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# Crime Victims' Experiences of Restorative Justice: A Listening Project

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Just Outcomes

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*“Justice is...the healing of the soul.”*

Wilma Derksen

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# INTRODUCTION

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## BACKGROUND

Restorative justice is gaining increased recognition as a promising approach to improving the Canadian criminal justice system. The concept of restorative justice is grounded in a commitment to attending to the needs and experiences of crime victims and survivors. Yet, as this report will explain in fuller detail, restorative justice practices have not always lived up to their promise for victims over the past four decades of expansion within the Canadian criminal justice system. Restorative justice practices have at times diverged from core principles, which has led some victims/survivors and their advocates to be uncertain or skeptical about the benefits of restorative justice programs and processes. The Listening Project is founded on a belief that a key step in the growth of restorative approaches is for systemic and community-based proponents of restorative justice to listen carefully to the voices and perspectives of victims/survivors and victim service providers, and to take these perspectives seriously in future policy and program design.

## REPORT STRUCTURE

This report is organized to reflect the rich information gathered from the Listening Project on Crime Victims' Experiences of Restorative Justice. The structure of this report is as follows:

- background on restorative justice and its relationship with crime victims,
- an overview of the Listening Project,
- findings on the needs of victims of crime and how restorative justice did and did not meet those needs,
- suggestions from Listening Project participants on how to enhance meaningful victim involvement, and;
- feedback and conclusion.

# WHAT IS RESTORATIVE JUSTICE?

Restorative justice has emerged as a term used to describe an approach to justice with deep roots in many traditional Indigenous legal practices, faith communities and other cultural traditions. The hallmarks of this approach to justice include inviting the participation of people affected by harm and crime, addressing the harm with an eye toward recovery, healing or repair, seeking direct accountability from those who have caused harm, attending to the wider repair and growth that may be required within the community, and in so doing looking to prevent future harm from occurring.<sup>1</sup>

The author Howard Zehr defines restorative justice as

*an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offence or harm to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.<sup>2</sup>*

Restorative justice is often associated with processes of direct and/or indirect communication between the affected parties (such as Peacemaking Circles, Conferences and Victim Offender Dialogue). On the other hand, restorative justice is an “approach” to understanding and achieving justice that goes beyond a specific encounter or program.

## RESTORATIVE JUSTICE AND CRIME VICTIMS

A restorative approach to justice begins by asking: who has been hurt, and what are their needs?<sup>3</sup> This implies an authentic inquiry into the needs of victims and survivors; not as an instrument for offender

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“A restorative approach to justice begins by asking: who has been hurt, and what are their needs?”

*Howard Zehr*

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<sup>1</sup> Sharpe, S. (1998). *Restorative Justice: A Vision for Healing and Change*. Edmonton Victim Offender Mediation Society.

<sup>2</sup> Zehr, H. (2015). *The Little Book of Restorative Justice*. USA: Good Books.

<sup>3</sup> Zehr, H. (2005). *Changing Lenses: A New Focus for Crime and Justice*. Virginia: Herald Press.

rehabilitation or treatment, but as individual needs that stand on their own merit. Mark Umbreit and Marilyn Peterson Armour further explain,

*[c]ore to restorative justice principles is the understanding that it is a victim-centered process. This means that the harm done to the victim takes precedence and serves to organize the essence of the interaction between the key players.<sup>4</sup>*

International literature holds promising data for restorative justice and victims/survivors. Meta-studies indicate victims report satisfaction in 75% to 98% of cases involving conferencing and victim-offender mediation, which is much higher than victim satisfaction with court.<sup>5</sup> Restorative justice has also been shown to help victims recover from traumatic experiences, providing much needed opportunities for validation, connection, choices and enhanced feelings of safety.<sup>6</sup>

THE LITERATURE ALSO REVEALS THAT RESTORATIVE JUSTICE HAS BEEN DISAPPOINTING TO SOME VICTIMS.

the late 1990s for example, a group of early leaders within the restorative justice and victim assistance movements in the United States undertook a collaborative Listening Project “specifically designed to confront the significant deficiencies of restorative justice practice pertaining to victim participation and impacts for victims, their advocates and victim services generally.”<sup>7</sup> As observed in the Project’s final report,

*Very often, restorative justice not only reflects offender needs—making amends, and changing and rehabilitating offenders—but is driven by such needs. Restorative justice may be offender initiated,*

Despite this and other promising data, the literature also reveals that restorative justice has been disappointing to some victims. In

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<sup>4</sup> Armour, M., & Umbreit, M. S. (2011). Restorative Justice and Dialogue: Impact, Opportunities, and Challenges in the Global Community. *Journal of Law & Policy*, 36(65).

<sup>5</sup> Walgrave, L. (2011). Investigating the Potentials of Restorative Justice Practice. *Washington LJ*, 36(91), 110.

<sup>6</sup> Lewis Herman, J. (2005). Justice from the Victim’s Perspective. *Violence Against Women* 11(5), 574; Sherman, L. W. & Strang, H. (2007). *Restorative Justice: The Evidence*, UK: Smith Institute, 4; See also: Walgrave, L. (2011). Investigating the Potentials of Restorative Justice Practice. *Washington LJ*, 36(91), 122.

<sup>7</sup> Zehr, H., et al. (2004). Listening to Victims – A Critique of Restorative Justice Policy and Practice in the United States. *Federal Probation: a Journal of Correctional Philosophy and Practice*, 68(1), 1.



*and may be oriented to an offender timeline. Such needs and practices may not be compatible with victim needs, however. Where offenders are provided with help to change their lives, but victims are not provided help to deal with their trauma, victims feel betrayed by the offender orientation of restorative justice.<sup>8</sup>*

More recently, a team of researchers summarized several studies detailing victims' experiences of dissatisfaction with restorative justice in youth justice settings.<sup>9</sup> The authors found themes of victim "marginalization" in some restorative justice processes, including:

- inadequate preparation of victims for the restorative justice process;
- victims feeling used by the restorative justice program as instruments for offender rehabilitation;
- victims feeling pressure – to participate, to forgive the offender, to under-represent the intensity of their emotions, to move quickly through the restorative justice process;
- re-victimization in the restorative justice process; and,
- concerns about practitioner competency.

The authors warn that "...restorative justice processes can produce adverse outcomes for some victims when they become offender focused or insensitive to the needs and concerns of victims."<sup>10</sup>

Observations such as these indicate that along with the strengths of current restorative justice practices, there exists much room for growth and improvement. The aim of this Listening Project is to provide a resource that can help to increase the understanding of both governmental and non-governmental decision-makers in Canada, and therefore to enhance the evolving field of restorative justice as a service to crime victims and survivors.

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<sup>8</sup> Ibid, P.5.

<sup>9</sup> Choi, J.J., Bazemore, G. & Gilbert, M.J. (2012). Review of Research on Victims' Experiences in Restorative Justice: Implications for Youth Justice, Child and Youth Services Reviews, 34.

<sup>10</sup> Ibid., P. 41.

## LISTENING PROJECT OVERVIEW AND METHODOLOGY

To achieve the goals of the Listening Project, Justice Canada (Policy Centre for Victim Issues and the Research and Statistics Division) contracted Just Outcomes Canada to convene a series of listening sessions in various regions across the country. After months of preparation with local sites, the sessions were held from February to April of 2019 in the following regions (to optimize anonymity, specific cities/towns have intentionally been left out):

- Ontario
- Nova Scotia
- Saskatchewan
- British Columbia
- Yukon

Site selection was based on two major criteria. First, geographic diversity was prioritized to include rural, urban, Northern, Southern, Eastern and Western parts of Canada. Secondly, sites were chosen based on the existence of robust restorative justice programs with a significant number of victim participants.

In each site, a program professional from an organization providing restorative justice services was identified to conduct outreach to crime victims who had been former program participants and invite them to participate in the Listening Project. Victim support persons, victim advocates, and other community members who had provided “surrogate” victim perspectives in restorative justice processes were also recruited. All participants were offered a \$100 stipend for expenses related to their time and participation, and all had access to a brief research paper on the background of restorative justice including its relationship to serving victims. A professional within victim services was invited in each location to contribute to the dialogue and provide immediate support to participants as needed. All sessions occurred on a Saturday to maximize convenience for (most) participants. A Justice Canada representative was also present at each site, except in Saskatchewan because of unforeseen circumstances. Attendance at the Listening Project sessions was voluntary for all.

