

RESTORATIVE JUSTICE IN NOVA SCOTIA

YEAR ONE

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Part 1

Background: Alternative Measures

Prior to 1998, what are now the agencies responsible for implementing the Restorative Justice programme, implemented a youth diversion programme known as Alternative Measures. The following table (1-A) provides a sketch of the AM programme just prior to the transformation to RJ. In Nova Scotia in 1996 and 1997, eight agencies provided Alternative Measures to youth. Table 1 – B summarizes the numbers of referrals that progressed to the completion of a hearing for these eight agencies. The two busiest agencies, not surprisingly, were Metro Halifax, 36% of the total (Youth Alternative Society) and Cape Breton (Island Alternative measures Society) with 22% of the total. The Valley Youth Alternatives were the third busiest, hearing 11% of the Alternative measures cases. Along with the Cumberland Youth Alternatives Society, these four agencies were transformed in 1999 to deliver the new Restorative Justice programme in Phase One.

Table 1-A -- Alternative Measures Referral Summary, Nova Scotia, 1996-1997

| Date | 1996 | | 1997 | | Avg. 96-97 | |
|---------------------------------|--------------------|-------|--------------------|-------|--------------------|-------|
| | Hearings Completed | % | Hearings Completed | % | Hearings Completed | % |
| Agency | | | | | | |
| Youth Alt. Society, Bridgewater | 58 | 4.8 | 59 | 5.0 | 58.5 | 4.9 |
| Cumberland Youth Alt. | 56 | 4.7 | 53 | 4.5 | 54.5 | 4.6 |
| Island Alt. Meas. Society | 229 | 19.1 | 253 | 21.6 | 241 | 20.4 |
| John Howard Society | 81 | 6.8 | 90 | 7.7 | 85.5 | 7.2 |
| Youth Alt. Society: Metro | 457 | 38.2 | 427 | 36.4 | 442 | 37.3 |
| Options for Youth | 94 | 7.9 | 119 | 10.2 | 106.5 | 9.0 |
| Southwest Alt. Meas. Society | 59 | 4.9 | 39 | 3.3 | 49 | 4.1 |
| Valley Youth Alternatives | 162 | 13.5 | 132 | 11.3 | 147 | 12.4 |
| Total | 1196 | 100.0 | 1172 | 100.0 | 1184 | 100.0 |

This Report focuses more particularly on the two rural agencies in the Pilot Year, in the Valley and Amherst (Cumberland County). Table 1-B profiles the referrals to these two agencies during the years 1995-1997, and for the Province as a whole for 1996 and 1997. Few differences emerge between the two rural agencies, or the rural agencies and the data for Nova Scotia generally. Data from the rural agencies was calculated from three years; the provincial data was available at the time of the analysis for only two of the years. Most referrals reach the hearings stage in the two rural

agencies as well as in the province as a whole (96.4% in NS). Most cases also involve males 62.6% of all cases in the province. The ratio of males to females was somewhat

Table 1-B – Alternative Measures, Rural and NS, 1995-97

| Agency | Date | Referrals | | | Ref. Accepted | | | Hearings | | | | | |
|---------|------|-----------|--------|-------|---------------|--------|--------|----------|------|--------|------|-------|------|
| | | Male | Female | Total | Male | Female | Total | Male | % | Female | % | Total | % |
| Valley | 95 | 91 | 55 | 146 | 91 | 54 | 145 | 84 | 64.1 | 47 | 35.9 | 131 | 89.7 |
| | 96 | 110 | 59 | 169 | 106 | 58 | 164 | 105 | 64.8 | 57 | 35.2 | 162 | 95.9 |
| | 97 | 89 | 47 | 136 | 87 | 47 | 134 | 85 | 64.4 | 47 | 35.6 | 132 | 97.1 |
| | Avg | 96.7 | 53.7 | 150.3 | 94.7 | 53.0 | 147.7 | 91.3 | 64.5 | 50.3 | 35.5 | 141.7 | 94.2 |
| Amherst | 95 | 27 | 19 | 46 | 27 | 19 | 46 | 27 | 58.7 | 19 | 41.3 | 46 | 100 |
| | 96 | 29 | 29 | 58 | 29 | 28 | 57 | 28 | 50.0 | 28 | 50.0 | 56 | 96.6 |
| | 97 | 28 | 26 | 54 | 28 | 26 | 54 | 28 | 52.8 | 25 | 47.2 | 53 | 98.1 |
| | Avg | 28 | 24.7 | 52.7 | 28.0 | 24.3 | 52.3 | 27.7 | 53.5 | 24.0 | 46.5 | 51.7 | 98.2 |
| N.S. | 96 | 797 | 460 | 1257 | 768 | 448 | 1216 | 758 | 63.4 | 438 | 36.6 | 1196 | 95.1 |
| | 97 | 756 | 467 | 1223 | 733 | 456 | 1189 | 726 | 61.9 | 447 | 38.1 | 1173 | 95.9 |
| | Avg | 777 | 463.5 | 1240 | 750.5 | 452 | 1202.5 | 742 | 62.6 | 442.5 | 37.4 | 1185 | 95.6 |

lower in the Cumberland County agency (53.5% males, 46.5% females). The Valley agency was the busier of the two agencies during the Alternative Measures phase, holding almost three times as many hearings as in Cumberland County.

With respect to age profiles, as Table 2 indicates, the majority of cases in the province (about 70%) involved youth 15 years of age or less. The variations between the rural agencies and the province as a whole were small, with Cumberland County being more likely to hear cases involving younger females. If you examine the age breakdown more completely from Table 3, it can be seen that, at least for the province as a whole, with respect to age, the number of referred offenders under 16 increased to age 14 (the highest proportion) and then dropped somewhat for the 15-year-olds (a pattern that did not hold for the Valley). Correspondingly, more 16 year-olds were

Table 2 - Age Profiles, AM Cases, 1995-1997* (Averages)

| Age | Males | | | Females | | | Total | | |
|---------|--------|---------|------|---------|---------|------|--------|---------|------|
| | Valley | Amherst | N.S. | Valley | Amherst | N.S. | Valley | Amherst | N.S. |
| <16 (%) | 67.5 | 73.5 | 71.2 | 70.9 | 80.6 | 72.5 | 68.7 | 31.3 | 131 |
| >16 (%) | 32.5 | 26.5 | 28.8 | 80.6 | 19.4 | 27.5 | 76.8 | 23.2 | 52 |
| n | 91 | 28.8 | 742 | 72.5 | 24 | 447 | 71.9 | 28.3 | 1185 |

Nova Scotia Restorative Justice 2001

*1996-1997 for N.S.

Table 3 - Alternative Measures Cases, Age of Offenders, 1995-1997*

| Males | | 11 | 12 | 13 | 14 | 15 | <16 | % | 16 | 17 | 18 | 19 | 16+ | % | Total |
|----------------|------|-----|------|------|------|-------|-------|------|------|------|-----|-----|-------|------|-------|
| Agency | Date | | | | | | | | | | | | | | |
| 1 | 95 | | 11 | 13 | 12 | 19 | 55 | 65.5 | 23 | 6 | | | 29 | 34.5 | 84 |
| 1 | 96 | 0 | 10 | 20 | 17 | 23 | 70 | 66.7 | 16 | 17 | 2 | 0 | 35 | 33.3 | 105 |
| 1 | 97 | 1 | 9 | 20 | 12 | 18 | 60 | 70.6 | 14 | 11 | 0 | 0 | 25 | 29.4 | 85 |
| | Avg | 0.3 | 10.0 | 17.7 | 13.7 | 20.0 | 61.67 | 67.5 | 17.7 | 11.3 | 0.7 | 0.0 | 29.67 | 32.5 | 91.3 |
| 2 | 95 | 0 | 6 | 1 | 6 | 8 | 21 | 77.8 | 2 | 4 | 0 | 0 | 6 | 22.2 | 27 |
| 2 | 96 | 0 | 7 | 5 | 5 | 5 | 22 | 78.6 | 3 | 3 | 0 | 0 | 6 | 21.4 | 28 |
| 2 | 97 | 0 | 4 | 4 | 7 | 3 | 18 | 64.3 | 4 | 6 | 0 | 0 | 10 | 35.7 | 28 |
| | Avg | 0.0 | 5.7 | 3.3 | 6.0 | 5.3 | 20.33 | 73.5 | 3.0 | 4.3 | 0.0 | 0.0 | 7.333 | 26.5 | 27.7 |
| 3 | 96 | 3 | 93 | 149 | 172 | 146 | 563 | 74.3 | 109 | 80 | 5 | 1 | 195 | 25.7 | 758 |
| 3 | 97 | 2 | 74 | 132 | 155 | 131 | 494 | 68.0 | 126 | 99 | 6 | 1 | 232 | 32.0 | 726 |
| | Avg | 2.5 | 83.5 | 141 | 164 | 138.5 | 528.5 | 71.2 | 118 | 89.5 | 5.5 | 1 | 213.5 | 28.8 | 742 |
| | | | | | | | | | | | | | | | |
| Females | | 11 | 12 | 13 | 14 | 15 | <16 | % | 16 | 17 | 18 | 19 | 16+ | % | Total |
| Agency | Date | | | | | | | | | | | | | | |
| 1 | 95 | | 8 | 7 | 13 | 12 | 40 | 85.1 | 2 | 5 | | | 7 | 14.9 | 47 |
| 1 | 96 | 0 | 4 | 6 | 15 | 11 | 36 | 63.2 | 14 | 7 | 0 | 0 | 21 | 36.8 | 57 |
| 1 | 97 | 0 | 7 | 3 | 11 | 10 | 31 | 66.0 | 7 | 8 | 1 | 0 | 16 | 34.0 | 47 |
| | Avg | 0.0 | 6.3 | 5.3 | 13.0 | 11.0 | 35.67 | 70.9 | 7.7 | 6.7 | 0.3 | 0.0 | 14.67 | 29.1 | 50.3 |
| 2 | 95 | | 3 | 8 | 5 | 1 | 17 | 89.5 | 1 | 0 | 1 | 0 | 2 | 10.5 | 19 |
| 2 | 96 | 0 | 3 | 8 | 6 | 5 | 22 | 78.6 | 3 | 3 | 0 | 0 | 6 | 21.4 | 28 |
| 2 | 97 | 0 | 3 | 8 | 5 | 3 | 19 | 76.0 | 6 | 0 | 0 | 0 | 6 | 24.0 | 25 |
| | Avg | 0.0 | 3.0 | 8.0 | 5.3 | 3.0 | 19.33 | 80.6 | 3.3 | 1.0 | 0.3 | 0.0 | 4.667 | 19.4 | 24.0 |
| 3 | 96 | 1 | 37 | 85 | 91 | 102 | 316 | 72.1 | 85 | 34 | 2 | 1 | 122 | 27.9 | 438 |
| 3 | 97 | 0 | 40 | 84 | 109 | 93 | 326 | 72.9 | 64 | 55 | 2 | 0 | 121 | 27.1 | 447 |
| | Avg | 0.5 | 38.5 | 84.5 | 100 | 97.5 | 321 | 72.5 | 74.5 | 44.5 | 2 | 0.5 | 121.5 | 27.5 | 442.5 |
| | | | | | | | | | | | | | | | |
| Total | | 11 | 12 | 13 | 14 | 15 | <16 | % | 16 | 17 | 18 | 19 | 16+ | | Total |
| Agency | Date | | | | | | | | | | | | | | |
| 1 | 95 | | 19 | 20 | 25 | 31 | 95 | 72.5 | 25 | 11 | | | 36 | 27.5 | 131 |
| 1 | 96 | 0 | 14 | 26 | 32 | 34 | 106 | 65.4 | 30 | 24 | 2 | 0 | 56 | 34.6 | 162 |
| 1 | 97 | 1 | 16 | 23 | 23 | 28 | 91 | 68.9 | 21 | 19 | 1 | 0 | 41 | 31.1 | 132 |
| | Avg | 0.3 | 16.3 | 23.0 | 26.7 | 31.0 | 97.33 | 68.7 | 25.3 | 18.0 | 1.0 | 0.0 | 44.33 | 31.3 | 141.7 |
| 2 | 95 | 0 | 9 | 9 | 11 | 9 | 38 | 82.6 | 3 | 4 | 1 | 0 | 8 | 17.4 | 46 |
| 2 | 96 | 0 | 10 | 13 | 11 | 10 | 44 | 78.6 | 6 | 6 | 0 | 0 | 12 | 21.4 | 56 |
| 2 | 97 | 0 | 7 | 12 | 12 | 6 | 37 | 69.8 | 10 | 6 | 0 | 0 | 16 | 30.2 | 53 |
| | Avg | 0.0 | 8.7 | 11.3 | 11.3 | 8.3 | 39.67 | 76.8 | 6.3 | 5.3 | 0.3 | 0.0 | 12 | 23.2 | 51.7 |
| 3 | 96 | 4 | 130 | 234 | 268 | 248 | 884 | 73.9 | 194 | 114 | 7 | 2 | 317 | 26.5 | 1196 |

| | | | | | | | | | | | | | | | |
|---|-----|---|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|------|------|
| 3 | 97 | 2 | 114 | 216 | 264 | 224 | 820 | 69.9 | 190 | 154 | 8 | 1 | 353 | 30.1 | 1173 |
| | Avg | 3 | 122 | 225 | 266 | 236 | 852 | 71.9 | 192 | 134 | 7.5 | 1.5 | 335 | 28.3 | 1185 |

Agencies: 1 = Valley, 2 = Cumberland County, 3 = Nova Scotia; * Data for 1996, 1997 referred than 17-year-olds. Among the younger age group, this probably reflects the lower likelihood of younger adolescents being charged with an offence relative to older adolescents. Among those 16 or over, the drop probably reflects the tendency to process older adolescents through the courts rather than through diversion.

With respect to race, as Table 4 indicates, the majority of referrals were for Caucasian youth, about 95% of all cases in the two rural agencies. This simply reflects the lower proportion of visible minorities in those counties. The provincial figure indicate that there were a relatively high proportion of referrals where the race was listed as "unknown". If we reassign the "unknown" classification to missing data, and calculate the proportions of offenders only for those whose race was indicated (see Table 3), then it can be seen, provincially, that 90.6% of all referred cases were Caucasians, 2.6% were Blacks, and 5.4% were Natives (the remaining cases were classified as "Other"). The rural agencies generally mirror the pattern of black referrals over all (Valley = 1.9%, Cumberland = 2.6%), but not the proportion of Natives. In the Valley, there were no natives referred in the three years analysed, which might indicate that Native offenders were being sent through the Mi'kmaq Young Offenders programme.

