. the Shubenacadie Band Diversion Program, South Island Tribal Council program, and diversion programs in Sandy Lake and Attawapiskat). On the other hand, where much effort was expended on activities such as community preparedness, spelling out objectives and procedures, and clarifying accountability, the programs have usually fared well (e.g. the Waseskun House programs, self-administered First Nations policing services, the Hollow Water program, the diversion program of Aboriginal Legal Services in Toronto). Unfortunately the funding context often limits necessary preparatory work since funding is usually for a specified time period and for a specific objective. There is then a tendency to rush into a service activity without carrying out the pre-implementation development phase that is so important in small communities with limited resources.

2. Select the right staff

Local restorative justice initiatives typically have involved the hiring of one or two staff persons to coordinate programs and provide services. With limited resources, a short-term time frame, and a typical combination of high expectations and a heavy workload, the need to select the right staff is crucial. The wrong choice can be fatal for the project. A selection committee should consider the objectives of the program and the community context, determine the kind of people most suitable to run that program, and then conduct a proper selection process to ensure the right people are hired.

It must be kept in mind that program staff will act as guides and teachers for other community members so they must be people who are comfortable with this role and who have the trust of other community members. One lesson learned from several programs has been the importance of ensuring that people responsible for restorative justice programs be those who have resolved their own personal issues. Those who have not been healed themselves may have difficulty working with other victims and offenders and may be subject to “burn-out” more quickly than other potential staff members. If staff are hired who have unresolved problems, they should go through the healing process before working with other members of the community. This was done very successfully in Hollow Water.

3. Work with the mainstream criminal justice system

Virtually all Aboriginal justice initiatives will require collaboration with mainstream justice officials. Whether it be the corrections officials who sponsor various parole alternatives the judge who facilitates sentencing circles, the prosecutor who channels cases to a diversion program, or the police who provide backup and special services to First Nation police services

and/or First Nation communities, mainstream justice officials are crucial contact points and regular networking must be done with them in order to ensure a program's success. Local agreements are necessary, because there is little explicit constitutional basis for most Aboriginal justice initiatives. The evidence from interviews with those involved with Aboriginal restorative justice programs has typically been that many mainstream justice officials are fairly positive about the new initiatives, but they are often confused about the project's objectives and procedures, and about the role of their front line staff such as community justice workers. The officials often refer to the need for more communication with project staff. Successful Aboriginal justice initiatives such as Waseskun House, Aboriginal Legal Services, Hollow Water Healing, and Six Nations Police Service all have excellent networks with mainstream justice officials.

4. Ensure your restorative justice program is fair and equitable

While it is expected that all Aboriginal restorative justice initiatives will have the formal approval of chief and council, the legitimization of the program in the community, and certainly the level of respect for the program and its staff, will also depend upon how effective the staff have been in treating cases and persons equitably. This means that the program must be seen to be fair to all participants and in communicating that fairness to the community at large. This is always difficult and may be especially so in small communities where kinship ties are dense, where formality and distant relations between staff and service users are less likely, and where equity has not been seen to have been achieved. The South Island Tribal Council project showed that programs will not succeed if the community does not believe they are fair.

5. Buffer the program's operations from local and external political pressures

Unless the initiative is buffered from direct local political pressure it may not survive electoral changes in chief and council membership and will not achieve equity, efficiency, and effectiveness. In the case of policing services, an effective police board acts as a buffer while for other justice initiatives a representative community justice committee can perform this valuable function. Written guidelines concerning conflict of interest guidelines and other operating procedures and program mission statements and service philosophy statements can also be helpful and are the hallmark of some of the best Aboriginal justice initiatives. Of course, sometimes projects can also be affected by conflicts between community authorities and outside governments. Indeed, a common reason for a project's demise has frequently been this kind of political conflict. Nevertheless a well-managed program with a good communication system and good network with local and external agencies can sometimes carry on despite the presence of political conflict.

6. Involve the entire community

It is important to involve the community at large and not simply the few persons directly involved with the justice initiative. One of the important lessons learned at Hollow Water was that the vision of a better future must be rooted in the hearts and minds of the people in the community.

In other words, it must be their vision if it is to be successful. Reaching out to the people facilitates the development of a strong community, and the legitimization of the program. It also provides access to further ideas and resources, and helps the organization avoid the staff burn-out that is inevitable if only a small handful of people serve on all committees. The objective of involving the community can be achieved through community information sessions, newsletters, and expanded committees or panels.

7. Assess your program and communicate the results

A well-run program is one where the staff regularly assesses its activities in relation to the program's mission statements, goals, and objectives, and reports on these assessments to target groups and to the community. Preparing regular reports that need be only a few pages in length focuses staff on their main tasks and enables them to see the forest as well as the trees. Communicating information about the program beyond the organization establishes the willingness of project leaders to be accountable to their community. The Waseskun House site on the Internet is an outstanding example of how program information can be disseminated widely (<http://www.waseskun.net>).

8. Avoid being spread too thinly

Developing an efficient, effective, and equitable restorative justice initiative is a demanding task. You must work very hard to build your program at the community level while operating in a situation where objectives may be unclear, jurisdiction ambiguous, and funding short-term. There is tremendous pressure to pursue sources of additional funding and to expand the mandate and core activities and services rather than focusing on implementing your program. Getting involved in too many activities and services has been one of the major problems in Aboriginal justice projects. This is an understandable, though often fatal, response to the absence of a service infrastructure in the community, to the inevitable funding constraints, and to the lack of management expertise. The consequences will be to burn out your volunteers and program staff and to spread your resources so thinly that your program will have no impact.

9. Consider programs for young people

Studies, program evaluations, and basic research suggest that a variety of justice initiatives are especially needed for youth in Aboriginal communities and that youth-oriented programs typically receive strong community support. Sentence dispositions can range from wilderness experience to more conventional community service orders. Other initiatives include school programs such as the RCMP's Aboriginal Shield Program, alternative measures for youth (e.g. sentence advisory groups in Alberta), and family group conferencing.