### Participants, Crime Types, Approach

There were **36 participants** (restorative justice program staff and Justice Canada staff not included). Some participants had more than one of the following identities:

Direct Victims:	26
Victim Surrogates:	5
Victim Service Workers/Advocates:	6
Corporate Representatives:	2

Participants had experienced the following crimes: property/vehicle crimes (4), fraud (1), theft (3), assault (10), hate-motivated vandalism (2), impaired driving causing death of a loved one (3), and murder of a loved one (3). As the content of this report will demonstrate, the severity of the crime may not have been proportional to the impact of trauma experienced by participants. That is, participants who experienced crimes typically categorized as “minor” may still have experienced a great deal of suffering and trauma. While the original methodology called for a diversity of cases, recruitment involving domestic violence or sexual assault cases proved unattainable. Most programs either had never dealt with such cases or no longer had any contact with victims in those cases. Youth were present or represented by a parent in three out of five of the Listening Sessions (total of 3 youth). Participants identifying as Indigenous were present in three out of five of the Listening Sessions (total of 5 participants identifying as Indigenous).

The researchers recognize that the relationship-based approach of the recruitment process may influence the data in this report towards participants who had primarily positive experiences with the restorative justice program and facilitators. We also acknowledge that for this Listening Project a limited scope of restorative justice was targeted. That is, while restorative justice’s application can be vast and contribute to addressing harm in many contexts, the Listening Project targeted only criminal cases dealt with by community-based programs that offered victim-offender encounter or proxy processes where community involvement ranged from very high to very low. For one of the sites, the session was hosted by an Indigenous Justice Program (IJP).<sup>11</sup> It is very common for IJP groups to focus on community input/participation and to include traditional ceremonies into their service delivery, but each program across Canada is unique in its approach.

## Research Team

The Research Team was comprised of Just Outcomes’ Catherine Barga (MA) and Aaron Lyons (MA), in addition to Alana Abramson (PhD). All team members have over 15 years’ experience in restorative justice and related disciplines, including casework/facilitation, program leadership,

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<sup>11</sup> Learn more about the Indigenous Justice Program and its objectives here: <https://www.justice.gc.ca/eng/fund-fina/acf-fca/ajs-sja/index.html>

policy development, research, training and consulting. All have extensive experience working with crime victims within a restorative justice context, including cases involving severe interpersonal violence. Catherine Borgen (the Project Lead) was present at all sites and co-facilitated each session with one other team member.

## Listening Session Format

The Listening Project aimed to gather participant perspectives on the following major themes or topics (detailed agenda can be reviewed in Appendix A at the end of this report):

- 1. Needs and Experiences:** What were the needs of the victim in engaging with restorative justice, and to what extent were those needs satisfied?
- 2. Improvements for Restorative Justice programming:** What could be improved to further shape restorative justice approaches in Canada to better serve victims of crime?
- 3. Reflections on the Listening Session:** What learning did participants take away from this process?

The information from each of these themes are integrated into this report. Each session was scheduled on a Saturday for six hours in length, with breaks. The format of the meeting combined facilitated open dialogue on the above topics, along with a “talking circle” format utilizing a talking piece to ensure each participant was given opportunities to speak without interruption periodically through the day. Restorative justice program staff were intentionally absent for a portion of the sessions—“Needs and Experiences” were discussed in the absence of program staff to allow participants full freedom to express any concerns.

## A NOTE ABOUT LANGUAGE IN THIS REPORT

The word “victim,” will be used often within this report, which some readers may find problematic. Many Listening Project participants expressed their distaste with the word and its possible connotations. “Victim” may suggest a state of helplessness or stigma, and fails to acknowledge the courage, resourcefulness and resilience of people living in the aftermath of a crime against them. As one participant put it, “‘Victim’ makes me sound weak.” Some prefer “survivor”, while other terms in restorative justice discourse and practice have included, “affected person,” “harm party,” “complainant,” and others. To be clear, “victim” can be an inadequate term, yet it is used here primarily because it remains a common self-identifier for people who have experienced a range of harm.

The report also refers to “offenders” a term which is used by the criminal justice system and can have a stigmatizing effect. Our goal in using the term is not to stigmatize people who offend by binding their identity to their harmful choices. Indeed, neither “victim” nor “offender” should be thought of as commentary about the personal characteristics of either party. In the work of restorative justice, it is common to use the terminology of identity offered by participants themselves; however because of the range of perspectives represented, this is not possible within the context of this report. We rely here instead on imperfect terminology.

Additionally, the reader will notice quotations throughout this report. These segments were captured through typed notetaking and are not taken from sound recordings. Therefore, while the authors deem them to be accurate representations of the sentiments expressed by participants, they may not always be precise.

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# NEEDS AND EXPERIENCES IN RESTORATIVE JUSTICE


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Listening session participants were asked to describe the nature of their experience with restorative justice, what motivated them to seek these options, and to highlight both positive and negative aspects of that experience. Following is a summary of the major themes drawn from these discussions. While these themes are categorized for the sake of reporting, it must be acknowledged that in fact many of the needs articulated by participants were overlapping or even interdependent in a given individual's experience. For example, an individual's need for "information" may be vitally connected to his/her experience of "recovery," yet these topics are discussed separately here for the purpose of clarity and readability. Similarly, an individual's experience of "support" may be intimately linked with receiving "validation." The following themes are not ranked in importance or prevalence.

## INFORMATION

Victims' need for information was a dominant and overarching theme in the Listening Project. Many participants became interested in restorative justice, even if initially reluctant, because of a desire for information and answers to questions. For example, they had questions about:

- *The person responsible for the crime:* This included such information as his/her background, context, or motivation in committing the crime (e.g., why me? how could you? what were you thinking?). Many participants explained that they specifically needed answers from the person responsible for the crime, either for symbolic reasons or because only the offender knew the truth. As one participant explained, "The reason *why* was what I really needed. Why did he choose me out of everyone? I really needed that." Another said, "I was full of questions—should I have done more? Should I have tried to be violent? What should I have actually done in



MANY PARTICIPANTS BECAME INTERESTED IN RESTORATIVE JUSTICE, EVEN IF INITIALLY RELUCTANT, BECAUSE OF A DESIRE FOR INFORMATION AND ANSWERS TO QUESTIONS.

that situation—that troubled me the most.” Some participants emphasized the importance of receiving ongoing information about the offender’s status within the justice system, or in fulfilling their obligations to the victim or to society. Low trust was generally placed in the criminal justice system as a means to gain this type of information. As one participant reflected, “I knew I was unlikely to learn anything [about the offender] through the criminal justice system.”

- *What happened?* Victims often wanted to know details of the offence, especially where the offence was committed against a loved one. As one participant expressed, “I felt so incomplete when I only had pieces of a picture.”
- *The justice system and options for achieving justice:* Participants often expressed feeling “left in the dark,” left to their own devices to navigate their situation, not listened to by system professionals, and unaware of who to connect with or how. A strong theme emerging from participants was that they would have appreciated even more information up front (from police and/or restorative justice program staff) before making their decision to participate, or having information repeated to help them navigate their options. There was generally a perceived lack of available information about the criminal justice system and restorative justice options.

## Reflections on the Restorative Justice Process

Many participants expressed great satisfaction that their needs for information had been met within the restorative justice process. One participant said, “I left the process with a new understanding and outlook about who this individual was. It didn’t excuse what happened, but it made me aware that there were greater forces at play.” Another expressed that “understanding what led to [the crime], where this person came from, what was happening afterward, it helped me understand and emotionally process what had happened.” Still another stated, “I don’t think I would have had closure without understanding who this guy was and what had happened, and I had no idea until the dialogue.” Some participants also noted with gratitude that they were given information by the restorative justice program about other services available to them that they did not receive at any other point in the justice process. Participants who experienced robust follow-up practices on the part of the restorative justice provider (after the dialogue process was complete) described finding great value in that

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*“I don’t think I would have had closure without understanding who this guy was and what had happened, and I had no idea until the dialogue.”*

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type of support and ongoing information about the status of the offender.

There were also themes of disappointment noted regarding restorative justice processes and the provision of information. Most notably, a significant number of participants described hearing nothing from the restorative justice program about the offender's progress toward meeting his/her agreements (e.g., going to counselling or paying restitution), which was experienced as disappointing or disorienting. In the words of one participant, "we never had that feeling of being kept informed by the restorative justice program." Across sessions participants frequently expressed wanting more information following the facilitated dialogue, specifically about the offender's progress and wellness: e.g., "It would be nice to know if the journey that he's taken has actually changed who he is, or if that's something that faded." It was also recognized that privacy issues may prevent unlimited sharing of this type of information.