Table 4 - Race Profiles, AM Cases, 1995-1997* (Averages)

| Agncy | Date | Blck | Cauc | Natv | Oth | Unkn | Total | Total | Black | Cauc | Native |
|-------|------|------|-------|------|-----|------|-------|-------|-------|------|--------|
| | | | | | | | All | <Unkn | % | % | % |
| 1 | 95 | 2 | 125 | | 2 | 2 | 131 | 129 | 1.6 | 96.9 | 0.0 |
| 1 | 96 | 2 | 156 | | 1 | 3 | 162 | 159 | 1.3 | 98.1 | 0.0 |
| 1 | 97 | 4 | 125 | | 1 | 2 | 132 | 130 | 3.1 | 96.2 | 0.0 |
| | Avg | 2.7 | 135.3 | 0.0 | 1.3 | 2.3 | 141.7 | 140 | 1.9 | 96.7 | 0.0 |
| 2 | 95 | 4 | 41 | | | 1 | 46 | 45 | 8.9 | 91.1 | 0.0 |
| 2 | 96 | 0 | 53 | 1 | 0 | 2 | 56 | 54 | 0.0 | 98.1 | 1.9 |
| 2 | 97 | 0 | 51 | 1 | 0 | 1 | 53 | 52 | 0.0 | 98.1 | 1.9 |
| | Avg | 1.3 | 48.3 | 0.7 | 0.0 | 1.3 | 51.7 | 51 | 2.6 | 94.8 | 1.3 |
| 3 | 96 | 17 | 685 | 31 | 3 | 460 | 1196 | 736 | 2.3 | 93.1 | 4.2 |
| 3 | 97 | 23 | 644 | 42 | 8 | 456 | 1173 | 717 | 3.2 | 89.8 | 5.9 |
| | Avg | 20 | 664.5 | 36.5 | 5.5 | 458 | 1185 | 727 | 2.8 | 91.4 | 5.0 |

* 1996-1997 for N.S.

The educational data reflects the same difficulty as the information on race; that is, while in most cases data is available for the two rural agencies, there is a substantial body of missing data provincially. Table 5 indicates that most referrals are for junior high school students (those with grade 7, 8, or 9). Cumberland County, however,

Nova Scotia Restorative Justice 2001

referred a relatively high proportion of cases of offenders under grade 7 (29%, including both males and females). On the other hand, the Valley agency referred 31% of offenders with a grade level of 10 or more. When the figures are re-calculated to move "Unknown" data to "Missing" data, it can be seen that the pattern in the Valley corresponds closely with provincial averages: approximately 31% had grade 10 or more; about 62% had a junior-high education, and under 10% had less than grade 7.

Table 5 - Alt. Measures: Educational Attainment, Offenders, 1995-1997

| Total | Agnc | Date | Grade | | | | | Ttl | Ttl | Grade | | |
|-------|------|------|-------|------|------|--------|-------|------|-----|-------|------|------|
| | | | 4--6 | 7--9 | Oth | 10--12 | Univ | | | Unkn | All | <Unk |
| | | | n | n | n | n | n | n | | % | % | % |
| 1 | 96 | 2 | 102 | 0 | 55 | 0 | 3 | 162 | | | | |
| 1 | 97 | 12 | 82 | | 37 | | 1 | 132 | | | | |
| 1 | 95 | 8 | 81 | | 40 | | 2 | 131 | | | | |
| | Avg | 7.3 | 88.3 | 0.0 | 44.0 | 0.0 | 2.0 | 142 | 140 | 5.2 | 63.1 | 31.4 |
| 2 | 97 | 22 | 24 | | 6 | 0 | 1 | 53 | | | | |
| 2 | 96 | 15 | 31 | | 8 | | 2 | 56 | | | | |
| 2 | 95 | 6 | 34 | | 6 | | | 46 | | | | |
| | Avg | 14.3 | 29.7 | 0.0 | 6.7 | 0.0 | 1.0 | 51.7 | 50 | 28.7 | 59.3 | 13.3 |
| 3 | 96 | 31 | 414 | 2 | 229 | 1 | 519 | 1196 | | | | |
| 3 | 97 | 50 | 370 | 2 | 167 | | 584 | 1173 | | | | |
| | Avg | 40.5 | 392 | 2 | 198 | 0.5 | 551.5 | 1185 | 633 | 6.4 | 61.9 | 31.3 |

Agency: 1 = Valley, 2 = Cumberland, 3 = Nova Scotia

Table 6 summarizes the provincial data for Alternative Measures, providing the means for the years 1996 and 1997.

Table 6 - Youth Characteristics, Alt. Meas., Nova Scotia, 1996-1997 (means)

| | | n | % | % |
|-----------|---------------|-----|------|-----------|
| | | | | Excl Miss |
| Gender | Males | 742 | 62.6 | 62.6 |
| | Females | 443 | 37.4 | 37.4 |
| Ethnicity | Aboriginal | 37 | 3.1 | 5 |
| | Afro-Canadian | 20 | 1.7 | 2.8 |
| | Caucasian | 665 | 56.1 | 91.4 |
| | Missing | 463 | 39.1 | |
| Education | Elementary | 41 | 3.5 | 6.4 |
| | Junior High | 392 | 33.1 | 61.9 |

| | | | | |
|-----|---------------|-----|------|------|
| | Grade 10 or > | 198 | 16.7 | 31.3 |
| | Missing | 584 | 49.3 | |
| | | | | |
| Age | 12 or < | 125 | 10.5 | 10.5 |
| | 13 | 225 | 18.9 | 18.9 |
| | 14 | 266 | 22.4 | 22.4 |
| | 15 | 236 | 19.9 | 19.9 |
| | 16 | 192 | 16.2 | 16.2 |
| | 17 or > | 144 | 12.1 | 12.1 |

Alternative Measures: Offence Patterns

During the three years, 1995-1997, police referred fifty-one offence categories to Alternative Measures. Table 7, below, selects from the total ten common, minor offences, usually the ones that are most frequently diverted from court. These include common assault, creating a disturbance, property damage, mischief, and theft (theft under \$5000), as well as a number of provincial or municipal offences. Overall in Nova Scotia, these offences accounted for 84.4% of charges referred (78.6% in the Valley, and 87.1% in Cumberland). Theft was the single most common referral, accounting for about 60% of the total charges referred. The majority of these offences would be shoplifting.

Table 7 – Charges Laid: Alternative Measures, Basic Offences, 1995-1997

| | Valley | | | | | Amherst | | | | | Nova Scotia | | | | |
|--------------------|--------|------|------|------|-------|---------|------|------|------|------|-------------|------|-------|------|--|
| | 1995 | 1996 | 1997 | Avg. | | 1995 | 1996 | 1997 | Avg. | | 1996 | 1997 | Avg. | | |
| | | | | | % | | | | | % | | | | % | |
| Assault | 2 | 4 | 3 | 3 | 2.1 | 3 | 4 | 8 | 5 | 9.7 | 39 | 64 | 51.5 | 4.3 | |
| Disturbance | 4 | 5 | 1 | 3.3 | 2.3 | 4 | | | 1.3 | 2.5 | 11 | 10 | 10.5 | 0.9 | |
| Provincial Stat | 5 | 11 | 14 | 10 | 7.1 | 3 | 1 | 3 | 2.3 | 4.5 | 63 | 120 | 91.5 | 7.7 | |
| Mischief/Damage | 15 | 16 | 6 | 12.3 | 8.7 | 2 | 10 | 1 | 4.3 | 8.3 | 129 | 108 | 118.5 | 10.0 | |
| Theft | 79 | 91 | 78 | 82.7 | 58.4 | 27 | 39 | 31 | 32.3 | 62.6 | 777 | 687 | 732 | 61.8 | |
| Subtotal | 105 | 127 | 102 | 111 | 78.5 | 39 | 54 | 43 | 45.3 | 87.8 | 1019 | 989 | 1004 | 84.8 | |
| | | | | | | | | | | | | | | | |
| Subtotal (%) | 80.2 | 78.4 | 77.3 | 78.5 | | 84.8 | 96.4 | 81.1 | 87.8 | | 85.2 | 84.3 | 84.8 | | |
| TOTAL (all) | 131 | 162 | 132 | 142 | 142.0 | 46 | 56 | 53 | 51.6 | 54.0 | 1196 | 1173 | 1184 | 1184 | |

NS data for 1996-1997

Theft was the most common crime referred to AM, comprising 61.8% of all cases in the Province. There were small variations for the two rural agencies, but no substantive difference. One small differences to note was that Cumberland County processed more

Nova Scotia Restorative Justice 2001

than the provincial average number of assault cases while the Valley was below average (9.6%, 4.3% and 2.1% respectively, of all charges).

Even under AM, some potentially more serious cases (assault causing, Break and Enter) were referred. Looking at the more serious cases, Table 8 summarizes the most common more serious offences. The Valley handled a higher slightly proportion of Break and Enter charges (6.8%) than the province as a whole (5.9%) and considerable higher than the Amherst agency (2.4%). It is unclear what constitutes some of these more numerous, more serious charges. Fraud, for example, makes up about 1% of the total, but fraud may simply be changing the price tag on a garment, making it analogous to shoplifting. Similarly, possession of stolen goods may be a charge that is laid when the officer has insufficient proof of theft – it could, again, be relatively minor and equivalent to a theft-under charge. Taking a motor vehicle without consent constitutes another 1% of all offences and might also be considered a typical or basic type of youth crime. Drug possession amounted to about 3.1% of the Alternative Measures charges in the Province in 1996 and 1997, but constituted 8.2% in the Valley and 1.3% of the referrals in Cumberland County.

Overall, Table 8 indicates that a great variety of charges were processed through Alternative Measures. In order to see whether there was a tendency for a relatively wider range of charges over time, it would be necessary to compare data from a wider range of years. Similarly, rural-urban comparisons are not possible from these data. The provincial data may be comprised primarily of referrals from the Halifax agency, but it includes as well information from other rural parts of the province.

Table 8 – Charges Laid: Alternative Measures, Other Offences, 1995-1997

| | Valley | | | | | Amherst | | | | | Nova Scotia | | | |
|--------------------|--------|----|----|-----|------|---------|----|----|-----|------|-------------|----|------|------|
| | 95 | 96 | 97 | Avg | | 95 | 96 | 97 | Avg | | 96 | 97 | Avg | |
| AssaultPeaceOff | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| AssaultWeapBHrm | | | | | | | | | | | 3 | 6 | 4.5 | 0.38 |
| AttemptAccessory | | | | | | | | | | | | 3 | 1.5 | 0.13 |
| Break&Enter | 9 | 7 | 13 | 9.7 | 6.83 | 2 | | 2 | 1.3 | 2.41 | 60 | 79 | 69.5 | 5.87 |
| InjuryWithIntent | | 2 | | 0.7 | 0.49 | | | | | | 2 | | 1 | 0.08 |
| AccelerateHomicide | | | | | | 1 | | | 0.3 | 0.56 | | | | 0.00 |
| Conspiracy | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| CounterfeitMark | | 1 | | 0.3 | 0.21 | | | | | | 3 | | 1.5 | 0.13 |
| Criminal Harass | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| ExtortionByLibel | | | | | | | 1 | | 0.3 | 0.56 | 1 | | 0.5 | 0.04 |
| FailureStopAccidnt | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| False Message | 1 | | | 0.3 | 0.21 | | | | | | 2 | 4 | 3 | 0.25 |
| False Pretenses | | 1 | | 0.3 | 0.21 | | | | | | 1 | | 0.5 | 0.04 |
| FoodDrugAct | | | | | | | | | | | 4 | | 2 | 0.17 |

| | | | | | | | | | | | | | | |
|--------------------|------|------|------|------|-------|------|-----|------|------|------|------|------|------|-------|
| Fraud | 2 | 4 | 0 | 2 | 1.41 | | | 3 | 1 | 1.85 | 15 | 9 | 12 | 1.01 |
| PossessStInProp | | 1 | | 0.3 | 0.21 | 3 | | 1 | 1.3 | 2.41 | 7 | 7 | 7 | 0.59 |
| PossessionWeapon | | | | | | | | | | | 1 | 1 | 1 | 0.08 |
| PointingFirearm | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| PossessionDrugs | 12 | 13 | 10 | 11.7 | 8.24 | | | 2 | 0.7 | 1.3 | 43 | 31 | 37 | 3.13 |
| PossHouseBrekTool | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| PossessionPurpose | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| PossessionNoLawful | | | | | | | | 1 | 0.3 | 0.56 | 2 | 1 | 1.5 | 0.13 |
| PossessProhibWeap | | | | | | | | | | | 2 | 1 | 1.5 | 0.13 |
| Robbery | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| Forgery | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| SexualInterference | | | 1 | 0.3 | 0.21 | | | | | | | 1 | 0.5 | 0.04 |
| SetFireToSubstance | | | | | | 1 | | | 0.3 | 0.56 | 1 | 6 | 3.5 | 0.30 |
| Sexual Assault | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| Soliciting | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| TakeMVANoConsent | | 2 | 2 | 1.3 | 0.92 | | 1 | | 0.3 | 0.56 | 13 | 14 | 13.5 | 1.14 |
| Theft Credit Card | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| TheftTeleCommunic | | | | | | | | | | | 4 | | 2 | 0.17 |
| Trafficking | 1 | 1 | 4 | 2 | 1.41 | | | | | | 1 | 7 | 4 | 0.34 |
| UnlawfulInHouse | | | | | | | | | | | | 1 | 0.5 | 0.04 |
| TrespassAtNight | | 1 | | 0.3 | 0.21 | | | | | | 1 | | 0.5 | 0.04 |
| Trespassing | | | | | | | | | | | | 2 | | 0.00 |
| UtterForgedDoc | | | | | | | | | | | 1 | | 0.5 | 0.04 |
| UtteringThreat | 1 | 2 | | 1 | 0.7 | | | 1 | 0.3 | 0.56 | 4 | 5 | 4.5 | 0.38 |
| SubTotal | 26 | 35 | 30 | 30.3 | | 7 | 2 | 10 | 6.3 | | 177 | 184 | 180 | 15.20 |
| | | | | | | | | | | | | | | |
| Subtotal (%) | 19.8 | 21.6 | 22.7 | 21.4 | | 15.2 | 3.6 | 18.9 | 12.2 | | 14.8 | 15.7 | 15.2 | |
| | | | | | | | | | | | | | | |
| TOTAL | 131 | 162 | 132 | 142 | 142.0 | 46 | 56 | 53 | 51.6 | 54.0 | 1196 | 1173 | 1184 | |

Part 2

Background: Valley Alternative Measures 1998-1999 vs. Restorative Justice 1999-2000

This section compares the first year of RJ in the Valley area with data from the last fiscal year of AM, both covering a twelve-month period. Table 10 (below) offers a comparison of offence statistics for Alternative Measures in the Valley (for the fiscal year 1 April 1998 – 31 March 1999) and the first year of Restorative Justice (1 November 1999 – 31 October 2000). This is a summary only of offences, calculated at two different times using somewhat different terms, and obtained from the Annual Reports of the Society. The main differences are, first, that RJ involves referrals from several different levels and involving both pre-charge cases as well as post-charge cases; one referral was actually post-conviction but pre-sentence. AM referrals were post-charge referrals from the police. In AM, the police submitted the file to the Crown Attorney who held it in abeyance awaiting the fulfillment of the agreement (disposition). Second, with respect to processes, RJ processes can assume a greater variety of types from sessions that essentially duplicate AM (termed “accountability”, to such things as group conferences involving community members, as well as so-called circle sentencing.