10. Be open to raising the issues and dealing with criticisms

It is important to remember that criticism does not mean disapproval of the program. For example, evaluations of several Aboriginal diversion projects revealed that many victims and other community members had criticisms but that most of the respondents still valued the initiative. Criticisms can be used to develop a better program. In addition it is important to discuss these issues with community members to remind people why the initiative is being undertaken and what the alternatives are. While many people may feel that diversion is only a slap on the wrist you can explain that at least the offender does something for the victim and/or the community whereas in the mainstream justice system one cannot even guarantee that kind of action. Raising the issues and dealing with criticisms allows for program clarification, reflects an openness to ideas and a willingness to be accountable, and conveys clearly to community members that "it's their project too". This collaborative partnering can be accomplished through discussion sessions with community groups, periodic review of project protocols, and regularly scheduled community sessions.

11. Retain a balanced perspective

Patience is clearly required when developing new justice initiatives. Community expectations may be not only demanding, but even unrealistic in the short-run. This has been a common experience of self-administered First Nation police services. Sometimes there may be a good deal of ambiguity about an initiative in the community and also among mainstream justice system collaborators but this is to be expected when projects are breaking new ground. The Canadian justice system evolved over a long period of time and a distinctive, well-functioning Aboriginal alternative will not develop overnight. Scarce resources have to be used carefully because most Aboriginal justice projects have received only short-term funding. Accordingly, it is necessary for project managers to be on top of the situation and be able to marshal evidence for implementation and impact and to make a case for continuing or expanding the project if it is successful. In other words, there is a need for balance, that is for patience tempered with preparedness and activism.

ADAPTING PROGRAMS TO COMMUNITY CHARACTERISTICS

One of the elements that is most critical to the success of restorative justice programs is ensuring that programs fit the characteristics of the communities in which they are implemented. The "one size fits all" approach to programming will fail. Each program must be designed to meet the needs of its own particular community. For example, different legislation may apply to Aboriginal communities than to other Canadian communities. The specific legislation may depend upon whether the community is Indian, Metis, or Inuit. It may also vary from group to group within these categories. For example, status and non-status Indians have a different status under Canadian law. One needs to know the legal authority of the community and the rights that have been negotiated with that community by the federal or provincial governments. Native justice agencies have specific jurisdictions that must be considered in establishing your programs. These legal differences can often complicate the determination of the social and geographic boundaries of justice projects.

One issue you must consider is whether the program will apply to offenses that take place outside the community and to offenses where neither the victim nor the offender is not a community member. Should a circle sentencing program apply to non-Aboriginal people who may be temporary or permanent residents of an Aboriginal community? How should an Aboriginal offender be dealt with when his or her offence victimizes a non-Aboriginal member of a nearby community? It is obvious that a sound understanding of the relevant law is vital to the success of any justice project.

Other community factors that must be considered are the nature of the formal and informal authority structures, socio-economic conditions and the financial resources available for programming, the willingness of community members to participate in restorative justice programs, the degree to which the community is satisfied with the regular criminal justice system, and the degree to which traditional practices are known and followed in the community.

FIGURE 5

INFORMATION SOURCES FOR ABORIGINAL JUSTICE PROGRAMS

There are a number of sources of additional information about Aboriginal justice programs. Among these are:

- Funding Guide to Selected Federal Programs, Indian Affairs and Northern Development
- Health Programs Support Division, Health Canada
- Aboriginal Corrections Unit, Solicitor General Canada
- Aboriginal Policing Directorate, Solicitor General Canada
- Human Rights Law Section, Justice Canada
- Aboriginal Justice Directorate, Justice Canada
- Aboriginal Justice Learning Network, Justice Canada
- Federal Provincial Programs and Activities: A Descriptive Inventory, Privy Council Office
- Guide to Federal Initiatives for Urban Aboriginal People, Privy Council Office
- Native Law Centre of Canada, University of Saskatchewan, Saskatoon

Source: Adapted from Solicitor General (1995)

MAKING A FINAL DECISION: REVIEWING YOUR PROGRAM'S FEASIBILITY

Once you have decided on the best program to meet your community's needs, you should do a final review of the program's feasibility. You should describe as thoroughly as possible how your program will work. Based on this description, there are a number of questions you should ask in your final review. This review will ensure that you don't spend a lot of time and money on a program that will be unaffordable, unworkable, or will not accomplish your goals. Some of the issues you should consider are:

- How does the program address your community's problems?
- What is the potential for success?
- What costs will be involved in implementing the program?
- Where will the funds and personnel to implement the program come from?
- How long will it take for the program to have an impact on your justice problems?
- How does the program fit with existing practices such as alternative measures programs?
- What agreements have to be negotiated with the mainstream criminal justice system?
- Who might be likely to oppose the program? What is the reason for this opposition?
- What will be the benefits of the program?
- How long will it be before the program can get started? What must be done before implementation?
- What are some of the possible weaknesses of the program? How will you deal with these weaknesses?
- What difficulties do you anticipate in implementing the program?
- What are the consequences if the program fails?
- Decision? Do you go ahead, or do you return to the planning process to redesign your program?

SET GOALS AND OBJECTIVES

You have now designed your program. To guide the implementation of that program and to provide a basis for evaluation, you must establish goals and objectives. Definitions of these terms vary, but here **goals** refers to the final aim of your program (e.g. to reduce recidivism among offenders and to increase victim satisfaction with the justice process) and **objectives** refers to the specific tasks that must be accomplished in order to implement your program (e.g. to have the agreement of judges, prosecutors, and police to participate in circle sentencing by April 1). Setting realistic targets for goals and objectives is important. It is better for the morale of participants, most of whom will be volunteers, to exceed modest goals than to fall short of more ambitious ones.

Once you have established your goal or goals, you need to consider the objectives that must be accomplished in order to reach your goals. The more clearly you think through these objectives, the easier will be your implementation. Your planning team should develop an action plan like that set out in Figure 6. You should specify who is responsible for each objective and how the objective should be carried out. In many cases, once you have broken down objectives and responsibilities you will have to reach agreements with those who are responsible for these

tasks. For example, when dealing with the formal justice system you should develop written agreements and protocols to clarify the roles and responsibilities of all involved with the project. When dealing with criminal matters, some of them potentially quite serious, it is important that proper procedures and processes be followed.

Figure 6

Goal To Be Accomplished		
Objective	Who is Responsible for Objective?	Procedures for Carrying Out Objective

Your action plan must also specify the dates by which each objective must be met. For example, assume your community has decided to implement a victim-offender mediation program for minor property offenders. You plan to begin the program on September 1. You have determined your objectives and developed the following action plan that will guide program implementation:

OBJECTIVE 1:

Complete negotiations with judges and prosecutors on the circuit court to ensure their cooperation with the program by June 1.