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*"Information is key. None of us came to the incident deliberately; there's pain because we didn't know what was going on."*

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Some participants also expressed a desire for more information leading up to initial contact with the restorative justice program. It was common to hear about participants experiencing "nerves" and "stress" waiting for the

restorative justice process to unfold, especially when they were unsure of when the process may take place, what the offender is like, the offender's appearance, or what attitude the offender will present. For example, one participant described being baffled by how long the referral to the restorative justice program took, and how little information was provided by authorities as to why this delay occurred: "Information is key. None of us came to the incident deliberately; there's pain because we didn't know what was going on." It was recognized that many of these communications are in the domain of the referral agent (e.g., law enforcement) and not the restorative justice program per se. Similarly, participants commonly described a lack of publicly available information about the existence of restorative justice options: e.g., "I had no idea that restorative justice existed."

It may be concluded based on the listening sessions that there is no such thing as too much information for victims navigating the criminal justice system, and similarly for navigating restorative justice. As one restorative justice practitioner reflected, "We have 30-40 years of research on what victims of crime need—information! Yet so few of the people in [this listening session] had the information they needed."



## SUPPORT AND ACKNOWLEDGEMENT

Participants described a desire for reliable, trustworthy and nonjudgmental support in the aftermath of the crime. Many experienced feelings of isolation from those around them after being victimized. One participant noted that, “[After the crime] . . . support would help but I didn’t know exactly what that would look like – family, extended family, friends – they are not equipped to listen well or give good advice. Sometimes these folks are not the best support as they are offering knee jerk reactions.” Others described disappointment with professionalized supports: “I was so frustrated that victim services really didn’t reach out. I had to advocate for myself.” Gentle and responsive support was described as of utmost importance in the aftermath of crime. Inherent to this support was acknowledgement of their experience, choices and personal dignity.

### Reflections on the Restorative Justice Process

Participants widely appreciated the personalized support and connection they received from restorative justice practitioners, particularly during the preparation and follow-up phases (when provided) of the process. As one participant expressed, “[My facilitator] helped a lot. She was checking in with me constantly about how I was doing.” Another participant described receiving an initial contact from the restorative justice program as the first time in the justice process that someone seemed to express care about her experience of victimization and a desire to know how she had been impacted. The need for support was often experienced as an independent benefit of the restorative justice process, sometimes surpassing any outcomes (positive or negative) of the encounter with the offender: e.g., “The facilitator helped more than actually sitting down and talking to [the offenders].” Those who did not feel they were supported by the restorative justice process, or those who perceived that the restorative justice process was not truly for them but merely for the offender’s sake, described greater disappointment in their experience of restorative justice. Of note however, participants frequently spoke in positive terms about the “dually partial” role of the facilitator; that is, they appreciated the support of the facilitator despite, or even related to, knowledge that the facilitator was also partial to the needs of the offender. As one participant put it, “It’s nice to talk to someone [i.e. the facilitator] who knows both sides.” Facilitator professionalism, competence and genuine concern were offered as contributing factors to this support.

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*“The facilitator helped more than actually sitting down and talking to [the offenders].”*

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In a small number of cases, participants described feeling inadequate support by restorative justice practitioners. As one participant reflected, “We fell through the cracks after [the process] was up... why didn’t I have the same level of contact with the program [as other listening session participants]?” Another stated, “I needed to be listened to, but I didn’t feel like [the facilitator] was someone to talk to about my feelings.”

A few participants described being assigned a “mentor” by the restorative justice program, whose role was specifically to support the participant throughout the preparation, dialogue and follow-up stages of the process. This person may or may not have been someone who had previously participated in a restorative justice process. This was described as a powerful contributor to the quality of the experience, and sometimes even transformative in assisting the participant to develop an understanding of their individual needs in the aftermath of the crime.

Many touched on a theme that the restorative justice program supported them in ways that the formal criminal justice system did not. That is, some felt they did not get the kind of victim services they desired, nor did they feel listened to by court officials/other representatives of the criminal justice system or school system. In contrast, a consistent theme was that participants felt the restorative justice program provided them attention, answers and services that they otherwise did not have access to.

Acknowledgment and support of victims also occurred during facilitated dialogues, by the offender or other participants. Some described that the dialogue alleviated feelings of embarrassment, shame and self-blame because of responsibility-taking by offenders and validating statements by other participants during the dialogue: “I needed to know it wasn’t my fault.” Facilitated dialogue was often observed to help the victim be “seen,” acknowledged, and to experience dignity regarding one’s personal choices. Contributing factors to these experiences were the presence of personally chosen support people, and the skills demonstrated by the facilitators towards all parties during the encounter.

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*“I needed to know it wasn’t my fault.”*

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There was a significant community and/or public aspect to some victims’ experience of acknowledgment and support (or the lack thereof), both within and outside of restorative justice programming. A lack of validation by community members or law enforcement personnel, for example through dismissive comments about the severity of the crime, were experienced as painful and profoundly disappointing. On the other hand, acknowledgment by community

members and law enforcement of the impact of the crime was experienced as highly validating. From an Indigenous context, involvement of community and community-based ceremonial practices in addressing wrongdoing emerged as a prominent part of a restorative justice process. One restorative justice process discussed in the session led to public reparation by the offender toward the community, which was experienced as “healing not just for us, but for the whole community.”

## VALIDATION AND VINDICATION

One clear motivation for participating in a restorative justice process was the need for meaningful action, justice, or for “something to be done.” For some this need was attached to a frustrating conviction that the mainstream justice system would not be equipped to produce meaningful justice, therefore an alternative was welcomed. As one participant said: “I didn’t feel that the criminal justice system was able to appropriately handle it.”

Participants expressed an unequivocal need to experience the recognition of others that what happened to them mattered and were disillusioned where this did not occur. For some this included a deeply unsatisfying police response, and for others the perceptions of a “revolving door” quality of the justice system that did not adequately hold offenders accountable to change their behaviour.

### Reflections on the Restorative Justice Process

Many participants alluded to experiencing a sense of meaningful justice from their participation in restorative justice. One participant reported having the opportunity to express strong emotions, including anger, during the dialogue with the offender; to challenge the offender’s responses, “which freed me and gave me a sense of security. I liked being able to ask those hard questions.” Another participant reported satisfaction at being able to “to look them in the eye and try to make them accountable for what they did.” For many if not all participants, the need for vindication was linked more to themes of reparation than to themes of punishment: e.g., “I want justice; pay for what they damaged and that’s it. I don’t want them to go to jail.” Some participants said that without the restorative justice program they would have received “nothing” from the system with respect to the crime against them.

On the other hand, several participants expressed uncertainty about whether the consequences for the offender were “enough” through their restorative justice experience. Restorative justice processes were frustrating when perceived as getting offenders “through the system” without

ensuring meaningful accountability and behavioral change. Other participants saw a lot of effort (by both justice system and restorative justice staff) going toward the offender (e.g., rehabilitation and reintegration efforts), but not as much effort going towards those who had been victimized.

Feelings of lingering injustice were expressed more strongly in some cases where there was lasting trauma or the loss of a family member or loved-one during the crime. In these cases, some participants expressed that there could be no true justice from either the criminal justice system or the restorative justice process, since nothing could return what was taken.

## MAKING A DIFFERENCE FOR OFFENDERS

Some listening session participants were motivated to participate in a restorative justice process out of a desire to make a difference by contributing to a pro-social outcome for the person responsible. Many expressed a desire to see offenders (especially youth) “turn their lives around” and wanted to contribute to that person making better choices. One participant recalled thinking, “I wanted him to be transformed, not punished.” Another said simply, “I felt an instinct to help the offender.” Some participants expressed gratitude that offenders had a chance to stay out of the more formal system, be accountable and possibly have a chance to make better decisions moving forward. Rehabilitation and reintegration goals were emphasized especially in discussions around Indigenous and marginalized communities, in light of the over-incarceration of these populations in Canada. One participant suggested that incarcerated individuals need better access to opportunities to “reform.” Another participant was motivated to become involved in restorative justice in part out of an initial concern for the safety of the offender and out of fear of possible community reprisal.

## Reflections on the Restorative Justice Process

Some participants described witnessing both immediate and lasting changes in the offender based on the restorative justice encounter and follow-up processes. For example, one person explained that their compassion for the offender increased after witnessing the “vulnerability” of the offender within a dialogue setting, and that they subsequently observed the offender take steps to gain an education and contribute in positive ways to the community. Many participants shared feelings of satisfaction about the responsible party “doing much better” since the restorative justice encounter, or feelings of hope about this being the case. Some were satisfied that the offender was able to avoid punitive sanctions, e.g., “I was glad that he didn’t get as much punishment as he otherwise would have.” Punishment was not spoken of as equivalent to

accountability; as one participant expressed, “I didn’t want to punish anyone...it was an accident...but it didn’t feel right to say ‘don’t worry about it.’”