The first point to note is that, for the AM statistics, 141 charges were listed. These came from 129 cases which were referred (see Table 9 below), In the AM statistics, all charges are listed -- multiple offences from a single referral are each listed separately. For RJ, the total number of referrals (all levels) in the first year of operation was 117 although one of these was eventually withdrawn, the circumstances of which I will explain below. There were, then, actually fewer referrals to RJ than to AM for that particular year.

Table 9 - Referrals

| Referrals Received | 1/4/98- 31/3/99 | 1/11/99- 31/10/00 |
|---------------------------|----------------------------|------------------------------|
| | | |
| Police level | 129 | 100 |
| Crown level | | 16 |
| Court level | | 1** |
| Corrections level | | 0 |
| Total | 129 | 117 |

One of these referrals was from the Court level, referred by a judge, for a “circle sentencing hearing”. The one offender faced numerous charges (being at large, taking a MV without consent, theft over \$5000, theft under \$5000, and Break, Enter and

Theft. (These multiple offences are excluded from the table above). Two “pre-circle” conferences were held, involving 11 of the 15 victims (most of the offences involved theft from automobiles), in which the RJ procedure was explained and the victims were given the opportunity to voice their views. The other victims were contacted individually, as usually in the programme. These “pre-circle” conferences were preparatory to a full sentencing circle. The appropriateness of the referral at the time was, apparently, questioned by officials in Corrections. The victims seemed intent on recommending harsh penalties. In fact, the case worker decided to hold a second conference with the victims and invited a representative from the Waterville Youth Centre to give a presentation about the programme at the youth facility, to undermine many misconceptions victims had about the centre. However, about that time the youth reoffended seriously again, the circle sentence referral was withdrawn, the youth was returned to court, and received a custodial term of 14 months.

For AM, referrals came from the police – the only “level” from which referrals were made. Under RJ, referrals can come from several levels. In the first year, 100 of 117 referrals (85.5%) came from the police, by far the majority as was expected. The Crown sent 16 (13.7%), and the court one. No referrals were received in the Valley from Corrections (though we were told in Amherst that some referrals had come from Probation directly to RJ for breaches). No breach charges were referred to RJ from probation in the Valley.

Initially, it was expected that RJ would differ from AM in two respects: more serious charges would be referred to RJ, and repeat offenders would be referred. AM was specifically aimed at minor, first offences. In fact, with few exceptions, repeat offenders were automatically excluded, and the police would only agree to refer

Table 10 - Offence Comparison: Alternative Measures and Restorative Justice

| OFFENCES | 1/4/98-31/3/99 | | n and % | 1/11/99-31/10/00 | | |
|------------------------|----------------|--------|---------|------------------|-------------|-------|
| | Pre-Charge | %Total | | Pre-Charge | Post-Charge | Total |
| Theft Under \$5000 | 81 | 55.1 | 37 | 4 | 41 | 35.3 |
| Mischief | 15 | 10.2 | 15 | 3 | 18 | 15.5 |
| Break and Enter | 16 | 10.9 | 16 | 0 | 16 | 13.8 |
| Assault | 9 | 6.1 | 6 | 2 | 8 | 6.9 |
| Possession of Narcotic | 2 | 1.4 | 4 | 2 | 6 | 5.2 |
| Underage Drinking | | | 4 | 0 | 4 | 3.4 |
| Uttering Threats | 4 | 2.7 | | | | |
| Joyriding | | | 3 | 0 | 3 | 2.6 |
| Possession Property | 4 | 2.7 | 3 | 2 | 5 | 4.3 |
| OHVA | | | 2 | 0 | 2 | 1.7 |
| Take MV w/out consent | | | 2 | 0 | 2 | 1.7 |
| Arson | | | 2 | 0 | 2 | 1.7 |
| Damage to Property | | | 2 | 0 | 2 | 1.7 |

Nova Scotia Restorative Justice 2001

| | | | | | | | |
|-------------------------------|-----------------------|-----|--|-----|----|-----|-----|
| Sexual Assault | | | | 1* | 1* | 2 | 1.7 |
| Trafficking | | | | 1 | 0 | 1 | 0.9 |
| Car Theft | | | | 0 | 1 | 1 | 0.9 |
| Possession of a weapon | | | | 0 | 1 | 1 | 0.9 |
| Trespassing | | | | 1 | 0 | 1 | 0.9 |
| Personation with Intent | 1 | 0.7 | | | | | |
| Improper Storage Firearm | 1 | 0.7 | | | | | |
| Sexual Interference | 1 | 0.7 | | | | | |
| Property Protect. Act | | | | 1 | 0 | 1 | 0.9 |
| Other | 7 | 4.8 | | | | | |
| TOTAL | 141 | | | 100 | 16 | 116 | |
| * Referral returned | | | | | | | |
| Post conviction/Presentence - | | | | | | | |
| Multiple charges: | Being at large | | | | | | |
| | Take MW w/out consent | | | | | | |
| | Theft over \$5000 | | | | | | |
| | Theft under \$5000 | | | | | | |
| | Break, Enter & Theft | | | | | | |

relatively minor crimes. The bulk of referrals, then, were for minor theft and shoplifting, and these were “diverted” from court. The present data do not permit an examination of whether repeat offenders are being referred. The following table, however, provides some insight into the first question: whether RJ is different from AM because more serious charges are being referred.

With respect to offences, the largest difference is minor theft and shoplifting (theft under \$5000). Minor theft made up the largest single category of offences in both years, but proportionately, 55% of AM referrals were for petty thefts while 35% of RJ referrals (and 37% of police RJ referrals) were for petty theft. There was some modest evidence for (a) a greater variety of offences being referred as well as (b) the referral of a few apparently more serious cases.

The proportions of mischief and break and enter were up slightly (10.2% vs. 15.5%; 10.9% vs. 13.8%, respectively). The proportion of assaults was almost the same for the two years. There were more possession of drugs charges under RJ (1.4% vs. 5.2%). Under RJ there were some relatively more serious offences (there were five counts, in total, of the following: theft of MV, trafficking in narcotics, arson, possession of a weapon), about 4% of the total. (On the other hand, 5% of the AM charges were listed as “other” and it is unclear whether they were more or less serious).

These are very modest differences, although they appear to be in the expected direction (some more serious cases being referred). I do not have the data to know

whether cautions are being used for some minor offences. It appears from the interviews, however, that the norms are still defined by the practice of AM. Not just police, although certainly police, but many victims and community members as well believe that RJ is a programme designed as a special opportunity for first-time minor offenders, and particularly first-time minor property offenders, to have their cases diverted from court, where they properly belong, to a soft, community-based option. In one session, for example, although the arresting officer was not present, the parents of the offender described the police officer's explanation of RJ to them as entailing a once-only opportunity available only because he was a first offender and the offence was not very serious. If he re-offended, the parents were told, he would definitely have to face the court. This is precisely the AM mentality.

Even if the police are slow to change their perceptions and, as a consequence, fail to divert appropriate cases, it should be expected that they would be diverted at the level of the Crown either by the Crown Attorney or by a defence lawyer acting on behalf of the offender. This was, apparently, seldom the case. Early in January, 2001, two of the leading initiators of RJ, Danny Graham and Robert Lutz (two of the initiating moral entrepreneurs) met with the Senior Crown Attorney, with a lawyer from Legal Aid, and with Judges Levy (Family Court) and Tufts (Provincial Court) to re-emphasize the importance of assuming that cases would go to RJ.

A second expected difference between AM and RJ concerned victim and community participation. RJ conferences were expected to be more complex, often involving more people. As Table 11 indicates (above), in the base year (fiscal year 1998-1999), 40% of the 115 sessions that were held involved a victim. During the first year of RJ, 50.6% involved a victim. A further 10% were defined as "conferences" in

Table 11 - AM and RJ Processes

| Processes | 1/4/98-31/3/99 | | 1/11/99-31/10/00 | |
|----------------------------------|----------------|----|------------------|------|
| | n | % | n | % |
| Accountability (No victim pres.) | 69 | 60 | 44 | 49.4 |
| Victim-Offender | | | 36 | 40.4 |
| Conference (Incl'd community)* | | | 9 | 10.1 |
| Circles** | | | 0 | |
| # with Victim present | 46 | 40 | 45 | 50.6 |
| Total | 115 | | 89 | |

* Victim or victim surrogate attending, as well as a community representative

** Two pre-circles took place with victims. Eventual result: youth reoffended and was sentenced to custody for 14 months;

Nova Scotia Restorative Justice 2001

victims were informed about victim services and court service.

which at least one victim (or a victim surrogate) was present as well as another person who represented the community. In seven of the nine conferences, there was more than one offender and/or victim at the session. (Although no "circles" were held, two pre-circle sessions were held in one large case, involving 15 victims (the circumstances of which are discussed above).

Nevertheless, the majority of RJ processes still did not include a victim. These sessions, with usually only the offender and agency representatives present, were defined as "accountability" sessions and come the closest to replicating the process under AM. The agency reported that, early in the RJ programme, referrals were being received relating to incidents of corporate theft that had occurred prior to 1 November 1999. Typically under AM, these referrals led to accountability sessions in which no victim's representative appeared. This suggests that there should be a monthly trend towards a greater proportion of sessions proceeding with a victim present. The data above do not allow such a hypothesis to be tested.

In two sessions, victims walked out in the middle of the session. In one case, the dispute arose when the offender took exception to something the victim's parent said. The offender's parent then intervened to support her son, the offender, and this resulted in an exchange among the parties during which events outside the RJ session itself were raised. The parties had some history of conflict and, rather than being resolved in the conference, these conflicts effectively scuttled it. The case worker recalls that that case involved a referral in which Victim's Services was instrumental in persuading a reluctant victim to take part in the session. In the two cases where the victim left, the meetings continued as accountability sessions.

Part 3

Police Check List Data: Rural Agencies (Nov. 99 – Oct. 00)

There was a wide variation in the number of youth cases reported by the different police agencies during the first year of RJ (Table 12). This reflects both the resistance in some agencies to using the checklist at all, and possible changes over time in the use of the checklist by other agencies. The most compliant agencies, from this list, are Amherst Police Department (22% of the total). Cumberland RCMP Detachments, on the other hand, show a low compliance rate. In contrast, the RCMP detachments in the Valley RJ region are more consistently compliant. New Minas/Kings comprise 19.6% of all reports, followed by Windsor Rural (16.3%) and Kingston Detachment (10.5%). Even the small RCMP detachment in Berwick had submitted 10 forms. With respect to young offenders formally handled in these two rural areas, however, the checklist forms underestimate the total number of cases.

Table 12 -- Frequency of Checklist Reports by Agency

| Category | Freq. | % |
|-----------------|-------|------|
| 1) AmherstPD | 70 | 22.9 |
| 2) AnnapolsPD | 1 | 0.3 |
| 3) GreenwsMP | 6 | 2 |
| 4) HantsprtPD | 1 | 0.3 |
| 5) KentvilPD | 20 | 6.5 |
| 6) MiddletnPD | 7 | 2.3 |
| 7) RCMPAmhrst | 3 | 1 |
| 8) RCMPBerwic | 10 | 3.3 |
| 9) RCMPBrdgtw | 3 | 1 |
| 10) RCMPBrokln | 1 | 0.3 |
| 11) RCMPNewMin | 47 | 15.4 |
| 12) RCMPOxford | 5 | 1.6 |
| 13) RCMPParsbo | 6 | 2 |
| 14) RCMPPugwsh | 6 | 2 |
| 15) RCMPDigby | 1 | 0.3 |
| 16) RCMPKings | 13 | 4.2 |
| 17) RCMPKingst | 32 | 10.5 |
| 18) RCMPWindMu | 15 | 4.9 |
| 19) RCMPWindRu | 50 | 16.3 |
| 20) RCMPWolfvi | 1 | 0.3 |
| 21) SpringhIPD | 7 | 2.3 |
| 22) WolfvillIPD | 1 | 0.3 |

Nova Scotia Restorative Justice 2001

As Table 12 suggests, certain departments/detachments dominate the statistics. The "Cumberland Police Departments" category, for example, is comprised of Amherst and Springhill – the latter having only 7 cases reported. The one reported case in Digby was mistakenly classified as part of the Valley RCMP. Digby is outside the catchment area of the Valley RJ society and should have been excluded. With one case, however, the error is minimal. As noted above, the largest problem of misinterpretation arises from the incomplete nature of the data overall – with some agencies likely to be closer to being more complete than others.

Table 13 -- Frequency of Offences from Rural Agencies

| Basic Offences | | | |
|-----------------------|-----------------|------------|-------------|
| | | n | |
| | ProvStat | 25 | 8.2 |
| 175 | Disturbnce | 3 | 1.0 |
| 266 | Assault | 28 | 9.2 |
| 334 | Theft | 108 | 35.3 |
| 430 | Misch/Damg | 36 | 11.8 |
| | Subtotal | 200 | 65.4 |
| Other Offences | | | |
| | | n | |
| 88 | PossWeapon | 2 | 0.7 |
| 145-3 | FailUndertak | 1 | 0.3 |
| 177 | TrespNight | 1 | 0.3 |
| 264-1 | CrimHarass | 1 | 0.3 |
| 266a | Assault-Indict | 2 | 0.7 |
| 267 | AsltWeapn | 2 | 0.7 |
| 271a | SexAssault | 1 | 0.3 |
| 335 | TakeMotorVeh | 7 | 2.3 |
| 345-1a | Robbery-Mail | 1 | 0.3 |
| 348 | B&E | 31 | 10.1 |
| 354/355 | StolenProp | 4 | 1.3 |
| 367 | Forgery | 1 | 0.3 |
| 372-3 | HarassPhone | 6 | 2.0 |
| 380 | Fraud | 6 | 2.0 |
| 403-3 | Personation | 1 | 0.3 |
| 433 | Arson-Indict | 1 | 0.3 |
| 434 | Arson-PropDam | 1 | 0.3 |
| | YOA | 10 | 3.3 |
| CDSA4-1 | PossDrugs | 7 | 2.3 |
| | CDA | 5 | 1.6 |
| | Other | 15 | 4.9 |

| | | | |
|--|-----------------|------------|-------------|
| | Subtotal | 106 | 34.6 |
| | | | |
| | TOTAL | 306 | |

Approximately 60 different charges were laid by the 22 agencies above. The following Table divides these offences into "Basic Offences", the majority of less serious offences committed by youth, and other offences.