ACTIVITY 1

Planners will meet with judges and prosecutors. The discussion will involve describing the rationale for the program, discussing the views of the judges and prosecutors, and obtaining their formal agreement to participate in the program.

OBJECTIVE 2:

Prepare forms for recording case information by July 1.

ACTIVITY 2:

Determine what information you wish to record and develop the form. Make arrangements to have the forms printed and distributed to program administrators.

OBJECTIVE 3:

A location must be found for mediation sessions by July 1.

ACTIVITY 3:

Look at possible locations for mediation sessions and negotiate the use of your preferred location.

OBJECTIVE 4:

Training of paid and volunteer mediation staff must be completed by July 1.

ACTIVITY 4:

Develop a training package for all those who will be involved with the program. Find instructors and ensure they are familiar with your community and with the specific program you will administer. Find a location for training and run training programs. Evaluate the training to ensure that staff have obtained the necessary skills to administer the program.

This is only a partial list of the objectives and activities, but it illustrates the point that each program component has an objective and each objective has an activity or activities. The

explicit statement of objectives and activities clearly tells everyone exactly what must be done. In cases where you have not achieved all your objectives, problems can be pinpointed and adjustments made before the final outcome of your program is jeopardized.

PREPARE A WORK PLAN

After you have prepared your action plan with times and tasks specified, you should put the information together in a work plan which will enable you to tell at a glance if your work is proceeding on schedule. This plan will set out duties and tasks and will act as an implementation timetable. While such plans should have some built-in flexibility, planners should clearly specify the dates by which the various activities should start and finish. A brief work plan for the victim-offender mediation program is shown in Figure 7.

Figure 7

Work Plan			
Objectives	May	June	July
Complete negotiations with judges and prosecutors			
Prepare forms for recording case information			
Find location for mediation sessions			
Complete staff training			

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.

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)

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.

SUMMARY

You have now completed the second phase of your restorative justice planning. The product of this stage of the process is an **action plan** describing in detail the program or programs to be carried out along with a list of those who are to participate. It will also include a statement of goals and objectives and a work plan to help you implement your action plan. In this stage you should have completed the following steps:

- defined the boundaries of the community your program will serve.
- selected the participants you wish to be involved in the planning and implementation of your program.
- determined the type of program that will best meet your community's needs.
- specified the goals and objectives that will guide the implementation of your program.
- prepared a work plan to establish duties and tasks and to act as an implementation timetable.
- completed a funding proposal to obtain the funding needed to establish and to operate your program.

CHAPTER FIVE

CARRYING OUT YOUR ACTION PLAN



The result of your planning process will be a restorative justice program to deal with your community's justice needs. This section offers guidance for obtaining community support to establish and maintain the program and to train the paid and volunteer staff who will implement the program.

Most restorative justice programs are dependent upon the support of volunteers, so planners must find ways of getting them involved. Often this will be done by personal contact. People who have interests in justice-related issues may already be involved in lobbying or volunteer work in the area, and will be known to program organizers. There are also a number of groups that have worked in the area and they may view your project as part of their mandate, e.g. many church groups have an interest in victims and offenders.

It will be easier to recruit volunteers if you have a well-organized program. You should define the jobs you want done by volunteers by creating a job description. The job description should include details concerning the responsibilities of the job and the time commitment expected of the volunteer. This will help ensure that the organization gets the right person for the job and that both program organizers and volunteers have a clear understanding of what the job involves. You must also make special efforts to retain your volunteers and to ensure they work effectively. Figure 9 presents some strategies for recruiting, motivating, and utilizing volunteers.

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

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

FIGURE 9
HOW TO RECRUIT, MOTIVATE, AND UTILIZE VOLUNTEERS

- Organizers should clearly communicate how a potential volunteer can get involved with their program. Volunteers should be sought from all sectors of the community.
- It is particularly important that volunteers in key roles such as facilitator/mediator or ‘keeper of the circle’ should be persons who have widespread credibility and acceptance within the community.
- Communities and supportive government agencies should invest in the care and maintenance of volunteers.
- Do not overwork volunteers. It is important to avoid burning-out volunteers as this can result in the loss of talented and dedicated people from your program and will discourage others from volunteering.
- Training volunteers in counselling, peacemaking, mediation, consensus building, and other interpersonal skills builds their confidence and competence and maintains their interest.
- Ensure that your scheduling and assignment of volunteers takes into account their interests, skills, and time availability.
- Working in teams and sharing responsibilities provides each volunteer with the support and insight of others. Team building is a very important activity and requires openness, sharing of information, and training and working together.
- The contributions of volunteers must be respected and appreciated. Their contribution should be recognized informally as part of the normal work routine. Organizers should listen to suggestions made by volunteers and express appreciation for their work. Formal appreciation can be made through events such as feasts and other forms of public recognition.

Source: Adapted from Stuart (1997)

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

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

TRAINING PROGRAM STAFF

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

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

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

Training the Mediator or Facilitator

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

SHOULD YOU PHASE-IN YOUR IMPLEMENTATION?

If you are planning a large, complex program you may wish to implement it in several stages. There are several ways of doing this. First, you can carry out a pilot project in which you implement the program on a smaller scale and carefully evaluate the program and its results. Second, if your program is in several communities or different parts of the same community, you can phase the implementation geographically rather than trying to do it all at once. This will allow program organizers and workers to get comfortable with the program at a manageable pace and to make necessary changes before the complete program begins. Finally, if your program can be broken into distinct stages, you can implement it one step at a time. For example, in a victim-offender reconciliation program you may wish to limit the program to a few minor offenses before you move on to more serious crimes. You must also ensure that you do not allow unrealistic levels of referrals that will overwhelm your resources. A workload that is too high will over-extend your resources and diminish your chances of success.

ESTABLISHING YOUR OPERATING PROCEDURES

Prior to getting underway you must establish operating procedures covering the activities your program will undertake. Among the most important of these are formulating intake procedures, developing guidelines for the preparation of the cases for hearings, and establishing the format for the hearing sessions.

The first stage in the operation of a restorative justice program is the intake process, that is, deciding which cases will be dealt with by your program. To do this organizers must develop criteria for program eligibility and admission. This means you must make several decisions including: will your program be limited to first offenders, will you deal with violent offenders, will your program include cases in which the victim is unwilling to cooperate? In order to make these decisions, you must establish a system for collecting and recording information about the offense, the offender, and the victim.