In other cases, victims’ motivations to assist offenders led to disappointing results because of re-offending or other recurring negative behaviours. In some cases, this led to feeling “used” or misled by the offender, and sometimes by the restorative justice process itself. One restorative justice practitioner reflected that, in the experience of that program, cases in which victims entered the process primarily out of concern for offenders often led to less satisfying results because neither the victim nor the program could ultimately control the offender’s future behaviour. However, it is also noteworthy that many victims of crime were initially led to understand restorative justice as an opportunity to “help” the accused person, whether by referral agents, community members, friends or the restorative justice program itself.

## REBUILDING TRUST AND SAFETY

Some participants described the experience of crime as eroding or destroying feelings of trust and safety within their own community. At least two participants, for example, described feeling betrayed by bystanders’ lack of response during the crime. Sometimes the decision to participate in restorative justice was motivated by attempts to restore a more trusting relationship toward the community. Some participants spoke of an underlying desire to relieve their isolation and to feel connection with others and community. They expressed a need to know they were not alone. For some in fact, this lingering need was direct motivation to participate in the Listening Project: “[A hope for today] is to hear other stories and to know if other people feel the same as me.”

For others, loss of trust was more specific to the offender, and restorative justice represented an attempt to resolve lingering concerns about the offender’s intentions. Sentiments such as “I want to be able to look at them in the street and not feel scared,” and “I was worried about my kids... I didn’t know if [the offender] was aggressive,” were expressed.

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*When a harm happens, our reality changes. Before the crime, you assume and you trust that things will be a certain way. Your home is safe, you are safe, but after the crime that trust is broken...after a trauma, you need to settle yourself. The harm needs to be acknowledged first and you should not be told to ‘get over it.’*

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In addition, participants expressed that loss of trust can be felt after victimization as a general sense of mistrust in the order of the world, and how supported one is:

When a harm happens, our reality changes. Before the crime, you assume and you trust that things will be a certain way. Your home is safe, you are safe, but after the crime that trust is broken . . . after a trauma, you need to settle yourself. The harm needs to be acknowledged first and you should not be told to “get over it”.

## Reflections on the Restorative Justice Process

Restorative justice processes, especially those explicitly involving community members, were frequently described as contributors to rebuilding trust with one’s community. The care, concern, and acknowledgement of community members in the process was experienced as meaningful: “Part of what I needed also was to have my sense of community rebuilt . . . so having members of the community at that dialogue was really important as well.” As trust was built or rebuilt with community members, this often led the way for increased feelings of safety. Similarly, encounters often led victims to view the offender in a less threatening light, thereby increasing feelings of safety.

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*“Part of what I needed also was to have my sense of community rebuilt...so having members of the community at that dialogue was really important as well.”*

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While some participants reported increased feelings of safety after the restorative justice process, some victim advocates noted that some victims do not participate in restorative justice in the first place due to being unconvinced that the process will be safe for them.

One victim advocate noted: “Her need was to feel safe, which is why in her case she didn’t want to see them face to face. Which is too bad because I think it would have helped her!” Another victim noted that “getting a sense of safety would be a reward for me” but, after an unsatisfying dialogue with an offender who was perceived to be remorseless, this was not achieved.

## HAVING A VOICE

Many participants entered the restorative justice process out of a need to have the offender and/or others hear the impacts of the offence . For example, a participant who lost a loved one in the crime said they “wanted the offender to understand who [the deceased victim] was.” Another explained, “I wanted to convey emotion, and I wanted to hear emotion.” As is woven into themes above, the opportunity to have this emotion and experience heard in a meaningful way was perceived as limited—there was little trust that talking about the impact would be appreciated by justice stakeholders within the mainstream justice system, and additionally there was little confidence from participants that they would be adequately heard by those close to

them. One participant additionally noted that discussing the crime required “protecting” the feelings of the offender (who had been a friend) as well.

## Reflections on the Restorative Justice Process

Storytelling and expressing emotion were frequently named as a benefit experienced through the restorative justice process. As one participant noted, “I was really able to express myself . . .

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*“The most meaningful and important thing for me was having an opportunity to talk to the [offender] and to tell them what their actions cost me.”*

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having the space to be asked the questions so s/he could really hear how deep the [impact] went.” Another said, “The most meaningful and important thing for me was having an opportunity to talk to the [offender] and to tell them what their actions

cost me.” This sentiment was echoed on numerous occasions, where participants described in various ways having the freedom to speak truthfully and be heard.

Some participants also found meaning in having input and influence over offenders’ reparation plans. “We got to say what we wanted the perpetrator to do,” recalled one participant. “He had to find a job, see a therapist, appreciate diversity. We could see him be accountable.”

Not all participants experienced a satisfying opportunity for having a voice. For example, one recalled, “I never had a chance to say how the crime impacted me *per se*.” In these cases, it was perceived that the restorative justice process was focused on assisting the offender.

## CHOICES

Participants emphasized the need to be involved, included and given choices in the justice process concerning the crime against them, rather than having processes dictated to them by others. One participant noted about the experience of conventional criminal justice, “I never had a chance to write my own victim statement...it was written on my behalf!” Choice-making included deciding whether or not to pursue restorative justice. As one participant said, “I was so glad to learn there was another option

[besides punishment] from the Crown.” Or in the words of a victim advocate, “restorative justice is

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*“restorative justice is another thing we can offer a victim...to give people choices because when people are traumatized, they need to have choices.”*

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another thing we can offer a victim . . . to give people choices because when people are traumatized, they need to have choices.”

## Reflections on the Restorative Justice Process

Here restorative justice programs were strongly and favourably contrasted with other parts of the criminal justice system, which were often perceived to decide “for” victims what they may or may not need. Similarly, participants who had previously experienced other diversionary programs contrasted their current experience with those previous, less restorative experiences. Those diversion programs (sometimes also under the banner of “restorative justice”) were perceived as mainly centered on the needs of the offender and offered fewer opportunities for involvement on the part of the victim. As one participant reflected, “The restorative justice practitioners went to every effort to include me, to educate me what was going on, to ensure my voice was heard...as much as I was willing to. In contrast... the other [diversion] processes were focused primarily on the offender and helping him with his life and making sure no more harm came to him.”

Participants’ experiences of inclusion and choice within their restorative justice program involvement included factors like “ensuring that my voice was heard in the process,” “educating me on what was going on,” and offering a range of ways to participate in the process. One participant said, “When I compare restorative justice to the criminal justice system...[with restorative justice] I felt like I was at the centre, I could put the brakes on, I could tell the offender to get lost, I could tell the facilitators to get lost.” Another participant reported that the facilitators chose to speak very little during the face to face encounter, having “sensed that we knew how to carry this process by ourselves.” Participants also reported regaining control by having a choice over bringing a support person to the facilitated dialogue. Participants generally found it important to have numerous options of how to communicate with the offender (e.g. by letter, video, in person, using a surrogate or proxy, etc.) in cases where more indirect forms of communication were desired.

Process flexibility was strongly valued by participants. As one reflected, “It’s so helpful that the process is adaptive; there were some things I knew we’d disagree on, so I’m so glad we didn’t have to talk about those things.” On the other hand, a few participants recalled having little or no input into the way the restorative justice process was conducted. e.g., “It was presented to me as: this is the process, do you want to participate or not?”

One area in which participants found their range of choices to be less satisfactory was with respect to restorative justice process timelines and duration. Several participants explained that



they would have benefited from more time in making their decision to participate, or from a longer duration of involvement. A few participants perceived pressure to make their decision to participate based on a timeline over which they lacked control. As one person said, “I felt a little rushed at times [in restorative justice]. I remember I wanted to slow down but I felt I was working on someone else’s timeline.” Others expressed that they would have benefited more from the restorative justice process now (significantly after sentencing) than they did at the time when they were eligible for the program, because only now did they realize the full impact of the crime. Participants expressed strong desire for “being able to choose when [a restorative justice process] is beneficial to you, not when the system decides. I’m told I’m supposed to go on with my life, even though I still need services, tools, support, care ongoing throughout my life and my journey.”