This data (Table 13) shows that the most frequent complaint was 334 (Theft), with about 35.3% of reports under Section 334. 11.8% of offences were for mischief and property damage. 8.2% of the offences were under Provincial Statutes, with about half of these under the Liquor Control Act. Common assault accounted for 9.2% of all cases. In addition: 10.9% or reports were under Section 430 – Mischief/Damage -- (with 7.3% being section 430-4). The most frequently reported "other offence" was Break and Enter (Section 348), comprising 10.1% of all offences.

In the next section, the number of charges, cautions, police referrals, and crown referrals in the five major agency areas (defined above) was examined, dividing the data between those cases reported during the first six months of RJ (November 1999 – April 2000) and the last six months (May 2000 – October 2000). It was expected that the number of charges would progressively decline, consistent with an increase in the number of cautions and RJ referrals over time.

For a brief overview of these data, reported below, I have collapsed the police agencies into five categories:

- Valley Police Departments
- Cumberland Police Departments
- Valley RCMP Detachments
- Cumberland Police Detachments
- Hants RCMP (Windsor Rural and Municipal)

Table 14 shows that the number of charges increased in the second six month period compared with the first six months RJ was in operation. Of course, the data underestimate the number of charges laid because not all agencies filled out the checklist form for these cases. Nevertheless, the difference is not in the expected

Table 14 -- Agency by Number of Charges Laid Over Time

| | Months1-6 | Months7-12 | Missing | TOTAL |
|------------|-----------|------------|---------|---------|
| CumberPD | 7 | 4 | 66 | 11 |
| | 63.60% | 36.40% | | 100.00% |
| ValleyPD | 8 | 7 | 21 | 15 |
| | 53.30% | 46.70% | | 100.00% |
| CumberRCMP | 6 | 0 | 14 | 6 |
| | 100.00% | 0.00% | | 100.00% |

Nova Scotia Restorative Justice 2001

| | | | | |
|------------|--------|--------|-----|---------|
| ValleyRCMP | 11 | 10 | 87 | 21 |
| | 52.40% | 47.60% | | 100.00% |
| HantsRCMP | 2 | 7 | 56 | 9 |
| | 22.20% | 77.80% | | 100.00% |
| TOTAL | 34 | 28 | 244 | 62 |
| | 54.80% | 45.20% | | |

direction; that is, it was expected that, as the police became more familiar with RJ, fewer charges would be laid. The incompleteness of the data is clear; for example, Cumberland RCMP issued 6 charges in the first six months and none in the second six months. More suggestive, perhaps, is the increase in charges in the Valley and Hants in the second six months. At the moment, it cannot be claimed that the police are reverting to charges instead of RJ referrals. In part this may simply reflect the greater likelihood that police would fill out the RJ checklist forms in the second six months (opposite the pattern in Cumberland). It is not possible to draw any firm conclusion from these data, though they are suggestive.

Table 15 -- Agency by Number of Cautions Issued Over Time

| | Months1-6 | Months7-12 | Missing | TOTAL |
|------------|-----------|------------|---------|---------|
| CumberPD | 11 | 12 | 54 | 23 |
| | 47.80% | 52.20% | | 100.00% |
| ValleyPD | 4 | 4 | 28 | 8 |
| | 50.00% | 50.00% | | 100.00% |
| CumberRCMP | 2 | 1 | 17 | 3 |
| | 66.70% | 33.30% | | 100.00% |
| ValleyRCMP | 16 | 16 | 76 | 32 |
| | 50.00% | 50.00% | | 100.00% |
| HantsRCMP | 7 | 10 | 48 | 17 |
| | 41.20% | 58.80% | | 100.00% |
| TOTAL | 40 | 43 | 223 | 83 |
| | 48.20% | 51.80% | | |

Table 15 lists cautions. If we can assume that the caution data is more reliable than the charges data, there was an increase in the use of cautions over time. This was expected. This change was particularly clear in the case of the two Hants detachments (Windsor Rural and Windsor Municipal). The increase in cautions issued in Windsor comprises the whole of the increase (from 1 to 16). On the other hand, the Valley Police Departments (primarily Kentville) issued relatively few cautions, and only 2 in the last six months. Cumberland RCMP issued almost none (3) for the year. Amherst PD was consistent in the two periods issuing roughly the same number of summons during both periods. The Valley RCMP detachments showed a small increase.

Table 16 is particularly important. It shows that there was an overall decline in the number of referrals to RJ in the second 6 months compared with the first 6 months. This was not what was expected but is somewhat consistent with the trend indicated in the data on charges, above. Two agencies did not follow this overall trend. The RCMP in Hants remained close to stable with only a small decline; the Amherst PD actually increased their referrals by almost 20%. The sharpest drop occurred in the Valley where both the police departments and the RCMP decreased the number of referrals to RJ. For the Valley RCMP detachments, for example, 30 referrals to RJ were made in the

Table 16 -- Agency by Number of Police Referrals to RJ Over Time

| | Months1-6 | Months7-12 | Missing | TOTAL |
|------------|-----------|------------|---------|---------|
| CumberPD | 21 | 21 | 35 | 42 |
| | 50.00% | 50.00% | | 100.00% |
| ValleyPD | 10 | 2 | 24 | 12 |
| | 83.30% | 16.70% | | 100.00% |
| CumberRCMP | 2 | 8 | 10 | 10 |
| | 20.00% | 80.00% | | 100.00% |
| ValleyRCMP | 36 | 7 | 65 | 43 |
| | 83.70% | 16.30% | | 100.00% |
| HantsRCMP | 16 | 21 | 28 | 37 |
| | 43.20% | 56.80% | | 100.00% |
| TOTAL | 85 | 59 | 162 | 144 |
| | 59.00% | 41.00% | | |

first six months, and only 13 in the second six months. It seems on the surface unlikely that this resulted from a decreased youth crime rate and reflected, instead, a tendency to pull back from making RJ referrals.

Table 17 -- Agency by Number of Crown Referrals to RJ Over Time

| | Months1-6 | Months7-12 | Missing | TOTAL |
|------------|-----------|------------|---------|---------|
| CumberPD | 1 | 0 | 76 | 1 |
| | 100.00% | 0.00% | | 100.00% |
| ValleyPD | 0 | 1 | 35 | 1 |
| | 0.00% | 100.00% | | 100.00% |
| CumberRCMP | 1 | 0 | 19 | 1 |
| | 100.00% | 0.00% | | 100.00% |
| ValleyRCMP | 2 | 8 | 98 | 10 |
| | 20.00% | 80.00% | | 100.00% |
| HantsRCMP | 0 | 1 | 64 | 1 |
| | 0.00% | 100.00% | | 100.00% |
| TOTAL | 4 | 10 | 292 | 14 |
| | 28.60% | 71.40% | | |

Finally, the data on Crown referrals indicates that in the two rural areas there were only 14 Crown referrals to RJ over the first year, with 11 of these coming in the first 6 months. Alone these data might suggest that police referrals were becoming more routine and the Crown did not have to review files and divert cases that ought to have been initially referred by the police. In the light of the decrease in police referrals over time, however, it is likely that the Crown was less vigilant in recommending appropriate cases over time.

Part 4

Criminal Justice Perspectives: Summary of Issues

Implementation

"If you start saying your programme is the be all end all, you're in trouble." A victim's representative said that other programmes had come and gone. They tend to be seen, initially, as "the answer to everyone's problems". Such programmes have to be introduced slowly, identifying "all the kinks and bumps". If not, "the result is that there is a terrible backlash. So you have to be brutally frank and realistic from the start, explaining the limitations and not building up unrealistic expectations that will lead to disillusionment. People have to buy into the programme itself for it to work.

She complained that the literature describing the RJ initiative painted the adversarial approach as black and RJ as white. In particular, she did not like the view that the victim was voiceless in the adversarial approach – the system was a lot better than it used to be. Second, the literature made RJ out to be the panacea for justice. Her point was that by raising expectations unrealistically high, you set the stage for failure when reality did not live up to these expectations. In fact, she argued, RJ itself was being presented in an adversarial way. "That's because it was drafted by lawyers who are used to approaching things in that way, but the adversarial system is not all bad." Many new things are in place to help victims through the formal court process now.

In the view of one community respondent, the main problem was less the lack of resources and more the absence of cooperation among agencies. In his view, "It is clear that there isn't a good support system for kids who get into, or are going to get into, trouble. The various agencies are at odds with each other -- Social Services, Health, Justice, the schools. They don't co-operate in developing programmes that would be mutually beneficial.

"It is easy to identify troubled kids early. When they come into primary, for example. They can be screened as early as three years old. So I have concerns here where the agencies are not co-operating and doing a good job with the problems that can be identified early."

Speaking from the point of view of Corrections, a respondent said that programmes that begin as good ideas become co-opted by the government and end up looking nothing like they did originally. Restorative Justice, she speculated, originated in a cohesive culture, like the native culture, where it was a part of the cultural heritage and easily monitored. When you take it out of that context, and involve the courts, it is "bastardised".

Experience with AM

One respondent reported that he had been a participant in 2 AM hearings. One was described as working very well. Two young offenders, both about 12 or 13 (grade

7) who had vandalized school property. An agreement was worked out that met everybody's needs. One parent was there as well as the RCMP, a mediator, and the school janitor who was present to explain how the vandalism affected his work, and also so that he would be present when the youths were ordered to work with him to clean the school. "These young people had been identified early as "at risk" in the school -- they had lots of risk factors, such as broken homes. It worked because the victim was not anonymous -- he had a face. They weren't just marking a building but harming people. For the next couple of years, and that is as far as I am able to know, they did not get in major trouble again -- they weren't angels, though."

The other case of AM did not work out as well, though. It involved vandalism also, but also theft from the offender's own home. In the respondent's view: "My impression was that the individual was a clever young man who knew the right thing to say. He played the system -- he had a few tears at the right time."

RJ Secretive

There was some concern that RJ would go on behind closed doors, rather than openly, as in court. One respondent suggested, with respect to secrecy, that, "perhaps, at least, semi-annual statistics ought to be published giving a breakdown of the offences and the dispositions handled through" RJ. His main orientation, though, was that discipline and punishment had to be both fair and seen to be fair.

Police referrals

One of the things to bear in mind, one respondent said, was that RJ was built on the foundation of an existing agency. That makes it more difficult to distinguish it from the one that existed before. So attitudes about AM would continue to affect RJ, for example, in police referrals – the police would have the same mind-set. The same orientation was encountered frequently with other informants: RJ is an excellent programme for low level, non-violent, first offenders.

The early evidence appears to suggest that there is at least a tendency for the police to frame RJ as they would Alternative Measures, if not an actual hardening of attitudes among the police about rejecting agency referrals. In one RJ Conference, for example, the offender's parents said that the arresting officer had stated, in no uncertain terms, that an RJ referral was a once-only break that would not be available should their son re-offend again. This is certainly the *idée fixe* of Alternative Measures. Interestingly, one prosecutor suggested that, "You only see kids with bad attitudes in court now". One of the main criteria police use to determine that charge should be laid rather than an RJ referral is the attitude of the offender.

The police reluctance to refer higher-end offenders was clear in our discussion with the police. In the words of one officer, "the average street cop would have trouble recommending someone for RJ for Break and Enter" and would see this as a serious offence needing a formal charge. "It's not like stealing a cookie from a store," a

comment that suggests only minor offences are appropriate. Another officer explained, "There is a natural instinct not to consider laying charges beyond a certain level; or maybe a moral instinct." One type of case they could have considered sending to RJ involved a young offender who would not "rat" on others who were in on the offence. They said that part of the checklist for RJ is the notion that the offender should take responsibility for the offence. They know "for a fact" others were involved and that the offender was still hanging around with at least one of them, but they don't want to recommend RJ because part of taking responsibility would be to "come clean", including informing on others. The police, then, may use the possibility of an RJ referral as an inducement to get obtain information from a suspect.

Referrals were the essence of RJ, she said. One respondent identified the key problem as the referral process itself – described as the "essence" of RJ. "It can be sabotaged at the lower end by the police not referring appropriate cases, though it would be very difficult to actually figure that out. For example, it may look like they are filling in the checklist, but you can never be entirely sure how they are doing this." In the case of the police, there are "so many changes, changes in the faces, in the philosophies, etc." that any victim's representative (including the RJ caseworker) would have to be constantly making contacts and re-starting processes. Therefore, from this experience, the respondent was concerned that RJ is a referral-based programme originating primarily with the police. She didn't know how you would be able to get consistency there. On the other hand, Crowns were much more consistent over time and perhaps Crown referrals would be key. With the police, she thought, it would be a matter of "constantly massaging" the relationship.

Built into the narrow focus on petty first offenders is the notion that Court is more meaningful, punitive, and effective. However, using the so-called harder option may backfire. For example, one respondent related a case in which she was involved with the victim of a snowball incident. That was a minor offence, she recalled, on top of some other things. In that case, though, the accused did not admit responsibility. He had been charged previously with a serious offence, had a past record; in short, "he was not an outstanding citizen". The case was minor, but it involved a repeat offender. But, in that case, the offender was taken to court and received an acquittal. "So maybe not admitting anything paid off", she commented.

It is clear from the statistics that police rarely attend RJ sessions. One common viewpoint among the police was that officers were rarely necessary at a conference and did not have the time to spare to attend sessions. For the few who like to go, it is important to see that the victim's needs are met and that a remedy is arrived at that satisfies the victim. But the facts are all agreed upon, so the police are not needed to explain the facts of the offence.

Cautions

Not all of the officers are using the cautions. For many, it is "writing letters", additional paper work, and they resist it as they resist any attempt to formalize their

discretion. One police officer said that the use of cautions “formalize CBP practices”. In the past, these warnings would have been verbal. He suggested that, perhaps, having the piece of paper would carry more weight than just a verbal warning. He noted, however, that formal Cautions are put on CPIC, but not RJ referrals. That is an anomaly that needs looking into, he said. It was initially expected that Cautions might be used in cases that, under Alternative Measures, might be referred. Shoplifting was the most frequently mentioned case where this was likely. Some Cautions, however, may have replaced SOTs, an officer suggested. In one case a person found with a small amount of marijuana was given a caution – this would have been, earlier, an RJ referral or a charge. On the other hand, a police officer raised the concern that, where officers carry a heavy load of files, a member may see something that should go to court but will see a Caution as a way to get it off his desk. The auditing of files by supervisors, however, ought to minimize this inappropriate use.