Once you have selected cases to include in your program, you must prepare for the actual operation of the program. For example, if you are going to organize healing circles or sentencing circles you need to do a great deal of work prior to the hearing sessions. Thorough preparation will lead to more successful outcomes. Some of the steps you might take in preparation for sessions are:

- Ensuring that rooms are booked and all parties are advised of the time and place of the circle;
- Doing pre-circle work with all parties to the case to ensure that the appropriate community members are involved and that the mediator or facilitator is prepared for the issues that will arise during the circle;
- Some programs have established the role of ‘keeper of the circle’, a community member who is responsible for organizing the circle and guiding its operation;
- While the actual content of the circle will vary from case to case, you should establish a basic format that mediators can follow. Mediation sessions often begin with a welcome followed by appropriate cultural rituals or ceremonies. The mediator or facilitator then should outline the process to be followed, encourage those present to contribute to the hearing, and ensure that victim and offender each have a chance to state their views concerning the case and other relevant matters. The mediator will assist the parties to achieve a resolution by encouraging the offender to show remorse for his or her actions, to apologize, and to make a commitment to restore the victim’s losses. As follow-up to a mediation, it should be ensured that there is an established process in which the offender fulfills the commitments made during the session.

Case management procedures must also be established. Programs will not succeed unless cases are dealt with effectively. To do this, you must keep records concerning the parties involved, the dates when events related to the case are scheduled, and the outcomes of the case. While the time needed to develop sound administrative procedures will reduce the resources available for direct service to the community, these procedures are vital to your program. It is not possible to rely only on peoples’ memories when dealing with large numbers of complex cases, and without an effective way to organize your workload and to monitor the implementation of your program, your work will not be successful.

DEVELOPING A COMMUNICATION STRATEGY WITHIN YOUR PROGRAM

Earlier in this manual, we discussed the need to have an open communication process with community residents and leaders. Good communications are also needed among those involved in running your program. Regular meetings of program staff ensures that everyone is working toward the same goals and to discuss the issues and problems that arise in every organization. You should also meet regularly with those people like justice personnel who are outside your group but whose cooperation is important to the success of your program.

SUMMARY

You have now completed the third phase of planning your restorative justice program. The product of this stage is an **operational program** that you and your group have implemented. In this phase you should have:

- *Obtained the support of members of your community* who will be involved as volunteers.
- *Carried out a public education campaign* to inform the public about the aims and operation of your program.
- *Trained program staff* in the goals and methods of your program.
- *Decided if you want to phase in the implementation of your program*, or whether you will implement the entire program as soon as possible.
- *Established the operating procedures* your program will use including intake policies, pre-hearing preparation guidelines, and establishing a standard format for the hearings.
- *Ensured effective communication processes* within your group and with others such as justice personnel who are important to the success of your program.

CHAPTER SIX

**MONITORING AND EVALUATING
YOUR PROGRAM**



Evaluation is the final stage in the planning process. However, you should plan your evaluation before your program begins. This will ensure that you will monitor implementation from the beginning and that you will collect the information required to do an impact evaluation. Without sufficient data about the implementation of each component of your program, you will be unable to learn the reasons for its success or failure.

A properly-designed evaluation does a number of important things:

First, monitoring your program as it goes into operation will help ensure that it has been properly implemented. Monitoring should be a routine activity that ensures you are carrying out the activities as you had planned.

Second, it will show whether things have changed as a result of the program. You can determine the reasons for the success or failure of part or all of a program, its effectiveness compared to other types of programs, and any intended or unintended side effects. Evaluation is crucial to the development of sound justice programs, because it allows planners to learn from successes and failures.

Third, evaluation introduces an element of accountability into the program. The information an evaluation provides can be very important to the survival of a program. While funds and personnel can sometimes be obtained in the short term to get a project going, rarely will it be supported indefinitely by funding agencies, supporting organizations, or the community if its effectiveness cannot be demonstrated.

It is important that program staff and community members not only know about but are involved in the evaluation. Staff should be prepared to critically examine their own ideas and practices in order to be able to make changes to the program if the monitoring shows problems. The involvement of the community in the planning and evaluation will help to make them feel part of the program and should help the rest of the community understand the program and its effects.

MONITORING YOUR PROGRAM'S IMPLEMENTATION

Monitoring each step to ensure your program has been properly implemented will often tell you why it succeeded or failed. Earlier in the planning process, you established goals and set objectives. These objectives are targets you must meet as the program is implemented. In the work plan, you specified the dates by which these objectives must be met. Monitoring tells you how you are doing and may help you to make changes during implementation if some parts of the process are having problems. This is much preferable to simply doing a post-mortem after a program has failed.

You will remember the victim-offender mediation program for minor property offenders we discussed in Chapter 4. The program was to begin on the 1st of September. Prior to the start of the program, one of the steps that had to be completed was to complete negotiations with judges and prosecutors on the circuit court by June 1 to ensure their cooperation with the program. If this was not done on time the program could not start on the date planned. If your monitoring showed that this step was lagging behind schedule, either more effort will have to be put into completing this task, or the other parts of the project will have to be delayed until this task has been carried out.

It is particularly important that program staff monitor all dispositions to ensure that offenders fulfill their obligations. Some programs have failed to even collect information concerning whether or not a disposition had been completed and nobody ensures that offenders complete the service they have agreed to perform. The victim, the offender, and the community all lose if offenders are not adequately supervised and held accountable for their obligations.

EVALUATING YOUR PROGRAM'S IMPACT

Evaluation helps you to answer some of the questions you and others will have about your program. Some of these questions are:

- What happened?
- Have we done what we set out to do?
- Did we do things the way we originally planned to do them?
- Should we have done some things differently?
- Should we continue this project?
- Do we need to make some changes in the way we are doing things now?
(Federal-Provincial-Territorial Working Group, 1997)

Data for Your Evaluation

Evaluation involves a logical series of steps aimed at providing measures of how well your program is achieving its goals and objectives. Once your goals and objectives have been determined, some measurable indicators of success should be identified – for instance, the number of parolees who have secured employment since their release, the number of victims who have participated in victim-offender reconciliation, the level of satisfaction of victims with the reconciliation process, and the percentage of victims who have been compensated by the offender for their losses. These success indicators will closely parallel the goals and objectives set in the planning stage, and will form the basis of your evaluation. Next, you need to decide what numerical factors will constitute success – 40 percent of parolees with full-time employment, 60 percent of minor property offenders dealt with through reconciliation, 75 percent of victims are satisfied with the process, and 80 percent of victims have received compensation for their losses. These four measures can be easily documented, but in other

cases results may be more difficult to determine. For example, if a project is designed to restore community harmony or to apply traditional principles and teachings to justice issues it may be difficult to find precise indicators of success or failure. If these are among your goals, it is important for you to find ways of measuring them. You may wish to consider reporting community ethnographies or case studies that describe situations in which you feel your program was particularly successful or unsuccessful.