## REPARATION AND COMPENSATION

A number of participants were motivated to participate in restorative justice processes, at least in part, out of a desire for some form of symbolic or material reparation. Symbolic reparation included hopes for the offender to perform work service toward the victim or community, write a letter of apology, treat addictions, engage in counselling, participate in cultural or ceremonial activities, and/or other provisions. Across sessions, there was often an ambivalent relationship expressed surrounding the need for financial compensation. Some noted that they had not initially identified financial compensation as a need, but toward the end of the process felt empowered to acknowledge this need and accept an agreement containing financial reparation provisions. As one participant expressed, “It’s hard for us to say what we want—no amount of

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*“It’s hard for us to say what we want—no amount of money is going to fix our broken heart. It’s a big risk to ask for what you want. But still money is something.”*

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money is going to fix our broken heart. It’s a big risk to ask for what you want. But still money is something.” Other participants entered restorative justice with specific hopes of gaining material or financial reparation for their losses.

## Reflections on the Restorative Justice Process

Several participants reported satisfaction about receiving reparation and compensation through the restorative justice process. As one participant recalled, “[the offender] was very humbled by that experience [of community service] . . . and she learned a lot. She saw the faces of the people

she hurt.” Another reflected, “We just wanted an apology . . . but we got above and beyond. All the offenders are going to [compensate my daughter] and they’re also going to do some community service and volunteer work.” Still another shared that “. . . it was really nice to have support to acknowledge that the money could go to help me, even though I couldn’t [bring myself] to ask for it.” Appreciation was also expressed for the restorative justice program’s role in coordinating restitution payments.

There were also themes of disappointment surrounding reparation and financial compensation. As one participant recalled, “The only sentence I remember [the offender] saying was ‘Do you mean I have to pay it all back?!’ . . . the girl felt it was unfair maybe. Payment didn’t come, but that’s ok, that’s ok . . .” Another lamented that the promised compensation had never been paid: “If I get him alone ever, I would ask him to pay the bill that he owes us.” Sometimes disappointment was expressed because the possibility for financial compensation was dismissed within the restorative justice process, on the basis of an offender’s perceived inability to pay.

## ACKNOWLEDGING AND ATTENDING TO THE VICTIM–OFFENDER RELATIONSHIP

Some participants commented that their reason for involvement in restorative justice stemmed in part from a need for recognition that crime and justice involve an acknowledgement of the “relationships” (meant in the broadest sense) created by criminal acts. Some participants expressed feelings of “relief” to be participating in a process that outwardly acknowledged an inherent (even though unjust) relationship between victim and offender, even if they were strangers to one another. This was not interpreted as implying any specific obligations toward this relationship on the part of the victim, but merely as an acknowledgment of its existence. Others articulated this relationship as a deep need to hear and see that the offender is remorseful for the harm that was inflicted upon them. In this way, there was a common desire among many participants to personally see the person(s) responsible for the crimes against them demonstrate clear accountability for their choices. Accordingly, some participants expressed a need for personal connection with the person who offended against them. Connection was seen, in part, as a result of learning about each other. The need for connection was an initial motivator for some, and for others emerged as a need only after the process was underway.

For those experiencing crime in the context of a small Indigenous community, there was often a strong need to address the reality of ongoing relationships, to ensure that relationships were

mended to the extent possible and that life could go on without anxiety about inevitable encounters with the other person in the community.

## Reflections on the Restorative Justice Process

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*“[restorative justice] changed my experience of being assaulted into something that was, well, beneficial. It gave me a chance to make a connection with someone else.”*

*“We’re in a relationship with the person who harmed us, and being part of a program which recognizes that is so much more meaningful than one which does not.”*

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Restorative justice processes seemed to contribute to more positive and less threatening relationships between many victims and the people who offended against them. As one participant put it, “[restorative justice] changed my experience of being assaulted into something that was, well, beneficial. It gave me a chance to make a connection with someone else.” Another commented: “We’re in a relationship with the person who harmed us, and being part of a program which recognizes that is so much more meaningful than one which does not.” Generally, the dialogue was seen as positive even if that need was not initially identified by the victim: “I didn’t think it would help me as much as it actually did. I *did* need to talk about it [with the offender].”

Of those who participated in facilitated dialogue with the offender(s), many shared positive comments about the need and opportunity to communicate face to face with those individuals. In some cases, participants expressed dissatisfaction with the level of responsibility or remorse shown by the offender(s) in their case. For example, in one session a participant in the group had a truly transformative experience with the offender, and others in the group were quite interested and inspired by what might be possible with respect to offender accountability and the transformation of that victim-offender relationship. Hearing this experience seemed to spark a lot of interest in the potential of restorative justice. At times, there was a sense of frustration that youthful offenders are struggling to understand the impact and take meaningful responsibility—this divide seemed to make helpful connection between victims and offenders unlikely or even impossible in these cases. At other times, participants said they were extremely fulfilled by the level of remorse and accountability demonstrated by the perpetrator in their case: “He wasn’t a bad kid. We shook hands...I got a letter about three months afterwards that the kid was successful, he hadn’t committed any more crime.”

Overall, while relatively few participants reported being in ongoing contact with the offender, those who did keep in contact described it as meaningful or even transformational for both parties. Those who were not in any further contact with the offender frequently expressed lingering questions regarding how that person might be doing and if further contact might be possible to find out their progress.

## RECOVERY FROM THE IMPACTS OF CRIME

An overarching motivation for engaging in restorative justice was a hope or perception that the process could offer a means toward recovery from the effects of the crime, including elements of psychological trauma. Many of the other needs listed in this report were spoken of as aspects of recovery. For some, recovery had to do with making meaning out of negative events. For others, restorative justice represented a hope for finding a way out of silence, disempowerment and/or isolation.

### Reflections on the Restorative Justice Process

Many Listening Project participants spoke in passionate and positive terms about the contribution of restorative justice toward their recovery. For example, one participant described the experience of repeated face-to-face meetings with the person responsible as “overwhelmingly life changing.” Another said that restorative justice “completely changed” a narrative of hopelessness about the justice process. Some participants used the word “forgiveness” (which it was acknowledged carries multiple interpretations) to describe a personal choice not to “carry that pain anymore” or “let this negative energy into the rest of my life.” Still another spoke of learning to stay curious rather than cynical. Another noted that although personal growth/transformation was not an explicit goal of entering the restorative justice process, “the experience brought me so much joy,” and described the restorative justice experience in terms like “healing,” and “mind-blowing.” Still another summarized the experience by saying, “What I learned from the restorative justice process...was how much the crime affected me, and I hadn’t given myself the space to heal.” Another noted: “Restorative justice works better than the alternative. It was incredibly difficult, but incredibly necessary. Doing something positive seemed important.”

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*“What I learned from the restorative justice process...was how much the crime affected me and I hadn’t given myself the space to heal.”*

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Other language used for recovery-related outcomes included “tying loose ends” and “closure.” Participants expressed varying perceptions of these and other related terms (for example, some liked the term “healing,” while others utterly rejected it). In many cases, the restorative justice experience seemed to play one meaningful part in a much longer-term (and often non-linear) process of psychological, social and emotional recovery.

Some participants did not find restorative justice to contribute meaningfully to their recovery. For example, one participant shared that “to this day, I’m startled by noises at night.” In some of these cases, participants cited factors like a lack of adequate support and information from the restorative justice program, and a process that was focused primarily on assisting with the offender’s recovery or avoidance of a criminal record. Upon reflection, some participants felt disappointment with the restorative justice process as they simply had not experienced the type of justice they had hoped for: “I feel I was misled by how [the offenders] would benefit. I felt like I was told it was all for me, but it doesn’t feel like it was. Especially in the end. Wasn’t fair.”

## A NOTE ON CULTURAL RESPONSIVENESS

Some Listening Project participants discussed the use of traditional Indigenous practices and ceremonies (e.g., sweat lodge) as powerful and challenging experiences that can be rewarding for both victim and offenders. It was suggested that these ceremonies can be integrated into a restorative process to powerful effect. One participant noted that “Having an elder present made a big difference,” while a restorative justice practitioner observed value in “giving options to help them engage such as having a smudge.”

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# ADVANCING RESTORATIVE JUSTICE

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Based on the needs and experiences described above, what measures can help to improve restorative justice programs for crime victims and survivors? Based on participant comments, this section describes priorities and ideas for restorative justice programs and their surrounding systems to better serve and support people in the aftermath of victimization.

## PROVIDE FLEXIBLE PROCESSES

The flexibility of the restorative justice process to accommodate a range of needs and hopes resonated as important for many participants. For example, many wished for a face-to-face encounter; others wanted a face-to-face encounter only under certain circumstances; still others wanted information or reparation without an encounter. Participants entered the restorative justice process with diverse goals and advocated for processes that could be responsive to these goals.

Three prominent themes emerged related to providing options and flexibility to enhance victim involvement.

Prominent Themes for the Need for Flexibility
Create choices and options for victims.
Provide the opportunity for follow-up and multiple meetings as requested.
Provide victims with increased control over timelines in restorative justice.