Equity and Participation by Visible Minorities

In the view of one respondent, there was no reason to believe that there were realistic concerns about visible minority participation in the programme: “I can’t see it,” he said. He said that “a cop could be racist as anything but still see that, for this kid, Restorative Justice would be the best option. I have been in [criminal justice work for many] years and I would say that this is one way the world has changed, where I have seen a real change. You don’t see the same racist attitudes among the police any more. You used to get a substantial number of police who would tell racist jokes. They don’t do that any more. I can’t see being a member of a visible minority is any kind of a barrier to restorative justice. I guess it is possible, but it would be rare... And the visible minorities around here are hardly visible at all. The aboriginals around here are almost totally invisible. The only way I know, in most cases, if someone is aboriginal or not is from their name or their address.”

A police respondent agreed that there might appear to be differences in the handling of similar cases. Some officers see things differently from others. It might have something to do with their attitudes, or with their notion of what would be the best thing for the victim in the circumstances. “Personal opinion and judgements always enter into their decisions.” He haltingly admitted that prejudice might come into it. For example, He said, “a Young Offender who has been a real nuisance and comes from a bad home, someone who is going nowhere”, may be treated differently from a kid from a high-income family, someone who “has a future” and is “worth saving”. Judgemental factors enter the decision-making, he concluded.

Inequitable handling could, of course, be based on class factors rather than simply ethnicity. About equity, one respondent said “the kids know that if you don’t have parents who care, who will get a lawyer for you, that you just get shafted.” Another said that “inequity may result from me as a victim being willing to participate in

Restorative Justice with a 17-year-old, but my neighbour is unwilling to participate with a 14-year-old."

As for the offender, it would work, one manager thought, for certain kinds of people -- he had in mind, really, middle class youths or young adults from stable families. But it won't be effective, he added, "for the cool guy who's been through it [diversion] three or four times. It's not going to work for them."

Sexual Assault and Violent Crimes

On sexual violence, it was argued that a blanket prohibition prevents some very minor cases that anyone would agree could be handled by RJ from being referred. Going through RJ in such cases, where the victim has a chance to confront the offender, would be more difficult than going to court. Many respondents would not include sexual violence, or cases of serious violence, in Restorative Justice. One corrections official, though, agreed that, "Maybe, in some cases" Restorative Justice could be used. "It is sometimes hard to draw the line, such as in a bar room brawl. There, it may possibly be OK. When you cross that line into violence, though, in most cases RJ should not be used."

One respondent favoured a much harsher stance towards spousal and family violence. This can't be dealt with just as differences in a relationship, he said. Certain types of harassment, that are not actually physical, should also be dealt with more harshly in his view.

One respondent believed that "non-serious cases of property crime, such as minor embezzlement and fraud, might be appropriate" for RJ. "Particularly", he continued, "if people see that the offender had to make actual restitution" In his view, crimes by adults against children also have to go to court. Drug and alcohol offences, especially drinking and driving, have to be dealt with more harshly and definitely taken to court. These offences have great potential for harm. "If a crime calls for incarceration, that is what it should be. And that doesn't mean home incarceration. I'm not convinced that being confined to your home and allowed out every Tuesday to buy groceries is effective. Especially drinking and driving. But it might be OK for some things -- each case would have to be examined."

Spousal Violence

As a prosecutor pointed out, few spousal violence cases could go through RJ at the moment because this is not a crime that youths commit. "Many people are in the 40s when they face their first charge of spousal violence."

According to a victim's representative, RJ would involve getting the two together and having the offender make a big apology to the "victim" (a term she was uncomfortable using). It isn't something she hasn't heard many times before, with no reason to believe the more public context would make it any more genuine or sincere. In many cases the victim (usually a woman) will have little choice other than -- will feel compelled -- to take part. "In cases of intimate partner abuse you have such a basic

power imbalance as well as the intricacies of the links, the ties, the cross-weavings, it is too much to ask her to sit across from him and listen to his apologies and then, meaningfully, take part in deciding his sanction. She is being victimized by the justice system that is supposed to be protecting her."

In a few cases, she agreed, with a small proportion of the women she works with, having the apology made public would be beneficial. If they were consulted about an appropriate form of punishment, they might be in a position to know what would be more effective in the particular case. In fact, most women are not out for revenge, she said. In most cases of intimate abuse, the women do not have a lot invested in seeing the offender incarcerated unless they fear for their lives. "Women whose husbands are jailed face the blame for the incarceration and all the other problems -- like living on welfare -- that come along with it. You don't want to put a woman in the position of having the onus placed on them to resolve an act over which they had no control, making her responsible.

"Lots of abusers are charmers and manipulative. I've seen them manipulate psychiatrists into believing that the blame should be placed on the victim. The RJ people are mostly going to be volunteers, well meaning, but not very experienced or very well trained. They will say, "Oh yes, they have received 12-hours of training". Big deal. They are amateurs. These are situations that need long-term counselling, apart from each other, to build up the self-confidence and esteem of the women and make the man truly understand his responsibility. Only after long-term, separate therapy, should the two be brought together to face each other. The old habits, the fears and anxieties are really deep. Even women who have become strong, active, assertive participants in the wider world can still tremble at the prospect of sitting down and negotiating with a former abusive partner.

"With some men who abuse women, they are not actually aware of how aberrant their behaviour is. Some may be retrievable if they acknowledge the wrong and genuinely want to make changes. For them, RJ could be a vehicle for their rehabilitation, but they are few and far between. It is going to take a lot of skilled people to work with them. RJ volunteers will have inadequate training. It will be way over their heads."

A correctional official argued that Restorative Justice is inappropriate for cases involving violence against women because of the power imbalance in such cases. The woman is coerced by every part of the system. Restorative Justice is just dressed-up coercion. The women whose victim doesn't want to face the man. She doesn't want to be put in a situation again where she hears the same old untruths from him. It's too uncomfortable a position and it's wrong that women are put in that situation again by the system." Like the case of House arrest, Restorative Justice is not the right approach to take for some offenders.

Offender Benefits

The main benefit of RJ for the offender is that he or she can avoid a criminal record. However, this makes a big difference to middle class people, one respondent suggested, but it doesn't "if everyone else in your neighbourhood already has a record. Getting a record for them is not much of a disincentive. It may actually be an incentive."

The notion that offenders can veto the programme by refusal to cooperate, but victims cannot, continues to trouble some. In certain cases, a respondent suggested, the victim veto might be needed – sexual assault was mentioned. She thought that, without the victim being present at a conference, "there wouldn't be anything restorative about it". However, while she recognized that RJ was offender-based, so was the current adversarial system, she said: "There's no victim veto there, either".

With respect to the use of third parties (proxy victims), a victim's representative was concerned about the position in which an RJ session it would put a third party -- for example, a worker in a transition house or representative from Victims' Services. "How would this help the victim"? she asked. She suggested that RJ was something that, basically, the offender might derive benefits from and that this would be the case entirely if proxy victims were used. She added: "The offender might end up doing community service work which would be insufficient [punishment] and continue the risk to the victim." RJ puts women at risk because "it does not remove the offender from the community. He is not being incarcerated." Furthermore, she added, another problem with victims' service workers being asked to take on the proxy victim role was that it "is muddying the boundaries between those whose goal is to assist women victims in what is in their best interests versus having to play a role in the reconciliation with the offender. Neither the woman victim nor her supporters should be made to serve the system."

One corrections official, discussing a veto for victims, believed that victims should not be involved unless they "want to be a part of it," but you could still do restorative work and not have the victim there. For example, a sex offender may be made to go to a victim's group. "They will have to listen and hear how victims feel. Tell them that he is a rapist, for example, and let them talk to him about how they feel. This can be very effective. Maybe they should go to something like those family interventions for alcoholics. They knew it was wrong but didn't understand how it really hurt people. You don't necessarily have to have the victim involved."

One respondent suggested, "that everyone should have to go to court. If they plead guilty, then give them the option of restorative justice or prison. Restorative justice has to be the harder option." To be really restorative it would take a lot of work. "I'm guilty, now what am I to do to make it right? But even if he goes to prison he isn't really paying for his crime."

Court Level

According to one respondent, it was to be expected that there were few referrals at the court level because it was “not necessary” at that stage – the appropriateness of a referral had been decided before it came to court. In his view, the idea of a post-conviction, pre-sentence Restorative Justice forum would have to arise from one of the lawyers, the crown or defence – the judiciary would not initiate it. A sentencing circle would be possibly helpful to “craft the terms of a probation order”, for example, such as community service. With respect to any community-based sentencing, where the offender remains in the community, they said it was very important to understand how sincere the offender was. Candidates for community sentencing could not be “close to the line”.

On sentencing circles, one respondent said that a great deal depends on how the courts use them and how the courts are actually going to use RJ is not clear yet. If it is an actual sentencing circle, the judge and the lawyers have to be there but, “with both the defence and the Crown present, the circle may not work the way it was supposed to work because of the mind-set of the lawyers involved.” On the other hand, if the lawyers are not present, the “sentencing circle” would simply act as a “glorified pre-sentence report”. In that case, the sentencing hearing would proceed in court, the judge would have the report of the Restorative Justice conference, and he would take it into account the same way he would a standard PSR. “This would represent the least divergence from the traditional model.”

One probation officer said that he had attended a role-playing sentencing circle and was impressed with the technique. “The hierarchical thing happens in court – adversarial stuff”. The sentencing circle experience “blew us all away. It was an effective way to get at issues, the emotional and psychological parts of offending.”

Crown Level referrals

On Crown referrals, one issue that has arisen is that the police may regard a Crown referral as a “second-guess”. Presumably these are cases the police decided not to refer. Duty Counsel, one respondent suggested, would tell the offender not to grant an interview to the police and this silence would be construed as not taking responsibility. A Crown referral could involve a change in the circumstances since the police laid the charge. Perhaps the offender had not taken responsibility at first, but subsequently had a change of heart. More likely, the respondent suggested, the offender talked to his parents, or his friends, or his lawyer points out the options to him and suggests that he take responsibility. “ Hopefully they haven’t been convinced only that Restorative Justice is the easy way out, he added. It is also possible that the police may have applied the wrong criteria to the case deciding, for example, that the Offender had been through the programme once before and was therefore ineligible to go again. One prosecutor pointed out that it is written in the protocol of the Crowns that, should they want to reverse the referral decision of the police, they should talk to

the officer involved. " Either that will lead the officer to a different decision in the case, so he will re-do the paper work", or he or she be satisfied with the Crown decision to refer. Alternatively, the officer may be able to convince the Crown that the case is not suitable for a referral. As a police officer indicated, the police generally feel they have considerable knowledge about offenders and, in their discussions with the Crown, would be able to bring up factors affecting their decision not to refer a case to RJ that the Crown is considering recommending.

Efficiency of Restorative Justice

One issue is whether RJ is efficient. With respect to finances, this is very controversial. We spoke to several people in corrections, for example, where the argument was raised that RJ is more than just another programme: it impinges directly on the roles that some Corrections officers see as their own arena. One respondent felt that the Restorative Justice agency could be seen as "the competition." "This is not, in fact, a Restorative Justice proposal", he said

The problem with the programme as it is conceptualized, he said, begins with objective one: reducing recidivism. "That has nothing to do with restorative Justice", he claimed. It has to do with meeting the needs of offenders, not the needs of victims or of the community. It is the role of Corrections to address the rehabilitative needs of the offender: "Restorative Justice should not be dealing with the needs of the offender – that is not its role.... It shouldn't be ... purely offender-driven. You have to make this a community and victim-driven system." In practice, a respondent argued, the RJ programme "hands over the work of rehabilitation to what the Cabinet calls the private sector, to a staff of underpaid employees set up under a Board of Directors that receives government money to run programmes. They use volunteers that aren't paid at all! They see themselves as part of the community – they've bought into that doctrine. But the dollars are the same. These are community-based private sector programmes." Restorative Justice, he concluded, is "an alternative justice proposal. It is an attempt to deliver criminal justice services more cheaply. What the government is really doing is an end run around the union contract." Corrections, for example, used to be responsible for Alternative Measures referrals; they also supervised CSOs for young offenders. These programmes were subsequently semi-privatised to community agencies (using lower paid staff and volunteers). The RJ programme in Nova Scotia is anticipated to expand to include adults. This will remove much of the Adult Diversion from Corrections, further privatising the system and furthering the trend in Probation Services towards a higher-end clientele, more violent offenders, a trend that is being accelerated by the increased use of conditional sentencing and house arrest (both of which are supervised by Probation Officers). The job of a probation officer, then, is being transformed from a dual role of rehabilitation and control/enforcement, to largely an enforcement position. Furthermore, as the government becomes more serious about reducing the size of the institutionalised population, the probation role will continue to change in the direction of enforcement. In the words of one official, "In five

years, a probation officer will be a lot more like a police officer. Just a year ago they first issued us with badges. We're basically doing enforcement work."

Incidentally, other parts of the Correctional system also felt that their workload was being changed by including more serious offenders. This respondent involved with parolees said, "It used to be that we only got the easy cases." Now, she said, the easiest cons are just being directly released onto the streets and "we are getting special," more serious cases, even sometimes inmates with mental problems. This was described this as a cost-cutting measure. The job, then, was becoming more difficult and more potentially dangerous to the community.

Another respondent also said that it had to be cheap because the people delivering the service were either not paid (volunteers) or were paid much less (RJ staff). However, it was a mistake to evaluate the programme simply on such financial concerns. If it is just a matter of the efficient processing of criminal cases, he said, "it's hard to beat the court system". "They just get through like widgets on an assembly line.... Restorative Justice is not supposed to be efficient in the usual way efficiency is measured. If efficient is making the least possible response to crime, which is the traditional way of looking at it, restorative justice is not efficient. It is very hands-on and labour intensive." With RJ you are supposed to "get down and dig right into it to make things better". But, he added, "if you believe in what restorative justice is really supposed to do, that is real efficiency. You have to use a long-term measure. Ultimately you are trying to build a better world."