Your records should be as detailed as possible. If one objective of your program is to handle 60 percent of your community's minor property offenders through victim-offender reconciliation, you need to keep records on the total number of cases in which the police make arrests, and the number of cases that are dealt with by the program and through other dispositions such as prison. You might also wish to monitor the costs of dealing with cases through reconciliation and through traditional means.

It is also useful to record some basic demographic data that will allow you to compare participants and non-participants. In your evaluation, it will be important to know if those who participated in your program are different from those who did not. Also, if you find that some types of victims or offenders in the community are reluctant to participate, special techniques or programs can be designed to reach these target audiences.

The purpose of your impact evaluation is to see if your program has made a difference. It is sometimes argued that we cannot measure what does not happen and in fields such as crime prevention and offender rehabilitation, we are trying to ensure that crimes do not happen. How, then, can we measure what is prevented? In order to measure the impact of a program, you must have a standard against which to compare your post-program measures. The data that you collected in order to identify and to describe your community's problems can be used as the basis of this comparison. The police crime statistics, community surveys, and other data collected before you established your program can be compared with similar data collected after the program has been in operation for a period of time. You must ensure that sufficient time has elapsed between the beginning of your program and your final evaluation. If impact evaluations are done too soon, the program will not have had a chance to show any effect. If done too late, the effects may have begun to diminish.

Ruling Out Alternative Explanations

It is also important to have a way of ruling out alternative explanations for changes that might have occurred. These alternative explanations include such factors as changes in the operation of the justice system not related to the program, economic changes, and pre-existing differences between those who participate in the program and those who do not. For example, your data may have indicated that a pre-arrest diversion program for young people has been successful because it has reduced the number of juvenile arrests. However, if police budgets have been cut and services reduced, the reduction in arrests may have been due to less effective policing and not to your program. In order to rule out alternate explanations such as this you need to know

as much as you can about how the justice system operates in your community and then collect data that will enable you to make comparisons over time and between different communities.

One of the most basic steps to take is to collect data for a period of time before the program begins. Many programs do not begin collecting data until after the program has been in operation for some time. This means that organizers will not be able to compare conditions before and after the program and will be very limited in the claims they can make about the impact of their program. If statistical information is available, you should try to go back and collect data covering several years. This is because a comparison with only the year preceding the program may be misleading if that year did not follow the long-term trend for that particular type of event. Collection of data over a long time period can be relatively easy for activities such as crime prevention programs where police statistics are normally available covering several years. Similarly, for diversion programs you should be able to find enough data to show trends in caseload and cost statistics. In addition the more comparisons you can make with other communities in which similar programs have not been implemented, the more confidence you can have that any effects you have observed are due to the program and not to other changes in the broader environment.

Evaluation Criteria for Restorative Justice Programs

If you are evaluating the impact of your program, it is important that you select the right outcome measures. Early in the planning process you decided upon the goals of your project. Now you will use these goals as the standard against which you will measure your project e apply to your project?

Do Victims Receive Justice?

- Do victims receive satisfaction from the process?
- Do victims have a major role to play in the process?
- Do victims receive appropriate compensation or restitution?
- Do victims have an adequate chance to tell their stories?
- Do victims receive answers to their questions and a better understanding of why they were victimized?
- Do victims receive proper apologies for the injustice against them?
- Do victims receive protection against further harm?
- Is adequate support provided to victims and their families?
- Do victims receive adequate information about the crime, the offender, and the justice process?
- Is there an opportunity for victims and offenders to meet to discuss the offense, if appropriate?
- Do victims feel they have been treated fairly?

- Do victims become less fearful?
- Are offenders made aware of harm?
- Do offenders experience remorse?
- How many reparative settlement agreements are negotiated and enforced?
- How many community service hours were worked?
- How promptly are restorative requirements completed?
- What is the quality of the community service work?
- Does the outcome adequately reflect the severity of the offense?
- Is the process a public one?

Do Offenders Receive Justice?

- Are offenders less likely to be imprisoned?
- Are offenders given the opportunity to participate in the justice process?
- Are offenders encouraged to change their behaviour?
- Are offenders encouraged to understand what they have done and to take responsibility for their actions?
- Does the process help offenders to understand the human costs of their behaviour?
- Are offenders given encouragement and opportunities to make things right?
- Are offenders' needs being addressed?
- Do offenders receive support in the community?
- Are placements avoided that might embarrass or stigmatize the offender?
Is there measurable change in offenders' behaviour (e.g. school achievement, employment, lower recidivism)?
- Do offenders show improvements in attitude and social behaviour? For example, are they punctual, do they see things from the victim's perspective, and have they become less attached to a deviant lifestyle?
- Do offenders think they have been dealt with fairly?
- Are offenders satisfied with the program?
- Are offenders encouraged and helped to complete their assigned tasks?
- Is there a mechanism for monitoring or verifying changes?
- Do offenders' families receive support and assistance?

Does the Community Receive Justice?

- Are there fewer repeat offenders?
- Is the community safer because of the program? Have crime rates dropped and do people feel safer since the program began?
- Is the community represented in some way in the legal process?
- Has interpersonal conflict in the community been reduced?
- Do citizens' feelings of safety and confidence in the justice system increase?
- Is the preventive capacity of families, and community agencies improved?
- Does the community have a better understanding of the justice system?

- Are criminal justice caseloads reduced?
- Have the costs of the criminal justice system been reduced?
- Is offender bonding and reintegration increased?
- Is the role of elders enhanced?
- Are Aboriginal cultural traditions strengthened?
- Has participation in the program increased community empowerment?
- Are the process and the outcome sufficiently public?
- Is community protection being addressed?
- Does the new process help solve the problems that led to this event?
- Are there provisions for monitoring and verifying outcomes and for problem solving?