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*“Don’t assume that victims don’t know what they need. Don’t assume that restorative justice is not suitable for victims.”*

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## Create choices and options for victims

Participants explained the need for restorative justice programming that can meet the diverse needs of victims, even when the offender does not wish to participate or is not suitable for the program. As pointed out by one participant, “Don’t assume that victims don’t know what they need. Don’t assume that restorative justice is not suitable for victims. They should be informed about this option. Restorative justice can relieve suffering.”

Furthermore, many victims reflected that restorative justice processes should not automatically be discounted based on the seriousness of the crime. Indeed, as participants listened to one another, many became inspired to emphasize that victims should be the ones deciding if a criminal case should/could involve a restorative justice element, rather than the decision being made for them: “For victims to have the ultimate choice, even if the crime is considered serious. That victims are deciding what process they want and not having that decided for them based on seriousness of the crime.”<sup>12</sup>

## Provide follow-up and the opportunity for multiple meetings as requested

Recognizing that feelings and circumstances evolve over time, participants valued opportunities for more follow-up from practitioners (this is also part of the “Information” section below) and the opportunity for follow-up meetings after the initial restorative justice process is completed. They shared statements such as:

- “It would help to know more about how the offender is doing after the RJ process; have the option of a secondary meeting, another chance to have a process...recognizing that the offender has the right to move on and cannot be required to do this if they do not consent.”

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<sup>12</sup> Author’s Note: informing victims of their options around restorative justice participation is consistent with the *Canadian Victim Bill of Rights*: <https://laws-lois.justice.gc.ca/eng/acts/c-23.7/page-1.html>

- “Follow-up is so important. Regardless of how much time has gone by, it would be good to have another chance to meet with the offender.”
- “Do you think a one-shot meeting is the be-all and end-all? I’m wondering if there can be more than one meeting...maybe a first meeting where the victim and offender can just ‘meet’...and then meet again months later. Because I think it can be a shock to meet the offender and realize that they’re not bad...they don’t look bad, they just look normal. This can also give the sense of whether the offender is truly remorseful, or if they have another agenda. Without that, I just have to trust the facilitator’s judgement. I may want to try this myself.”

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*“Follow-up is so important. Regardless of how much time has gone by, it would be good to have another chance to meet with the offender.”*

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## Provide victims with increased control over timelines in restorative justice

While it was acknowledged that timelines may be partly out of the control of restorative justice programs *per se*, many participants advocated that services be increasingly attentive to victim timelines. As noted above, some participants expressed that the long wait between the time of referral and the time of facilitated dialogue was troubling. One participant said the wait was “the hardest part” due to lingering unanswered questions (especially regarding their safety) during that time; another said they were concerned there would be violent community reprisals during that time out of a perception by community members that nothing was being done. Other participants felt like they were being rushed to make their decision about participating without fully understanding what the restorative justice process was about. In the simple words of a satisfied participant: “I didn’t feel rushed.” Overall then, robust and ongoing communication with victims around their expectations and concerns regarding the timelines of the restorative justice process was deemed advisable.

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**ROBUST AND ONGOING COMMUNICATION WITH VICTIMS AROUND THEIR EXPECTATIONS AND CONCERNS REGARDING THE TIMELINES OF THE RESTORATIVE JUSTICE PROCESS WAS DEEMED ADVISABLE.**



## Additional ideas for flexible and responsive practice

Other suggestions related to flexible and responsive participation for victims included the following:

- *Allow input on the way the dialogue is conducted.* For example, one participant explained, “I was able to speak first, which was very important for me.”
- *Provide options and be responsive regarding meeting locations.* Establish a policy of offering to visit the victim’s home, or another location of the victim’s choosing.
- *Consider creative ways to allow the victim to gain information about the offender prior to the process.* This was deemed as a means to alleviate anxiety/fear in advance of the process. One participant suggested that the victim could be provided a photo of the offender in advance of the process (with the offender’s permission). This latter suggestion was indicated to be especially important for youth victims.
- *Ensure plenty of options pertaining to victim support persons.* This theme of support will be explored more fully below.
- *Provide opportunities for victims to influence restorative justice outcomes.* Many participants reported satisfaction at having been able to influence restorative justice outcomes and agreements according to their needs and sense of fairness. This was not interpreted as a request for victim “veto” or control over sentencing, but as the desire for meaningful input.
- *Offer a variety of options for victim participation.* One participant provided this summary: “Creating options for victims to participate to address the diversity of needs...using a proxy person, using a letter, etc. Especially when victims want to remain anonymous. Especially in a small community...the victims don’t want to be known by the offender, and that’s a safety issue. In some cases, the victim may not want to know who the offender is because it can be triggering. Sometimes the victim may want information provided to them as an alternative option. Allowing victims to participate in various ways when a face to face meeting is not appropriate or comfortable should always be made available.”

# ENHANCE COMMUNICATION AND MESSAGING ABOUT RESTORATIVE JUSTICE

Project participants suggested that restorative justice programs aim to provide as much information as possible to victims, at every point in the process from intake, process design, and follow-up. This included information about options for both victims and offenders, along with the impacts of these options on judicial outcomes. One concrete suggestion was to create clear visual aids, such as diagrams, for participants to understand restorative justice processes and their place within the judicial process. “Standardization” was raised as one potential avenue of exploration, to improve clarity of communication about restorative justice to prospective participants and to create more consistency around what to expect.

Participants also brought attention to the type of messaging restorative justice programs offer to victims and to referral sources. Several participants commented that their first impression of restorative justice, based on communication received through law enforcement, victim services, and others, was as a service primarily to help offenders avoid jail sentences, avoid criminal records, and reduce re-offending. As noted above, this messaging resonated with a few participants who were motivated to assist with helping the offender change their behaviour. However, participants noted that this type of messaging limits victim participation to those with that motivation or communicates that the service may be irrelevant to crime victims with other types of needs. One restorative justice practitioner spoke to this issue:

I often hear from victims on first contact that the motivation to participate is to help the offender. This is a risk in my mind, because none of us have control over the offender. Nobody has asked them how they’re doing and what they need, so they’re not used to answering that. Offenders actually do better in processes that are victim-centered.

One victim participant noted that victims are likely to “hold back” expressing strong emotions because they do not want their needs to be imposed on the offender. It was suggested that justice system stakeholders who are possible referral agents to restorative justice be more accurately educated on the potential benefits of restorative justice for victims and survivors. It

was also suggested that restorative justice programs more clearly articulate a range of services they provide for victims.

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*It's important for everyone to know that restorative justice is an option, and to know what the outcome and follow-through is. For example, hearing about a crime issue in the media, but not knowing there was a restorative outcome. This good outcome should be publicized too. So, a focus on public education for the community, and perhaps justice system stakeholders as well.*

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Many participants expressed a view that a current lack of adequate information available to the public about restorative justice contributes to skepticism and a public credibility problem for restorative justice initiatives. This can have an isolating effect on victims who participate in restorative justice in that they can feel misunderstood or even judged by a society (including those known to them) that does not appreciate or understand their choices and experience. In addition, participants expressed concern that victims needing restorative justice services have access to it: "Restorative justice needs to be more public so those harmed know it's an option and can request it." Another participant noted:

It's important for everyone to know that restorative justice is an option, and to know what the outcome and follow-through is. For example, hearing about a crime issue in the media, but not knowing there was a restorative outcome. This good outcome should be publicized too. So, a focus on public education for the community, and perhaps justice system stakeholders as well.

Another participant joked: "[The public] needs more awareness! Maybe 'The Rock' could make a viral video for us?"

## IMPROVE COORDINATION WITH JUSTICE PARTNERS

Participants noted that restorative justice initiatives operate both within and apart from the formal criminal justice system, sometimes making for a confusing experience of justice as a whole. Accordingly, a suggestion was to increase coordination among all justice partners and streamline messaging: "Bring information about restorative justice to people as early as possible so people know what's available to them. I know this is complicated and would require a lot of coordination between justice partners. How it is brought to someone and how it is framed is important!"

Additionally, some participants —particularly those with a victim services background—observed a lack of coordination between victim services and restorative justice programs:

I think it would be awesome if victim services and restorative justice programs could have more of a relationship ...Even if a worker at [a restorative justice program] is having trouble connecting with a victim, they can call us [at victim services] and we can connect with the victim and offer them options... And if victim services can be there to support someone during restorative justice, we will be there for support.

Participants also suggested that it would be desirable for criminal justice personnel and criminal justice policy to be cognisant of and informed by restorative justice principles to make for a more seamless process for victims: “Maybe restorative justice specialists should have more interface with the criminal justice system so that their personnel can better answer questions for victims.”