Even on the purely monetary issue, whether RJ was efficient depends on the particular interest group within the justice system. Several police officers believed that the police would bear higher costs as a result of RJ. One officer said that, with respect to efficiency, the RJ forum was time consuming and, therefore, would likely cost money. Most cases don't go to court, he added. "The Crown is able to manipulate a guilty plea." The officer has to prepare the case and get it ready to court, and that is generally the end of the matter after it is handed to the Crown. Sometimes he has to actually go to court, but the work is all done. The file is concluded and it is the end for him. With RJ, however, the case has to reach the same level as if it were being prepared to go to court, "but it is not the end of it then. He can't just pass the case to RJ. He has to continue monitoring the file, up-dating the diary dates; he may have to attend the session. It is not closed as it would be if it were pushed along to the Crown." And the officer also has to worry about the statute of limitations – six months if it is a summary offence and he eventually wants it through the courts.

One local manager was pretty cynical about the court system – offenders, he thought, seemed to be getting suspended sentences, probation, community service -- instead of effective punishments. In his view, all of society was highly desensitised to crimes. Stealing \$5 would be regarded as "nothing"; if it was the case of a juvenile stealing, he wouldn't be surprised to hear a parent say: "Well, it should have been tied down." While he blamed the media, particularly TV, for this, overall, he thought, "there

was a loss of old values", such as the values he was brought up with -- what he called "healthy values". It was pretty hard to blame the courts, he added: "after all, they were merely mopping up the mess." A town official who said he grew up in awe of the courts, believes that youth today don't know the seriousness of their actions nor do they understand the justice process. Contrary to the view that youth know all about the weaknesses of the YOA, he said, teenagers' advice from one to the other is most often erroneous. "They tell each other that the court process, the legal process, is a joke and that they can handle it themselves. They can't handle court by themselves". They also don't hold the court in awe, he added. "They only see funny looking old people in black robes and hats." Youth also see the whole process as hypocritical, for example, when a lawyer refers to the prosecutor as his "friend". "They think being asked to stand is stupid and to be asked to remove their hats is an affront to their rights. There is a lot of contempt of court nowadays, but judges seldom use their power to sentence someone for contempt", although he recalled an anecdote when a judge did sentence a youth for contempt when he verbally challenged the judge's decision to fine him.

A manager thought that both the court and RJ were too lengthy. It would be best if mediation happened right away. The youth is in the store; he's just been caught, and he's feeling scared". From his point of view, the manager said that he would still be upset, feeling that his property had been violated. "The emotions would still be high." So, he thought, send in a mediator right then at the "heat of the moment" and have the matter dealt with. "That would be effective and meaningful. But as it is you wait maybe two or three months. Emotions have calmed down. The stolen item has been removed from the inventory." The process then becomes very formal and not meaningful and, the manager said, he comes to care less about it. At that point, the question of cost arises -- the amount of time it takes to have a role to play in the case. He said that court was just as bad if not worse than it would be attending a mediation [RJ] hearing (which he does not do). "You can sit in court two hours and have the case postponed until later." There is an issue of efficiency, then, in the court as well as in the RJ hearing. Even court is too costly in terms of time and money. But, basically, he wanted "the system" to take over, to do the justice work, and not involve him or his employees. Participating in justice at all (court or RJ) was not an efficient use of time relative to his business interests.

Victims

Many individuals in the community tend to want a more punitive response than RJ appears to offer. In the view of one respondent, however, viewpoints change when someone is put into contact with an offender as a human being. He argued that there were lots of red necks around, but there were "not many red necks in the jury box. When they are actually brought face-to-face with an offender, when they see the offender as a living, breathing person, and not just as a theoretical criminal", people think differently.

One victim's representative summed up the programme by claiming, essentially, that the RJ initiative was not genuine. In the view of this respondent, RJ should be community driven – that was key. However, it certainly was not. Nor was it driven by victims. It was, rather, "offender-driven".

For one prosecutor, Restorative Justice means the victims will have a real say in what is happening. In his view, victim satisfaction is the single most important criterion of success for RJ: "Unless it has big payoffs for them, then the programme has failed." Even the most cynical respondent was willing to agree that RJ was potentially valuable for lower-end offenders provided that a victim was present at the meeting. That was the only condition that justified diverting these simple cases from Court/Corrections to an RJ agency. Corporate victims, however, did not attend RJ sessions and, for those offenders, the adversarial route was best.

While victims are expected to play a central role in RJ, their role in the court process is increasing. For example, we were informed by Victims' Services that there had been an exponential increase in the number of victim impact statements entered in court.

One victim's worker distinguished between two kinds of victims. One is the victim who is out for revenge; the other she termed the "resilient victim". That is one who is not looking to punish the offender and wants to get involved. From her point of view, she is saying: "I am doing this for me". She sees this orientation "in survivors who have decided that this is part of what I need to put this to rest." For the resilient victim, RJ would help meet one of their needs. Ironically, a blanket prohibition of certain types of offences through RJ precludes some of these "resilient" victims from participating in a process, voluntarily, that they believe might help them put their victimization to rest.

In one case, the RJ session was important to the victim to realize that the crime was not personally motivated. The victim lost his jacket and wallet while at a church meeting. He was most upset by the loss of the documents in the wallet. The respondent commented, "If that had gone to court, the victim would always feel personally victimized by the offender. It will always be in his mind to play around with. But instead it went to RJ because the offender took responsibility. In the meeting it was obvious that it was just a random theft; it could have been anyone's jacket, it wasn't a personal thing. Furthermore, by taking responsibility, the offender agreed to pay for the recovery costs." He added that the crime then became a "dead issue" for the victim – he was able to put it behind him after going through the RJ conference.

Similarly, the respondent said that, if you had a house break-in, you might go to court but not get satisfaction. "The two kids who broke in," he explained, have no regard for your property but they're found not guilty on a technicality. The result is that you are victimized for the rest of your life." In some circumstances with RJ, he said, "there would be some understanding and compassion; an apology. You would come to understand, as a victim, the background of the offenders and realize that it

was nothing personal to you. But victims of a break in at their home, thirty years later, can still relate the details of that break. They can't put it aside. RJ allows people to put these things behind them. This never happens with the courts. The victim plays an insignificant role. Maybe they don't find out what happened on plea date until they read it in the newspaper."

There were circumstances where victims should not be expected to attend an RJ session. Personal violence cases such as sexual assault were the most commonly cited example. Another example offered by a police officer was a case where a man has exposed himself. "He flashes a woman at random – she just happened to be there at the time. It wasn't personal. Suppose this goes to RJ. The offender then will actually get to know the victim, her name, etc.; he will come to know her personally. Then he's got the opportunity to victimize her personally."

Community

Defining "community" is difficult and people in and outside the Restorative Justice programme, a respondent suggested, had conflicting points of view on what constitutes a community. "What is a community? From whose point of view are you speaking? If you put this in a racial context, there are all kinds of racial divisions in the province. There are geographical divisions too to take into account when you ask, 'what is community'? But it is never discussed. I heard this from a black [Correctional] officer. He asked, 'whose community gets restored?' If you are from Preston, the Cole Harbour School thing looks different than if you come from Eastern Passage. So the meaning of community is ambiguous and problematic. How can you have a goal to restore the community if you haven't got a consistent definition of what community means?"

To be meaningful, another respondent suggested, a community had to be a cohesive entity. RJ, for example, might be effective in the aboriginal community. They tend to be isolated, with a cohesive culture, and with an entrenched system of, and a strong sense of, "aboriginal" justice. "Both parties are known to the entire community and both have a big stake in their membership in the community. Maybe such programmes can be effective there." But even in such a community there is often a great deal of family violence that may not be appropriately handled by RJ; for example, if the offender is a Chief, or a well-known man in the community. On the other hand, in open, non-cohesive "communities", RJ is likely to be much less effective. One prosecutor suggested, in fact, that being an offender, having a record, in some sub-cultures of a community is actually a claim for some prestige.

Effectiveness

One correctional official said that, "Kids in the system think it's a joke, that they're getting away with it. All they have to do is say they have done wrong, agree to do a few things, and they come out laughing – they didn't get any time. Both when Alternative Measures was in place and now with Restorative Justice, a guy would go

through restorative justice and the other guys would say, 'What happened?' And he would say he had to write a letter of apology. It was a joke. It was the best thing that could have happened – they wouldn't have to pay anything." In fact, she asserted, "The kids haven't changed the name, they still refer to it as alternative measures. To them it hasn't changed." For these youth, Restorative Justice is an "inconvenience". It is "lousy; they have to clean up someone's yard or something. They don't feel they are being punished; they aren't paying for their crime, they're being used, having to do some stupid thing. Maybe they don't have the capacity to understand this [RJ]. To them, it is just someone forcing them to do something. They don't take responsibility for anything."

Staffing

In the view of one interviewee, Restorative Justice could be effective if there were well-paid and well-trained staff to implement it but there was neither, in his view, in the programme now. He asked rhetorically: "But will it reduce recidivism? Make the community feel safer? Make the victim feel better?" He was sceptical. A respondent in Corrections also had concerns in the area of poorly paid staff and the use of volunteers. History seems to indicate too often that the government decides to do something, but no resources are put in place for such things as training and recruitment, or to update training.

High-end Offenders

To meet its objectives, RJ must involve a larger proportion of high-end offenders. There are many issues here, including the adequacy of volunteers to handle higher-risk situations and the potential to cause further harm to victims.

Restorative Justice is expected to meet the needs of all parties: the offender, the victim, and the community. It was clear from our discussion with federally sentenced inmates, however, that most positive interest in RJ was directed, principally, towards the effect that participation might have on their parole eligibility. In many cases, an RJ forum for these offenders would not be appropriate. The inmate who stole, in his words, quite a bit of property from a large retail outlet seemed more interested in gaining status from the size of the heist than in believing it would help anyone – especially him – to have an RJ meeting with the store manager. When, later in the meeting, he said that he "had a lot of guilt to work out", this admission was met by a period of silence at the table. It was too transparently a line that might be used at a parole hearing. Similarly, a bank robber was not about to apologize to the bank for his crime, implicitly adopting the rationalization that banks have more for which they should apologize than he does. One inmate did mention two occasions which he felt were genuinely healing. One involved victims coming to the prison and speaking to inmates about the crime that affected them personally. This was not a direct victim-offender conference – the perpetrators were not present. But the inmate described

their story as moving, particularly the description of the loss of personal belongings with great sentimental but absolutely no commercial value. This meeting was similar to the use of a surrogate victim. The other occasion involved a marathon session of inmates led by a prison chaplain and did not resemble an RJ forum. Clearly, not all federally sentenced, high-end offenders are appropriate for or interested in participating in RJ. Perhaps the need is greatest in the cases that are most difficult – those involving personal victimization with the offender about to return to the community. In such a case, An RJ forum would necessarily be an initial step in a longer-term reconciliation. One informer, however, was more pessimistic (more “realistic” in his terms), claiming that nothing beneficial will happen for offenders unless their more basic needs are met upon release, such as housing and employment. Regardless of the benefits of their rehabilitation during their incarceration, or the potential benefits of an afternoon RJ conference, the actual circumstances of their lives will have to change in the community for their to be real long-term benefit. If you want to reduce recidivism, he said, give ex-offenders jobs.

Other respondents were somewhat less pessimistic. One correctional official, for example, argued that, even for high-risk offenders, RJ could have a place if the victim and the community need that kind of a forum. However, as it is organized now, offenders must volunteer to participate. There is no formal or obvious compulsion to make offenders participate. In this respondent’s view, however, “you need the power to make the offender participate. He has to do this in order to repair the damage. It [the conference] is not to meet his needs, however. It has to be driven by the victim and the community, not by the offender. You have to make it so defence counsel can’t use the system”. A victim’s advocate agreed that, in some cases, post-incarceration and pre-release Restorative Justice might be beneficial, providing that both parties were well counselled and psychologically prepared in the time before they were put together in the same room to mediate their problems.

Overall, however, he was “not convinced” that RJ would reduce recidivism. He said he was “very cynical about the effects of a restorative justice session. How can you change behaviour and personality in a two-hour session?” Higher-end offenders, he suggested, are usually in the later stages of alcoholism or drug addiction. They are manipulative and devious and they should be sent through Court to Probation. The best chance to reduce recidivism, he suggested, was the Intensive Supervision Support Programme that Corrections Canada were implementing. Offenders needed systematic support that continues over time, such as “Cognitive Behaviour Intervention programmes that are offered in an experienced and safe environment and that can deter those kinds of persons. You don’t want community volunteers delivering those kinds of programmes.” It is difficult, he reiterated, to reduce recidivism because even going through the programmes currently available, “high-end offenders don’t change their thinking, feeling, or behaviour.” There was a role for RJ, if “you have some type of community pressure, or an individual victim who wants an issue addressed. If the need

is to do that, then restorative justice is worth doing. But if there is no need, it is not worth doing for higher-end guys.”

Volunteers

It is in the case of high-end offenders that most of the objections to the use of volunteers is raised. For example, one victim’s representative’s main concern was with the quality of the volunteers who would be “dabbling around with people’s lives” when higher level offences came into the programme. “Volunteers can be wonderful,” she added, “but they aren’t accountable the way someone who is paid to do the job is accountable.”

Working Committee

In the Valley, one respondent noted, the working group had just ceased to meet. It met last in the fall of 1999 with the expectation that another meeting would be called, but it was not. Like Halifax, she said, the meetings just ceased without any real decision to disband. In Cape Breton, she believed, there was a decision to disband the working committee. In the fall, though, meetings were monthly. The working group could, however, have a continuing role (1) as an advisory body and, (2) in accountability. The original group should continue to meet with the people who run the programme. They would be able to assess whether the programme was living up to the goals that were originally set and be in a position to assist the programme by encouraging its use among the constituents.

Evaluation

One critical respondent wanted to know who was doing the evaluation, how much it cost, how well connected the evaluators were with the Department of Justice. In the opinion of this informant, what would result would be a positive evaluation regardless of any merit because it meant federal money into NS and, therefore, jobs; but questioned whether any kind of an objective assessment would result.

Part 5

Community Perspectives

I have reviewed the Community interviews that I did. The first impression is that none of the respondents had knowledge of the RJ programme in NS. Some had general knowledge of RJ if they had attended conferences in other provinces where the concept was described. All were at least aware of AM and most had some contact with it in some fashion (probably because we defined community representatives as influentials – people in education, social services, business, voluntary organizations, etc.

This absence of knowledge is one of the major differences between community and CJS point of view. In fact, the interviews themselves did more to inform the respondents of the programme than anything done locally or provincially. There seems to be a major gap in public education, then, and that could be a recommendation.

In most cases, community reps. did have some experience with AM and were positive about it. They described simple cases (theft, vandalism) where the victim had a face, where the offender realized that he was harming people, and where agreements were satisfactory. In one case, a respondent said that the youth seemed to understand why his behaviour had been disappointing to his parents and to the community. At least AM "was effective in the short run", he said. AM was referred to as "scare court" by another respondent. One case that did not work out was described, involving "a clever young man who knew the right things to say. He played the system – he had a few tears at he right time." Another respondent added that he "didn't know whether the Alternative Measures type of system would hold offenders accountable.... You couldn't presuppose how people would act in such a hearing or how it would affect them afterwards."