Has the Community Played its Role in Providing Justice?

- Are the victim and other community members protected from further harm by the offender?
- Is the offender protected from vengeance?
- Did the community provide the resources necessary to carry out the healing process?
- Did the community provide public education and serve as a model for peaceful resolution processes?
- Did the community create those conditions most favourable to the complete restoration of both the victim and the offender?
- Did the community determine the causes of recurring conflicts and try to resolve these underlying problems (McCold, 1996)?

WHO SHOULD CARRY OUT THE EVALUATION?

A major issue in evaluation research is whether evaluation should be done internally or using external evaluators. It is feasible for many evaluations to be done internally, particularly those that are most concerned with program management issues. If you choose to do this, you should try to include someone with evaluation skills on your planning team.

Internal evaluators can also undertake outcome evaluations, but these are often done by external evaluators. Outcome evaluations are often done because they are required by outside funders, and external evaluators are more likely to be seen as objective and unbiased than are people who may have a vested interest in the results of the evaluation.

There is some debate about the appropriate role of an external evaluator. Some feel the external evaluator should not be associated with the project development team in order to avoid being biased or co-opted by team members. Rather, the evaluator should be responsive to the sponsoring agency and the clients.

Another view is that evaluators are likely to have expertise about program planning and implementation that would be useful to the project team. This expertise may be particularly useful in the area of criminal justice where projects may be planned by people who do not have

a great deal of project development experience. For example, an external evaluator may be in a good position to provide advice about the most appropriate resources and strategies. The evaluator may also be able to design a data collection system for monitoring the day-to-day program operation; for example, are clients regularly working off their community service hours. If decision-makers are aware of implementation problems they can make changes to keep the program functioning smoothly. Under these circumstances we would recommend a collaborative approach in which evaluators work with the development team, but retain the methodological rigour necessary for an objective evaluation.

DEALING WITH OBJECTIONS TO EVALUATION

Evaluation is not always welcomed by those involved with the program. There are several reasons for this reluctance to carry out evaluation research:

- People do not enjoy having their activities watched and assessed.
- People assume that good ideas will work. If you feel you have a good program it seems unnecessary to evaluate it.
- People may resent the fact that the evaluation uses resources which they feel should go into the program. Many organizers prefer to spend their limited time and money operating their programs rather than conducting evaluations.
- Evaluation cannot measure the changes in relationships and the personal growth that are outcomes of healing programs.

Some of the objections to evaluation can be minimized by involving those affected by the program including staff and clients. The evaluator should have clear agreement with these stakeholders concerning the scope and methodology of the evaluation and should identify their concerns and issues prior to beginning the evaluation. Regular consultation throughout the evaluation will help to ensure their cooperation. Evaluators must always remember that they are dealing with peoples' lives. Program staff will have concerns about their jobs and careers and clients will be concerned that importance services may change as a result of the evaluation. Openness and consultation can help to minimize these concerns. Also, everyone involved should understand that it is projects that are being evaluated, not individuals, groups, or organizations. The aim is to ensure that communities have the best justice system they can and evaluation should be viewed as a means of improving that system. Even a negative evaluation can help your community as well as other communities learn from experience in order to improve future programs.

Community members must realize the advantages of evaluation. Just as a business benefits from concern for its bottom line (normally profits and losses) so will justice be more achievable if we know that our programs are effective and efficient. Social change can be very difficult and there is certainly no guarantee that good ideas will work or that the best intentions will lead to proper program implementation. Only proper evaluations will allow us to learn how we can best deal with justice problems in our communities.

We must also recognize the fact that our programs are unlikely to survive without evidence showing they are effective. Governments are trying to reduce costs, and are increasingly requiring that programs demonstrate their usefulness in order to receive continued funding. Programs that have not been evaluated may not be funded. Therefore, if the program is a good one, a small expenditure of time and money for an evaluation may mean that in the long-run many more people will receive its benefits.

Finally, evaluation need not be limited to criteria that are easily measured. Some of the important outcomes of the healing process are stronger communities, reduced interpersonal conflict, and enhanced personal growth. These are among the evaluation criteria we have outlined earlier and can be assessed through measures such as case studies and personal accounts of community members.

REPORTING YOUR EVALUATION

Evaluations normally result in a technical report sent to those responsible for running the program and to the agencies sponsoring the program. An executive summary of the report's highlights will allow readers to focus on a description of the program followed by conclusions and recommendations. Finally, it is very important that you meet with all the stakeholders to discuss your findings. This may be done in an evaluation forum with all those concerned with the project, or in small meetings with different groups such as staff, clients, funders, and community volunteers.

SUMMARY

You have now completed the final step in the restorative justice planning and implementation process. The product of this stage of the process is the **information necessary to determine whether your program has been properly implemented, if the program should continue, and how it should change**. In this stage, you should have completed the following steps:

- *monitored* your program's implementation.
- *evaluated* your program's impact.
- reported the results of your evaluation to your community and to those who funded your program.

FIGURE 10
EVALUATION GUIDELINES

1. Each of the partners in your justice program should be involved at all stages of the evaluation. Including everyone will strengthen the partnership and increase the likelihood that the evaluation will help to build a better community justice initiative.
2. Evaluation should not be seen as a kind of ‘report card’ to be given after the project has been implemented. Rather, evaluators should help to identify strengths and weaknesses during the project’s implementation in order to improve it.
3. Evaluations should assess the extent to which projects are culturally sensitive, community-based, equitable, efficient, and effective.
4. Involving community members in the evaluation help to leave a legacy of skills in the community. In this way evaluation research can contribute to community development.
5. Evaluations should be sensitive to secondary impacts of restorative justice programs. For example, many evaluations over-emphasize the issue of reducing offender recidivism and neglect the increased level of community participation, reduced interpersonal conflict, and enhanced personal growth that some programs have yielded. However, if you do not measure these effects, you and others will not know they have been achieved.