## IMPROVE ACCESS FOR INDIGENOUS PARTICIPANTS

Participants noted that restorative justice services are not currently available in every community, and there may be particular gaps for Indigenous participants (despite the existence of the Indigenous Justice Program across Canada). As noted previously, Project participants acknowledged that maximum choice for traditional ceremonies and rituals (such as a smudge) may enhance participation for victims identifying as Indigenous. On a related note, one participant expressed a concern that police discretion in making referrals to restorative justice programs is susceptible to being influenced by racist attitudes and therefore result in an inequitable use of this discretion (i.e., both victims and offenders from marginalized cultural groups may benefit less from the existence of restorative justice programs by not being referred due to police discretion).

## REFINE THE LANGUAGE OF RESTORATIVE JUSTICE

### “Victim”

Within the context of this project, participants frequently raised the issue of what term to use regarding their role in the restorative justice process. For the most part, the term “victim” was used as a placeholder but generally unsatisfying to individuals. As one participant said: “The term ‘victim’ is very uncomfortable, because there’s a running narrative that says ‘don’t be a victim’” and from another session: “Victim makes me sound weak.” Another participating victim advocate

observed: “I am not sure what kind of language is needed but we need to give them [victims] a sense of authority to deal with their situation.” As noted above, many programs participating in this project used terms other than victim, for example “harmed party”. A participant in one session said that “instead of victim we should say ‘victor’” and that term which began as a humorous suggestion persisted for the remainder of the session (referring to one another as “victors”). While no conclusion was reached, it is clearly worthwhile for restorative justice programs to give attention to the term “victim” and consider discussing it with participants.

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*“I am not sure what kind of language is needed but we need to give them [victims] a sense of authority to deal with their situation.”*

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## “Forgiveness”

In some of the sessions, the term “forgiveness” was deliberated. Ideas were raised regarding if and how forgiveness is discussed so that victims do not perceive that obligations or judgements about their intentions are being placed on them, or that they are expected to forgive if they participate. Some suggested this can be especially true from an Indigenous cultural perspective, where community harmony is often centred and therefore perceived pressure to forgive may be heightened. Participants advised that restorative justice programs be cautious around how the word “forgiveness” is used when interacting with participants.

## EXPAND FINANCIAL SUPPORT AND COMPENSATION FOR VICTIMS

Based on the challenge or tension victims may feel regarding identifying compensation or financial support as a need (discussed above), participants suggested that programs think more concretely about how to support victims in this manner. One session spent significant time brainstorming about the function of a “victory fund” specifically for victims to access for all the costs they may incur to participate in a restorative justice process (babysitting, travel, time off work) or in those cases where they are requesting restitution that the offender is not able to provide. A participant who was a practitioner noted: “Sometimes there’s a [government] fund for victims, but it’s an emergency fund only. It’s meant to be for urgent situations for safety and immediate wellbeing. So, prioritizing getting money back for victims. And not misleading victims of what those ‘victim funds’ are for if they’re for emergency only.”

Some reflection emerged on the (purported) Japanese cultural tradition of “sorry money,” which allows for victim acknowledgement, and bypasses the large court system. While this was not necessarily promoted as “the solution,” it points toward the possibility for victims to receive and expect reparation without having to undergo personal anxiety around raising compensation as a need.

## ENHANCE AND PRIORITIZE SUPPORT SYSTEMS

Participants had several suggestions related to enhancing support in their involvement with restorative justice.

### Explore creative approaches to victim support

Participants noted how sometimes offender supporters can be articulate in encouraging the offender to take responsibility, which can relieve that burden from the victim. They suggested restorative justice programs consider how to maximize this potential, in particular with victims who would like to participate but are shy or reluctant to speak up for themselves. It was advised that any such discussion happen in collaboration with the victim(s).

A youth participant indicated that victims might sometimes feel safer if the option of a police officer being present at the restorative justice process is offered (which it was acknowledged may not be what helps all victims to feel safe). Another suggestion was that a therapy animal be available for the victim during the process. For some victims, it may relieve pressure to have a physical list of options available that can be included for consideration in an agreement with the offender, like certain community programs to help addiction issues, or volunteer opportunities available for the offender if community service is important to the victim.

### Provide the option of designated “mentors” for victims

As previously discussed, participants from one program described having been assigned a mentor by the restorative justice program, who provided accompaniment through the preparation, dialogue and follow-up stages of the process. This experienced mentor became a “sounding board” through the exploration of needs, asked useful probing questions during one-to-one meetings, and provided important validation to the affected person. While mentors are more typically considered appropriate to assist youth in restorative justice programs, this role was in fact upheld as invaluable for all victims.

## OPTIMIZE VICTIM PARTICIPATION/VOICE

Listening Project participants had suggestions regarding how programs can be more oriented toward meaningful and safe participation for victims.

### Enhance victim intake and case preparation

Participants suggested that intake procedures especially designed for victims are important to optimize comfort and clarity. A simple telephone call asking if they would like to participate in a predetermined process was described as insufficient; instead, restorative justice programs should actively demonstrate how its programming is tailored to the victim's care and support. Participants noted that

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*Participants felt that an intake procedure that is especially designed for victims is important to optimize their comfort and information. In other words, a simple phone call asking if they would like to participate in a predetermined process is insufficient.*

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victims can naturally make assumptions that because the program may save court time, and because the offender may clearly benefit from the judicial outcome, their own participation is superfluous. One participant noted: "I agree that restorative justice is primarily focused on the offender and I get that from a dollar and cents perspective because incarceration is so expensive and it doesn't work, they just learn to be better criminals. But restorative justice should be about the victims cleansing too." Demonstration that the program incorporates options and choices at the time of intake may help signal to victims that restorative justice is indeed for them.

Participants especially emphasized that, as a part of intake, programs should refrain from making assumptions about why or whether a victim would participate (e.g. helping the youth who committed the offense). They expressed a need to feel free to make the choice to participate or opt out based on their own needs and motivations, and with enough time to decide. If they are in a place where they are not in favour of proceeding with restorative justice, they expressed needing to be free to express that (after having heard information relevant to them) and not have assumptions placed on them: "We need to meet (victims) where they are at because sometimes it might not be right now that they want restorative justice and that is ok."

### Dialogue should be voluntary, accountability should not

Participants expressed the perspective that while no one (including offenders) should be forced to undertake facilitated dialogue, there must be recourse and assurance that the offender will be held accountable in some manner by the justice system. One participant expressed the notion

that the restorative justice process and its surrounding systems must have “teeth” if accused persons are not demonstrating accountability. This theme was also linked with a “credibility problem” observed for restorative justice, i.e. that restorative justice is perceived by the public as being a “soft” approach to crime. Having demonstrable avenues of recourse when offenders do not complete agreements may assist in alleviating this potential perception of restorative justice and evoke confidence in victims.


## Ensure that practitioners are well informed regarding community programs and associated costs

Participants noted that options like offender treatment carry funding realities that sometimes prevent these options from being contemplated during restorative justice processes. It was suggested that practitioners be made knowledgeable about the kinds of plans that will be realistic to carry out. Participants observed that this knowledge during the agreement phase of an encounter is more satisfying for victims than being uncertain about what might unfold for the offender’s obligations.

## Conduct rigorous case preparation with the offender around accountability

Reflection from participants indicated that thorough case preparation is warranted to ensure offenders enter the process prepared to demonstrate accountability. To this end, facilitators need to have a firm understanding of the extent to which the process will be productive and whether and how each

offender will constructively demonstrate accountability and/or remorse. Without this, participants expressed concern that the process could be unproductive and even troubling for the victim. Participants indicated that this is especially true in small communities where victims have to see the offenders regularly.



REFLECTION FROM PARTICIPANTS INDICATED THAT THOROUGH CASE PREPARATION IS WARRANTED TO ENSURE OFFENDERS ENTER THE PROCESS PREPARED TO DEMONSTRATE ACCOUNTABILITY.



## Revisit Confidentiality Agreements

One participant commented that due to a confidentiality agreement signed before the facilitated dialogue, this participant was prohibited from sharing the results of the process to others. A suggestion was made to revisit such agreements after the conclusion of the process. The participant noted: “There are things I would like to have been able to share [to those outside of the restorative justice process], and I think this would have benefited everyone.”

## IMPROVE VICTIM SURROGACY EXPERIENCE

Some programs offer the option of victim surrogacy for victims who are not willing or able to participate, but the case is still able to move forward with a process for the offender. Participants had several reflections on how to make that experience more meaningful.