There were differences in opinion about how knowledgeable offender were about justice. In the words of one respondent: "Young people don't know the seriousness of their actions nor do they understand the process. Teenager advice from one to the other is most often erroneous. They tell each other that the court process, the legal process, is a joke and that they can handle it themselves. They can't handle court by themselves." Many respondents felt that "the whole system is a joke to the kids. Nothing that is done to them there [court] makes any difference to them."

Youths, several r4spondents claimed, don't respect the courts, "They don't hold the court in awe. They only see funny looking old people in black robes and hats. They see the whole process as hypocritical, when lawyers refer to the prosecutor as their 'learned friend', for example. They think being asked to stand is stupid and to be asked to remove their hats is an affront to their rights. There is a lot of contempt of court nowadays, but judges seldom use their power to sentence someone for contempt." There was also such a large age discrepancy between the judge and the offender that the youth could not identify with them.

The key point about RJ (and AM) in their minds was victim involvement – to address the concerns of the victim and have the criminal address the victim directly. For one respondent, "it would be wrong to proceed if the victim was not really willing." Use of a proxy victim might be acceptable, she said, "if the victim sees that alternative as something that would be good for them." For another, RJ would be good because it involves a mediation process where the victim and the offender sit face-to-face, talk over what occurred, and work out a mutually agreed arrangement satisfactory to both. "The victim wants to vent and that works for the offender too. It gives both parties the opportunity to work through an event that had happened.' In her opinion, "Going to court probably would have changed them [offenders] more negatively -- anyone can

make a mistake." RJ is better for victims than court, on the whole, "because they have an important voice, some input into what is going to happen to the offender. "

Almost all community reps. would confine RJ to non-serious property offenders. More serious offenders and offences should be handled by court, which was seen as a more harsh process. One respondent said he would "feel insulted and offended" if repeat offender were included in the programme. In his view, RJ would be a positive thing for someone who has strayed for the first time. "It might do something for one's sense of dignity to be forced to confront, face to face, the person you injured, to hear how your actions have affected them, and have a chance to make personal amends. But it's only suitable for people who are not hardened." For the "hardened", court is the appropriate place to hold them accountable. In the words of another informant, "You have to protect the victim first." Some offenders are "hardened and on the offensive"; such cases should not go through RJ because they will lead to further victimization. When it comes to family violence, an interviewee suggested, "If the men are not brought through the [court] system, there's no hope for recovery – no intervention means no gain." When the offender doesn't go through the Court system, "there's no room for getting at healing or growth." Crimes of violence, generally then, ought to be excluded from RJ.

One respondent, however, mentioned that some complex cases, such as employee embezzlement, required enormous resources for investigation and entailed high lawyer fees. Consequently, organizations often choose to fire the offender, even giving them a letter of reference, allowing them to "become second-time offenders elsewhere". Perhaps an RJ hearing would satisfy the needs of the victim better in such cases. Another informant was not immediately opposed to the notion that repeat offenders or more serious cases could be put through RJ (although the general response to this suggestion was negative). For her, there was no good reason to exclude certain offenders who may benefit from RJ "because of overly rigid criteria". Each case had to be examined on its merits, although the more serious the case, or for second and third referrals, "the individual cases needed to be examined more closely."

Community reps. also tended to be critical of courts. It didn't seem that courts were being seen as no longer legitimate – only that they were not working efficiently (especially considering the time between offence and disposition): "probably the best way to improve the system is to make punishment more swift." If you have a youth "who needs a consequence, it doesn't do any good to punish them for it six months later."

Courts were also seen as problematic in terms of equity. Several mentioned that you could buy "justice" in the court process. With an expensive lawyer, "you have a better chance of escaping being convicted, of escaping responsibility.... Everything else in our society depends on how much money you have. So, maybe, the courts are no more inequitable than the rest of society." Another respondent referred to an example involving a case where a man was charged with spousal abuse and given a fine. But,

“he had the dollars, no big deal. What did it mean to him?” Compared to others “in the same situation, he got off easily.” Plea bargaining was also mentioned disapprovingly: “serious charges get bargained down for convenience and time.”

The small role of the victim in the court process was raised: “As victims, people are left hanging.” With respect to RJ, victim participation was generally seen as essential. The offender needs to hear the consequences of the crime for the victim: “It is a cathartic thing.... That was the most powerful thing in Alternative Measures – the feelings that were brought up.” On the other hand, another respondent said that he didn’t think it was “right for victims to take an over-riding part in the justice process. They pay taxes to have someone else solve these problems for them. It is bad enough that they have been victimized; they shouldn’t then be responsible for helping to straighten out the guy who did it.” Maybe some might “feel empowered by the process; they might get back some of their dignity, feel less victimized. But probably not most.” Speaking personally, he said that he had felt victimized from a previous experience that was accidental. But, “to this day”, he explained, “I don’t want to see him or talk to him. And he didn’t do anything criminal.”

In the view of another interviewee, many victims “want blood and it is very difficult to move them off that tact.” It is easy to understand why some victims, particularly if the victimization was violent and personal, would find it difficult “to go to the table, face-to-face.”

There is, of course, very little evidence from the community panel interviews that RJ is “driven by the community”. One respondent, however, felt that RJ might be positive in the system overall in that it would involve the Department of Justice more directly in community efforts to solve problems. While the police were definitely active in the community, she said, the Justice Department had shown no similar interest. She hoped that RJ would make the Justice Department respond more positively to community initiatives and give Justice “more of a face in the community” which they were currently, “definitely lacking”. This brings us back to the initial point about the need for a higher community profile for RJ.

Part 6

RJ Rural Session Exit Survey Data: (July-November, 2000) Summary

At the conclusion of each restorative Justice Session (Accountability, Victim-Offender Mediation, Group Conference), participants were asked to complete a brief survey responding to their feelings about the conference experience. Part 6 of this Report analyses the data from the first set of sessions in the Valley and Cumberland County.

Table 18 -- Summary of Exit Survey Responses: Amherst and Valley

Nova Scotia Restorative Justice 2001

| | Amherst | | Valley | | Total | |
|---|---------|----|--------|----|-------|-----|
| | % | n | % | n | % | n |
| Good idea what conference would be like | 86.5 | 45 | 84.7 | 61 | 85.5 | 106 |
| Found Conference Disappointing (Disagree) | 94.2 | 49 | 86.1 | 62 | 89.5 | 111 |
| Took an active part and had my say | 100 | 52 | 97.2 | 70 | 98.4 | 122 |
| People at the conference supported me | 90.4 | 47 | 97.2 | 70 | 94.4 | 117 |
| Satisfied with the agreement | 90.4 | 47 | 93.1 | 67 | 91.1 | 114 |
| Treated fairly in the conference | 100 | 52 | 97.2 | 70 | 98.4 | 122 |
| Conference helps offenders more than victims (Disagree) | 60.8 | 31 | 39.4 | 28 | 48.4 | 59 |
| Conference helps offenders stay away from crime | 86.3 | 44 | 84.3 | 59 | 85.1 | 103 |
| Things disorganized/confused at conference end (Disagree) | 92.3 | 48 | 87.5 | 63 | 89.5 | 111 |
| People seemed to understand my side of things | 92.3 | 48 | 88.9 | 64 | 90.3 | 112 |
| I see the offence differently now | 53.2 | 25 | 70.8 | 46 | 63.4 | 71 |
| I would recommend such conferences for similar offences | 92.2 | 47 | 95.7 | 67 | 94.2 | 114 |
| Signed (agreed to be interviewed later) | 82.7 | 43 | 52.8 | 38 | 65.3 | 81 |

As the above table (18) indicates, there was a high degree of consensus on most questions. Overall, the respondents rated the conference experience highly. These questions focused specifically on their experience of the conference itself (whether they had their say, felt supported, were treated fairly, etc.) Three questions focused more on respondents' expectations about the consequences of the conference. There was substantial agreement about one of these: that the conference would help offenders stay away from crime. The other two of these "consequences" questions produced some variation.

There was disagreement about whether the conference helped the offenders more than victims, and whether conference participants saw the offence differently at the end of the session. Many people argue that restorative justice is offender driven; that it will primarily yield more benefits for the offender than the victim.

Second, it was expected that the conference would help all participants gain insights into the perspectives of the other parties: victims would understand better where the offender's offence sprang from; offenders would better understand the actual harmful effects of their actions on the victims. While 63% agreed that they saw the offence "differently now", this was less agreement than on many of the other questions. There was also a substantial inter-agency differential, with fewer Amherst respondents agreeing that they had changed their views.

One other question yielded an interesting difference: Amherst respondents were more willing than Valley respondents to sign the exit form, indicating a willingness to be interviewed at a later date about their views. This may be a consequence of the way the exit forms are presented by the conference facilitators. For example, in one valley session, the facilitator distributed the exit forms, asked people to fill it out, and indicated that the participants should fill out the information at the bottom if they

“wished” to be contacted by an interviewer. More might be induced to agree to an interview if the facilitator indicated the importance of the evaluation for the programme (since the majority reported a positive experience and, hence, could be expected to willingly assist in its positive evaluation), and if the words “willing to be contacted” were used rather than “wished to be contacted”.

Table 19 -- Role by Agency

| | Amherst | Valley | TOTAL |
|------------|---------|---------|--------|
| Offender | 15 | 22 | 37 |
| | 31.30% | 30.60% | 30.80% |
| OffParent | 9 | 28 | 37 |
| | 18.80% | 38.90% | 30.80% |
| Victim | 8 | 13 | 21 |
| | 16.70% | 18.10% | 17.50% |
| VictParent | 5 | 6 | 11 |
| | 10.40% | 8.30% | 9.20% |
| Police | 8 | 3 | 11 |
| | 16.70% | 4.20% | 9.20% |
| Other | 3 | 0 | 3 |
| | 6.30% | 0.00% | 2.50% |
| Missing | 4 | 0 | 4 |
| | | | |
| TOTAL | 48 | 72 | 120 |
| | 100.00% | 100.00% | |

Table 19 indicates who participated, at least for the sessions where an exit survey was collected. The main differences appears to be that offenders’ parents were present considerably more often in the Valley (38.9% of participants) than in Amherst (18.8% of participants). In the Valley, 28 parents attended for 22 offenders; in Amherst, 9 parents for 15 offenders. Proportionately, though, more victims’ parents attended in Amherst. In Amherst, as well, the police were more likely to take part in the sessions (16.7% of participants vs. 4.2% in the Valley). On the other hand, this is not the best data source for this variable. Presumably, the agency data form will list who was present at a given session.

Table 20 -- Role by Good Idea What Conference Would be Like: Amherst

| | Disagree | Unsure | Agree | AgreeStr | TOTAL |
|-----------|----------|--------|--------|----------|---------|
| Offender | 0 | 3 | 9 | 3 | 15 |
| | 0.00% | 20.00% | 60.00% | 20.00% | 100.00% |
| OffParent | 0 | 1 | 6 | 2 | 9 |
| | 0.00% | 11.10% | 66.70% | 22.20% | 100.00% |

Nova Scotia Restorative Justice 2001

| | | | | | |
|------------|----------|--------|--------|----------|---------|
| Victim | 1 | 1 | 4 | 2 | 8 |
| | 12.50% | 12.50% | 50.00% | 25.00% | 100.00% |
| VictParent | 0 | 0 | 2 | 3 | 5 |
| | 0.00% | 0.00% | 40.00% | 60.00% | 100.00% |
| Police | 0 | 1 | 3 | 4 | 8 |
| | 0.00% | 12.50% | 37.50% | 50.00% | 100.00% |
| Missing | 0 | 0 | 3 | 4 | 7 |
| | | | | | |
| TOTAL | 1 | 6 | 24 | 14 | 45 |
| | 2.20% | 13.30% | 53.30% | 31.10% | |
| | Disagree | Unsure | Agree | AgreeStr | TOTAL |
| Offender | 0 | 3 | 9 | 3 | 15 |

In Amherst, the majority of participants (Table 20) "had a good idea what the conference would be like before" they came (84.4%). Only 1 victim indicated he/she did not have a "good idea", though 20% of offenders were unsure. Valley data (Table 21) were similar (84.7% agreed) -- two offenders reported that they did not have a "good idea".

Table 21 -- Role by Good Idea What Conference Would be Like: Valley

| | Disagree | Unsure | Agree | AgreeStr | TOTAL |
|------------|----------|--------|--------|----------|---------|
| Offender | 2 | 3 | 11 | 6 | 22 |
| | 9.10% | 13.60% | 50.00% | 27.30% | 100.00% |
| OffParent | 0 | 4 | 11 | 13 | 28 |
| | 0.00% | 14.30% | 39.30% | 46.40% | 100.00% |
| Victim | 0 | 2 | 4 | 7 | 13 |
| | 0.00% | 15.40% | 30.80% | 53.80% | 100.00% |
| VictParent | 0 | 0 | 4 | 2 | 6 |
| | 0.00% | 0.00% | 66.70% | 33.30% | 100.00% |
| Police | 0 | 0 | 2 | 1 | 3 |
| | 0.00% | 0.00% | 66.70% | 33.30% | 100.00% |
| TOTAL | 2 | 9 | 32 | 29 | 72 |
| | 2.80% | 12.50% | 44.40% | 40.30% | |

Table 22 indicates that the great majority of respondents did not find the conference disappointing (93.5% in Amherst, 91.2% in the Valley). Victims' parents were, of all groups, the most likely to disagree but not strongly. The police officers uniformly disagreed strongly with the statement. Of the seven respondents in both areas who agreed, three were offenders and two offender's parents. It would be useful to examine whether the disappointments were related to a small number of sessions, which were distributed individually throughout the sessions.