Sources: Stuart (1997); Solicitor General (1995)

CHAPTER SEVEN

CONCLUSION



By returning to the traditional concept of crime as injury to the victim and to the community rather than as an offence against the state, restorative justice seeks to restore social relationships rather than simply to punish. Proponents of restorative justice feel that harm to the victim and to the community can be repaired by involving the victim and members of the community as participants in the justice process. The key to the approach is the reconciliation of victims and offenders and their reintegration into the community. The active involvement of the community in resolving conflict may help to rebuild communities that have been weakened by crime and other social ills. Restorative justice seeks to prevent crime in the future by repairing past harms and by restoring social relationships.

The conventional justice system has not worked well in Aboriginal communities and restorative justice programs are compatible with traditional Aboriginal justice practices that have always taken a holistic approach emphasizing healing and the importance of community involvement in the justice process.

Moving to restorative justice programs will require a change in our understanding of the nature of justice (Zehr, 1990). Restorative justice does not simply mean adding programs to supplement the conventional justice system, but means changing the values that underlie the justice system. A restorative approach is grounded in an alternative set of values in which victims regain their important role in the justice system and in which healing replaces punishment.

While restorative programs have a great deal of potential, they are not a quick fix to a community's crime problems let alone an easy means of rebuilding community institutions. LaPrairie has noted that "an enormous amount of hope is being vested in restorative justice and by extension, in the ability and willingness of communities to assume justice responsibilities and by doing so, to provide better justice to offenders, victims, and the community itself. But hope will not, by itself, necessarily achieve these ends" (1997a:15). We should remember that the prison system was built less than 200 years ago in the hope of creating a better society just as today's advocates hope to use restorative justice to help rebuild troubled communities. However, few today would hold the prison system up as a model organization. Despite the hopes of reformers, it has failed in all but its custodial function. If we are to prevent the restorative justice movement from suffering a similar fate, we must ensure that programs are carefully planned and implemented and that the results are carefully evaluated. In this manual we have tried to help you to plan and to implement effective restorative justice/corrections programs that will begin to achieve some of the results that advocates hope to see. Following the steps presented here will help you to develop successful programs that serve the needs of victims, offenders, and their communities.

APPENDIX A

**RESTORATIVE JUSTICE/CORRECTIONS PLANNING
CHECKLIST**



STEP 1: IDENTIFY AND DESCRIBE PROBLEMS AND NEEDS

The product of the first phase of your restorative justice planning process is a **community justice needs assessment** that is based on your community's problems and the programs available to meet those problems. In this stage you should have completed the following steps:

- *gathered information about your community's justice problems and needs* using data from a variety of information sources
- *gathered information about your community* in order to understand the community characteristics that may affect criminal justice problems and programs
- *prepared an inventory of justice/corrections and related services* to determine the agencies and programs in your community
- *prepare a community needs assessment* that has identified the gap between needs and available services

STEP 2: DEVELOP AN ACTION PLAN

The product of the second phase of your planning is an **action plan** describing in detail the program or programs to be carried out along with a list of those who are to participate. It will also include a statement of goals and objectives and a work plan to help in the implementation of the action plan. In this stage the following steps should have been completed:

- *defined the boundaries of the community* the program will serve
- *selected the participants* who will be involved in the planning and implementation of your program
- *determined the type of program* that will best meet your community's needs
- *specified the goals and objectives* that will guide the implementation of the program
- *prepared a work plan* to establish duties and tasks and to act as an implementation timetable
- *completed a funding proposal* to obtain the funding needed to establish and to operate the program.

STEP 3: IMPLEMENT YOUR PROGRAM

The product of the third phase is an **operational program** that the group has implemented. In this phase you should have:

- *obtained the support of community members* who will be involved as volunteers
- *carried out a public education campaign* to inform the public about the aims and operation of the program
- *trained program staff* in the goals and methods of the program
- *decided if the implementation of the program will be phased in* or the entire program implemented as soon as possible
- *established the operating procedures* the program will use including intake policies, pre-hearing preparation guidelines, and establishing a standard format for the hearings.

STEP 4: MONITOR AND EVALUATE YOUR PROGRAM

The product of this final phase of the process is the **information necessary to determine whether your program has been properly implemented, if the program should continue, and how it should change**. In this stage, the following steps should have been completed:

- *monitored* the program's implementation
- *evaluated* the program's impact
- *reported* the results of the evaluation to the community and to those who funded the program

BIBLIOGRAPHY



- Aboriginal Corrections Policy Unit (eds.). 1995. Community Development and Research. Ottawa: Solicitor General Canada, Aboriginal Peoples Collection.
- Aboriginal Corrections Policy Unit (eds.). 1997. The Four Circles of Hollow Water. Ottawa: Solicitor General Canada, Aboriginal Peoples Collection.
- Bazemore, Gordon. 1996 "Three Paradigms For Juvenile Justice". Pp. 37-67 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Benson, Garry. 1991. Developing Crime Prevention Strategies in Aboriginal Communities. Ottawa: Solicitor General Canada.
- Boles, Anita B. and John C. Patterson. 1997. Improving Community Response to Crime Victims. Thousand Oaks, Calif.: Sage Publications.
- Bonta, Jim and Michael Gray. 1996. The Restorative Resolutions Project: Phase 2 Evaluation. Ottawa: Ministry of Solicitor General Canada.
- Borg, Walter R. and Meredith D. Gall. 1989. Educational Research: An Introduction. New York: Longman.
- Braithwaite, John. 1989. Crime, Shame, and Reintegration. New York: Cambridge University Press.
- Burquest, Ralph, Graham Farrell, and Ken Pease. 1992. "Lessons From Schools." Policing 8: 148-155.
- Canadian Broadcasting Corporation. 1996. Prison and its Alternatives - Transcript. Toronto: Canadian Broadcasting Corporation.
- Church Council on Justice and Corrections. 1996 Satisfying Justice. Ottawa: Church Council on Justice and Corrections.
- Clairmont, Donald. 1996. "Alternative Justice Issues For Aboriginal Justice". Journal of Legal Pluralism and Unofficial Law, 36: 125-158.
- Cronbach, Lee J. 182. Designing Evaluations of Educational and Social Programs. San Francisco: Jossey-Bass.
- Department of Justice. 1994. "Minister of Justice Introduces Sentencing Reform Bill". Ottawa: Press Release, June 13, 1994.