### Strive for authentic representation

Many expressed that it was not adequate or desirable for victim surrogates to be involved in the restorative justice process without having met with the direct victim in the case. The suggestions were to establish mechanisms to ensure victims are consulted in a sensitive manner in each case, so that victim surrogates are not speculating about a victim’s sentiments in any given case. It was suggested that this offers victims a truer voice.

### Keep direct victims informed, even where surrogates are involved

Participants noted that restorative justice programs would ideally provide follow-up information to the victim on the offender’s agreement and compliance and report back regarding unanswered questions. A participating victim surrogate said: “Maybe as surrogates we can address the ‘why’ and give that information back to the victim to give them some healing...follow up, keep them informed, letting them know something happened.”

### Provide the option to have the victim surrogate participate along with the direct victim

This was suggested as specifically relevant for victims who are hesitant or shy to participate but would still like the opportunity for an encounter with the offender.

## PRIORITIZE VICTIM-SENSITIVE TRAINING

A theme that wove its way through all the Listening Project sessions was the meaningful difference it made for victims to have a skilled facilitator leading the process, and to have connection with and confidence in that facilitator. Some concrete suggestions related to the skills desired by facilitators are as follows.

### **Train restorative justice facilitators to be “dually partial”**

One participant described knowing that the restorative justice facilitators were working for both his own well-being and that of the offender, yet feeling always that “they were there for me and walking with me....you want to feel from facilitators that they’ve ‘got you.’”

### **Ensure all restorative justice program staff are trained to exhibit compassion for victims**

Participants appreciated being seen and heard at every level of the restorative justice program, not just by their direct practitioner. When other people volunteering or on staff with the restorative justice program (for example, the receptionist) treated the matter as “run-of-the-mill,” this was experienced as disappointing and frustrating.

### **Ensure that restorative justice services are “trauma-informed”**

Recognizing that both victims and offenders have often survived traumatic experiences, it was recommended that restorative justice services and practitioners be informed by an understanding of trauma and recovery and design programs in line with principles of Trauma-Informed Practice.

### **Provide access to restorative justice for victims in all cases of victimization**

Participants did not consistently recommend specific offences that should be excluded from eligibility for restorative justice. Some participants expressed hesitation around severe cases of violence in sessions where no victims who had experienced such violence were present. Most sessions indicated restorative justice should be widely available for victims regardless of the crime. However, it was noted that there needs to be a “recognition of safety issues and, for example, power and control issues” (such as in incidents or patterns of domestic violence).

Accordingly, facilitators would be best equipped to offer optimal service when they are well skilled—sometimes with specialized training—to deal with a spectrum of offenses. As one participant noted: “There’s no crime too small or too big. Victims still need recognition and a chance to heal/recover.”

## EXPAND OPPORTUNITIES FOR VICTIMS TO CONNECT

Many reinforced that participation in the listening session in itself was deeply valuable. For some, the session seemed to broaden ideas of what is possible through restorative justice, while for others the session contributed to feeling more connected and less isolated within their experience of victimization. In at least two sessions, participants remarked that participation in the Listening Project session had a bigger impact on their well-being than the restorative justice process itself. Some remarked that this kind of connection had been a missing piece in their journey to wholeness since the crime. One participant mentioned that a priority could be to “enhance opportunities for “victim-victim” contact. This isn’t necessarily central to a restorative justice process, but it helps people through their trauma—victims meeting with each other. There is a lot of value and wisdom from people who have been through similar circumstances. It provides support. It can be provided through different stages. For example, victims who have been through restorative justice explaining [the risks and benefits] to those who are considering it. Another participant requested that there be access to “a restorative justice ‘alum’ group...if there were resources, that would be so great. This could help remove the isolation factor.” Given the many positive reflections regarding the opportunity for victims/survivors to connect and share their restorative justice stories with other victims, restorative justice programs may wish to consider how to provide this kind of group-dialogue opportunity as a regular occurrence as part of their service delivery.

Other comments, especially during the closing reflections of the session, were as follows:

- “I appreciated hearing everyone’s story. It makes me feel not crazy!”
- “I think it’s really important to be able to talk to people who’ve gone through something similar.”
- “It...feels really good to be in a room of people [i.e. the listening session] talking about feelings and experiences.”
- “I’m not alone. There’s victims out there everywhere. Everyone has issues.”

- “More listening sessions—agreed! More opportunities for other victims to partake in a session like this.”
- “Hearing everyone else’s stories is great. It makes me feel better.”
- “This listening session is almost better than the restorative justice session! I feel so supported. I understand that I’m not alone.”

## SUSTAIN FUNDING

During the reflection portion of many listening sessions, participants consistently identified “more resource allocation for the work of restorative justice” as a priority action that systems could take to improve the victim experience. Participants acknowledged the work of the restorative justice programs and identified that a lack of funding/resources for these programs is a real issue. Many wanted to see more facilitators so that all victims would have access to this service: “A priority is that there needs to be more trained facilitators so that this can happen more often and become more timely.” These observations were usually hand-in-hand with participants remarking that the support, follow-up and abundant information they craved at various stages of the justice process comes with a price tag: “More resources are needed. This way, facilitators could have more time with victims so they can have all the time they need. These are time and intensive processes.” Related to this, one participant observed that the location in which restorative justice meetings were held was uninspiring, and commented that it is important for restorative justice programs to have access to comfortable, welcoming meeting spaces—and for programs to have access to funding to provide this. He stated: “These programs are living year to year, not knowing if they have funding.” Ultimately for restorative justice programs to adequately and meaningfully meet the needs of victims—in addition to all the other mandates these programs have—participants advised that they should be properly and sustainably funded to do so.

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# FEEDBACK AND CONCLUSION

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## SURVEY RESULTS

An optional online survey was released within a week of each session's conclusion to obtain feedback regarding the listening sessions themselves. Fifteen of the 36 participants completed the survey. Survey results indicated very high levels of satisfaction with the group composition, the style of facilitation, the opportunity to have a voice and the session's construction overall. Most respondents reiterated their appreciation for the session itself, and many mentioned that a hoped outcome would be that restorative justice would be more widely known about and utilized. As for suggestions for improvement for the Listening Project, several respondents indicated that they would have appreciated even more time, and an opportunity for even more victims to take part. Overall, the survey results were consistent with the input given at the sessions and suggested an ongoing positive experience of and relation to the Listening Project's purpose.

## CONCLUSION

The experience of those participating in the Listening Project shines a spotlight on the immense potential for restorative justice to meaningfully meet the needs of victims of crime. The themes explored here indicate that in order to best meet those needs, improvements could focus on making processes more adaptable, optimizing choices and information, prioritizing flexible supports and follow-up, and (for the broader system) considering how to create sustainable funding structures to support programs making these improvements. That victim needs will be met, therefore, is not a foregone conclusion—restorative justice programs and the systems that support them have a formidable opportunity to implement the insights offered throughout this report in order to improve services experienced by victims of crime.

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# APPENDIX A

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## AGENDA FOR RESTORATIVE JUSTICE LISTENING SESSION

**10:00–10:30** Arrival and Light Breakfast

**10:30 – 10:45** – Preliminary schedule for the day, plus introductions by the facilitators, the program professionals, explanation of their roles, and explanation of objectives of the session

**10:45 – 11:15** – Participant introductions

**11:15–12:45** – Theme 1: Participant experiences with restorative justice processes

- Describe the nature of the experience you (or victim/survivors you are assisting) have had with RJ. What were your needs or expectations?/What have been the victims'/survivors' needs or expectations? (e.g. having the harm addressed, being heard) Were these needs met?
- What aspects have been positive? Negative? Mixed? What factors have created that experience (e.g. preparation, information, opportunity within session, having a dedicated support person(s) in attendance with you, emotional support, style of facilitation, follow-up)?

**12:45–1:30** – Lunch break (Lunch provided on site)

**1:30–2:45** – Theme 2: Requirements to optimize victim/survivors' experiences in RJ

- what you think should be the key elements of a victim-centred RJ process?
- which of these elements are already in place?

- which elements still need to be put in place for victim/survivors to be safely, voluntarily, comfortably and meaningfully involved in RJ processes?
- are there any cases which are not appropriate for an RJ process? (Please think in terms both of actual RJ processes and the relations/communication/structures that exist to connect the victim-serving and RJ communities.)

**2:45–3:00** – Coffee break

**3:00–3:45** – Theme 3: Reflections and reinforcement

- Of the ideas you have seen discussed today, what do you feel is the priority action that could make the greatest impact for victim/survivors involved in RJ processes in your jurisdiction?
- Are there one or two new learnings that you will carry away from this session?

**3:45–4:00** – Closing remarks.