- Donziger, Stephen R. 1996. The Real War on Crime. New York: Harper Collins.
- Federal-Provincial-Territorial Working Group on Community Safety and Crime Prevention. 1997. Step by Step: Evaluating Your Community Crime Prevention Efforts. Ottawa: Justice Canada.
- Flaten, Carol L. 1996. "Victim-Offender Mediation: Application With Serious Offenses Committed By Juveniles". Pp. 387-401 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Gomme, Ian. 1985. "Predictors Of Status And Criminal Offenses Among Male And Female Adolescents In An Ontario Community." Canadian Journal of Criminology, 26:147-159.
- Government of Canada. 1981. Program Evaluation: An Introduction. Ottawa: Office of the Comptroller General.
- Griffiths, Curt and Ron Hamilton. 1996. "Sanctioning And Healing: Restorative Justice In Canadian Aboriginal Communities". Pp. 175-191 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Hagan, Frank E. 1997. Research Methods in Criminal Justice and Criminology. Boston: Allyn and Bacon.
- House of Commons. 1997. 13th Report of the Standing Committee on Justice and Legal Affairs. Ottawa.
- Hudson, Joe and Burt Galaway. 1996. "Introduction". Pp. 1-14 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Hudson, Joe and Julian Roberts. 1993. Evaluating Justice: Canadian Policies and Programs. Toronto: Thompson Educational Publishing.
- Heinzelmann, Fred. 1987. "Promoting Citizen Involvement In Crime Prevention And Control". Chapter 12, pp. 254-279, in Weinstein, Neil (ed.), Taking Care: Understanding and Encouraging Self-Protective Behavior. New York: Cambridge University Press.
- Hindelang, Michael, Michael Gottfredson, and James Garofalo. 1978. Victims of Personal Crime: An Empirical Foundation for a Theory of Personal Victimization. Cambridge, Mass: Ballinger.

- Hudson, Joe and Burt Galaway. 1996. "Introduction". Pp. 1-14 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Immarigeon, Russ. 1996. "Prison-Based Victim-Offender Reconciliation Programs". Pp. 463-476 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Jackson, Michael. 1992. "In Search Of The Pathways To Justice: Alternative Dispute Resolution In Aboriginal Communities". University of British Columbia Law Review, 26.
- Lajeunesse, Therese. 1993. Community Holistic Circle Healing: Hollow Water First Nation. Ottawa: Solicitor General Canada, Aboriginal Peoples Collection.
- LaPrairie, Carol. 1996. Examining Aboriginal Corrections in Canada. Ottawa: Solicitor General Canada, Aboriginal Peoples Collection.
- LaPrairie, Carol. 1997a. "The 'New' Justice: Some Implications for Aboriginal Communities". Unpublished Manuscript, Ottawa: Justice Canada.
- LaPrairie, Carol. 1998. "Seeking Change: Justice Development in LaLoche". Ottawa: Justice Canada.
- Lee, Gloria. 1996. "Defining Traditional Healing". Justice as Healing Newsletter. Saskatoon: Native Law Centre.
- McCold, Paul. 1996. "Restorative Justice and the Role of Community". Pp. 85-101 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Minor, Kevin I., and J.T. Morrison. 1996. "A Theoretical Study and Critique of Restorative Justice". Pp. 118-133 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Moore, D.R., B.P. Chamberlain, and L. Mukai. 1979. "Children At Risk For Delinquency: A Follow-Up Comparison of Aggressive Children and Children Who Steal." Journal of Abnormal Child Psychology, 7:345-355.
- Moyer, Sharon and Lee Axon. 1993. An Implementation Evaluation of the Native Community Council Project of the Aboriginal Legal Services of Toronto. Toronto: Ontario Ministry of the Attorney General.

- Nielsen, Marianne O. 1996. "A Comparison of Developmental Ideologies: Navajo Nation Peacemaker Courts And Canadian Native Justice Committees". Pp. 207-223 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Nuffield, Joan. 1997. Diversion Programs for Adults. Ottawa: Ministry of Solicitor General Canada.
- Pranis, Kay. 1996. "A State Initiative Toward Restorative Justice: The Minnesota Experience". Pp. 493-504 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Riley, David and Pat Mayhew. 1980. Crime Prevention Publicity: An Assessment. Home Office Research Study Number 64. London: H.M. Stationery Office.
- Ross, Rupert. 1994. "Managing the Merger: Justice-as-Healing in Aboriginal Communities". Kenora: unpublished paper.
- Ross, Rupert. 1996. Return to the Teachings. Toronto: Penguin Books.
- Royal Commission on Aboriginal Peoples. 1996. Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada. Ottawa: Public Works and Government Services Canada.
- Rutter, Michael and Henri Giller. 1984. Juvenile Delinquency: Trends and Perspectives. New York: The Guilford Press.
- Sawatsky, Len. 1988. Face to Face: An Evaluation. Winnipeg: Department of Sociology, University of Manitoba.
- Schneider, Anne L. et al. Handbook of Resources for Criminal Justice Evaluators. Washington: U.S. Department of Justice.
- Stuart, Barry. 1996. "Circle Sentencing: Turning Swords Into Ploughshares". Pp. 193-206 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Stuart, Barry. 1997. Building Community Justice Partnerships: Community Peacemaking Circles. Ottawa: Aboriginal Justice Learning Network, Department of Justice.
- Umbreit, Mark et al. 1994. Victim Meets Offender: The Impact of Restorative Justice and Mediation. Monsey, N.Y.: Criminal Justice Press.

- Umbreit, Mark. 1996. "Restorative Justice Through Mediation: The Impact of Programs in Four Canadian Provinces". Pp. 373-385 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Umbreit, Mark and Mike Niemeyer. 1996. "Victim offender Mediation: From the Margins Toward the Mainstream". Perspectives, (Summer) 28, 29.
- Van Kirk, Marvin. 1978. Response Time Analysis: Executive Summary. Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, LEAA.
- Van Ness, Daniel W. 1996. "Restorative Justice and International Human Rights". Pp. 17-35 in Burt Galaway and Joe Hudson (eds.), Restorative Justice: International Perspectives. Monsey, N.Y.: Criminal Justice Press.
- Van Ness, Daniel and Karen Heetderks Strong. 1997. Restoring Justice. Cincinnati: Anderson Publishing.
- Waseskun House. 1991. Communities in Crisis: Healing Ourselves. Report of a Conference on Family Violence and Alcohol Abuse in Native Communities. Montreal: Waseskun House.
- Zehr, Howard. 1990. Changing Lenses: A New Focus for Crime and Justice. Scottsdale, Pa.: Herald Press.