Table 22 -- Role by Found Conference Disappointing: Amherst

| | DisStrong | Disagree | Agree | AgreeStr | TOTAL |
|------------|-----------|----------|--------|----------|---------|
| Offender | 10 | 3 | 1 | 1 | 15 |
| | 66.70% | 20.00% | 6.70% | 6.70% | 100.00% |
| OffParent | 4 | 5 | 0 | 0 | 9 |
| | 44.40% | 55.60% | 0.00% | 0.00% | 100.00% |
| Victim | 4 | 3 | 1 | 0 | 8 |
| | 50.00% | 37.50% | 12.50% | 0.00% | 100.00% |
| VictParent | 2 | 3 | 0 | 0 | 5 |
| | 40.00% | 60.00% | 0.00% | 0.00% | 100.00% |
| Police | 6 | 2 | 0 | 0 | 8 |
| | 75.00% | 25.00% | 0.00% | 0.00% | 100.00% |
| Missing | 5 | 2 | 0 | 0 | 7 |
| | | | | | |
| TOTAL | 26 | 16 | 2 | 1 | 45 |
| | 57.80% | 35.60% | 4.40% | 2.20% | |
| | DisStrong | Disagree | Agree | AgreeStr | TOTAL |
| Offender | 10 | 3 | 1 | 1 | 15 |

Table 23 -- Role by Found Conference Disappointing: Valley

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|-------|----------|---------|---------|
| Offender | 12 | 8 | 1 | 0 | 1 | 0 | 22 |
| | 54.50% | 36.40% | 4.50% | 0.00% | 4.50% | | 100.00% |
| OffParent | 18 | 7 | 0 | 0 | 2 | 1 | 27 |
| | 66.70% | 25.90% | 0.00% | 0.00% | 7.40% | | 100.00% |
| Victim | 5 | 5 | 1 | 1 | 0 | 1 | 12 |
| | 41.70% | 41.70% | 8.30% | 8.30% | 0.00% | | 100.00% |
| VictParent | 2 | 3 | 0 | 0 | 0 | 1 | 5 |
| | 40.00% | 60.00% | 0.00% | 0.00% | 0.00% | | 100.00% |
| Police | 2 | 0 | 0 | 0 | 0 | 1 | 2 |
| | 100.00% | 0.00% | 0.00% | 0.00% | 0.00% | | 100.00% |
| TOTAL | 39 | 23 | 2 | 1 | 3 | 4 | 68 |
| | 57.40% | 33.80% | 2.90% | 1.50% | 4.40% | | |

Table 24 -- Role by Took Active Part and Had My Say: Amherst

| | Agree | AgreeStr | TOTAL |
|-----------|--------|----------|---------|
| Offender | 4 | 11 | 15 |
| | 26.70% | 73.30% | 100.00% |
| OffParent | 3 | 6 | 9 |

Nova Scotia Restorative Justice 2001

| | | | |
|------------|--------|----------|---------|
| | 33.30% | 66.70% | 100.00% |
| Victim | 3 | 5 | 8 |
| | 37.50% | 62.50% | 100.00% |
| VictParent | 1 | 4 | 5 |
| | 20.00% | 80.00% | 100.00% |
| Police | 3 | 5 | 8 |
| | 37.50% | 62.50% | 100.00% |
| Missing | 0 | 7 | 7 |
| | | | |
| TOTAL | 14 | 31 | 45 |
| | 31.10% | 68.90% | |
| | Agree | AgreeStr | TOTAL |
| Offender | 4 | 11 | 15 |

All participants in Amherst felt they "had their say". Similarly, 97.2% agreed in the Valley. Only one participant in the Valley disagreed. In session # 12, the offender did not feel that he/she "had a say"; one victim (Session # 14) was unsure.

Table 25 -- Role by Took Active Part and Had My Say: Valley

| | DisStrong | Unsure | Agree | AgreeStr | TOTAL |
|------------|-----------|--------|--------|----------|---------|
| Offender | 1 | 0 | 9 | 12 | 22 |
| | 4.50% | 0.00% | 40.90% | 54.50% | 100.00% |
| OffParent | 0 | 0 | 10 | 18 | 28 |
| | 0.00% | 0.00% | 35.70% | 64.30% | 100.00% |
| Victim | 0 | 1 | 3 | 9 | 13 |
| | 0.00% | 7.70% | 23.10% | 69.20% | 100.00% |
| VictParent | 0 | 0 | 3 | 3 | 6 |
| | 0.00% | 0.00% | 50.00% | 50.00% | 100.00% |
| Police | 0 | 0 | 1 | 2 | 3 |
| | 0.00% | 0.00% | 33.30% | 66.70% | 100.00% |
| TOTAL | 1 | 1 | 26 | 44 | 72 |
| | 1.40% | 1.40% | 36.10% | 61.10% | |

Table 26 -- Role by People at the Conference Supported Me: Amherst

| | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|--------|--------|----------|---------|---------|
| Offender | 0 | 7 | 8 | 0 | 15 |
| | 0.00% | 46.70% | 53.30% | | 100.00% |
| OffParent | 0 | 6 | 2 | 1 | 8 |
| | 0.00% | 75.00% | 25.00% | | 100.00% |
| Victim | 1 | 3 | 4 | 0 | 8 |
| | 12.50% | 37.50% | 50.00% | | 100.00% |
| VictParent | 0 | 2 | 1 | 2 | 3 |
| | 0.00% | 66.70% | 33.30% | | 100.00% |
| Police | 0 | 3 | 5 | 0 | 8 |
| | 0.00% | 37.50% | 62.50% | | 100.00% |
| Missing | 0 | 1 | 5 | 1 | 6 |
| | | | | | |
| TOTAL | 1 | 21 | 20 | 3 | 42 |
| | 2.40% | 50.00% | 47.60% | | |
| | Unsure | Agree | AgreeStr | Missing | TOTAL |
| Offender | 0 | 7 | 8 | 0 | 15 |

In Amherst, only one of 42 respondents – a victim -- was unsure that there were people at the conference who supported him/her. Both sets of parents were more likely to agree than agree strongly; victims and offenders were more likely to agree strongly. In the Valley, offenders were most likely to agree strongly (55%) while the victims were the least likely to agree strongly (39%); one offender from session # 8, and a victim from Session # 17 were “unsure”.

Table 27 -- Role by People at the Conference Supported Me: Valley

| | Unsure | Agree | AgreeStr | TOTAL |
|------------|--------|--------|----------|---------|
| Offender | 1 | 9 | 12 | 22 |
| | 4.50% | 40.90% | 54.50% | 100.00% |
| OffParent | 0 | 16 | 12 | 28 |
| | 0.00% | 57.10% | 42.90% | 100.00% |
| Victim | 1 | 7 | 5 | 13 |
| | 7.70% | 53.80% | 38.50% | 100.00% |
| VictParent | 0 | 3 | 3 | 6 |
| | 0.00% | 50.00% | 50.00% | 100.00% |
| Police | 0 | 1 | 2 | 3 |
| | 0.00% | 33.30% | 66.70% | 100.00% |
| TOTAL | 2 | 36 | 34 | 72 |
| | 2.80% | 50.00% | 47.20% | |

Table 28 -- Role by Satisfaction with Agreement: Amherst

| | DisStrong | Disagree | Agree | AgreeStr | TOTAL |
|------------|-----------|----------|--------|----------|---------|
| Offender | 1 | 0 | 6 | 8 | 15 |
| | 6.70% | 0.00% | 40.00% | 53.30% | 100.00% |
| OffParent | 0 | 0 | 3 | 6 | 9 |
| | 0.00% | 0.00% | 33.30% | 66.70% | 100.00% |
| Victim | 0 | 0 | 4 | 4 | 8 |
| | 0.00% | 0.00% | 50.00% | 50.00% | 100.00% |
| VictParent | 0 | 0 | 2 | 3 | 5 |
| | 0.00% | 0.00% | 40.00% | 60.00% | 100.00% |
| Police | 0 | 0 | 3 | 5 | 8 |
| | 0.00% | 0.00% | 37.50% | 62.50% | 100.00% |
| Missing | 3 | 1 | 0 | 3 | 7 |
| | | | | | |
| TOTAL | 1 | 0 | 18 | 26 | 45 |
| | 2.20% | 0.00% | 40.00% | 57.80% | |

In Amherst, one offender was dissatisfied with what the agreement requires the offender to do. In Kentville, one victim disagreed (Session # 17). The parents tended to be more satisfied than either the victim or the offender; the victim's parents were the most satisfied in the valley (83%).

Table 29 -- Role by Satisfaction with Agreement: Valley

| | Disagree | Unsure | Agree | AgreeStr | 9 | TOTAL |
|------------|----------|--------|--------|----------|-------|---------|
| Offender | 0 | 1 | 8 | 12 | 1 | 22 |
| | 0.00% | 4.50% | 36.40% | 54.50% | 4.50% | 100.00% |
| OffParent | 0 | 0 | 9 | 17 | 2 | 28 |
| | 0.00% | 0.00% | 32.10% | 60.70% | 7.10% | 100.00% |
| Victim | 1 | 0 | 6 | 6 | 0 | 13 |
| | 7.70% | 0.00% | 46.20% | 46.20% | 0.00% | 100.00% |
| VictParent | 0 | 0 | 1 | 5 | 0 | 6 |
| | 0.00% | 0.00% | 16.70% | 83.30% | 0.00% | 100.00% |
| Police | 0 | 0 | 2 | 1 | 0 | 3 |
| | 0.00% | 0.00% | 66.70% | 33.30% | 0.00% | 100.00% |
| TOTAL | 1 | 1 | 26 | 41 | 3 | 72 |
| | 1.40% | 1.40% | 36.10% | 56.90% | 4.20% | |

TABLE 30 -- Role by Treated Fairly in Conference: Amherst

| | Agree | AgreeStr | TOTAL |
|------------|--------|----------|---------|
| Offender | 4 | 11 | 15 |
| | 26.70% | 73.30% | 100.00% |
| OffParent | 2 | 7 | 9 |
| | 22.20% | 77.80% | 100.00% |
| Victim | 5 | 3 | 8 |
| | 62.50% | 37.50% | 100.00% |
| VictParent | 1 | 4 | 5 |
| | 20.00% | 80.00% | 100.00% |
| Police | 3 | 5 | 8 |
| | 37.50% | 62.50% | 100.00% |
| Missing | 0 | 7 | 7 |
| | | | |
| TOTAL | 15 | 30 | 45 |
| | 33.30% | 66.70% | |

All Amherst respondents agreed that they were treated fairly in the conference 2/3 agreeing strongly, although victims were the most likely to only agree. In the Valley, it was 70 of 71 (1 offender was "unsure"), with very little variation concerning whether the agreement was strong or not.

Table 31 -- Role by Treated Fairly in Conference: Valley

| | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|--------|--------|----------|---------|---------|
| Offender | 1 | 8 | 13 | 0 | 22 |
| | 4.50% | 36.40% | 59.10% | | 100.00% |
| OffParent | 0 | 10 | 18 | 0 | 28 |
| | 0.00% | 35.70% | 64.30% | | 100.00% |
| Victim | 0 | 5 | 8 | 0 | 13 |
| | 0.00% | 38.50% | 61.50% | | 100.00% |
| VictParent | 0 | 3 | 3 | 0 | 6 |
| | 0.00% | 50.00% | 50.00% | | 100.00% |
| Police | 0 | 1 | 1 | 1 | 2 |
| | 0.00% | 50.00% | 50.00% | | 100.00% |
| TOTAL | 1 | 27 | 43 | 1 | 71 |
| | 1.40% | 38.00% | 60.60% | | |

Table 32 -- Role by Conference Helps Offender More Than Victim: Amherst

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|--------|----------|---------|---------|
| Offender | 1 | 6 | 3 | 2 | 2 | 1 | 14 |
| | 7.10% | 42.90% | 21.40% | 14.30% | 14.30% | | 100.00% |
| OffParent | 1 | 5 | 1 | 2 | 0 | 0 | 9 |
| | 11.10% | 55.60% | 11.10% | 22.20% | 0.00% | | 100.00% |
| Victim | 0 | 4 | 0 | 2 | 2 | 0 | 8 |
| | 0.00% | 50.00% | 0.00% | 25.00% | 25.00% | | 100.00% |
| VictParent | 1 | 1 | 3 | 0 | 0 | 0 | 5 |
| | 20.00% | 20.00% | 60.00% | 0.00% | 0.00% | | 100.00% |
| Police | 2 | 5 | 0 | 1 | 0 | 0 | 8 |
| | 25.00% | 62.50% | 0.00% | 12.50% | 0.00% | | 100.00% |
| Missing | 4 | 1 | 0 | 2 | 0 | 0 | 7 |
| | | | | | | | |
| TOTAL | 5 | 21 | 7 | 7 | 4 | 1 | 44 |
| | 11.40% | 47.70% | 15.90% | 15.90% | 9.10% | | |

The variable, "This kind of conference helps the offender more than the victim", produced some variation. 59.6% disagreed while 25.5% agreed in Amherst. In the Valley, 39.5% disagreed while 31% agreed.

Table 33 -- Role by Conference Helps Offender More Than Victim: Valley

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|--------|----------|---------|---------|
| Offender | 4 | 2 | 12 | 4 | 0 | 0 | 22 |
| | 18.20% | 9.10% | 54.50% | 18.20% | 0.00% | | 100.00% |
| OffParent | 3 | 11 | 7 | 4 | 3 | 0 | 28 |
| | 10.70% | 39.30% | 25.00% | 14.30% | 10.70% | | 100.00% |
| Victim | 1 | 2 | 2 | 4 | 3 | 1 | 12 |
| | 8.30% | 16.70% | 16.70% | 33.30% | 25.00% | | 100.00% |
| VictParent | 2 | 2 | 0 | 0 | 2 | 0 | 6 |
| | 33.30% | 33.30% | 0.00% | 0.00% | 33.30% | | 100.00% |
| Police | 0 | 1 | 0 | 2 | 0 | 0 | 3 |
| | 0.00% | 33.30% | 0.00% | 66.70% | 0.00% | | 100.00% |
| TOTAL | 10 | 18 | 21 | 14 | 8 | 1 | 71 |
| | 14.10% | 25.40% | 29.60% | 19.70% | 11.30% | | |

This makes an interesting question. In the following analysis, I combine the two agencies and collapse the disagree and agree answer categories to leave three values: disagree, unsure, and agree. To disagree implies that the offender is not helped more than the victim (the victim could be helped more, or both could be helped equally). As Table 9 indicates, the police are most likely to disagree, followed by the parents of both

the victims and the offenders (both 54%). For this variable, however, the majority of victims (55%) agree, saying that the conference helps the offender more than it helps them. To some extent, this suggests to me that one of the motivations of the victim to attend a session is to “help” the offender: I am here to help the offender, not to help myself (closure, or get things off my chest, etc.).

Table 34 -- Role by Conference helps Offender More Than Victim

| | Disagree | Unsure | Agree | Missing | TOTAL |
|------------|----------|--------|--------|---------|---------|
| Offender | 13 | 15 | 8 | 1 | 36 |
| | 36.10% | 41.70% | 22.20% | | 100.00% |
| OffParent | 20 | 8 | 9 | 0 | 37 |
| | 54.10% | 21.60% | 24.30% | | 100.00% |
| Victim | 7 | 2 | 11 | 1 | 20 |
| | 35.00% | 10.00% | 55.00% | | 100.00% |
| VictParent | 6 | 3 | 2 | 0 | 11 |
| | 54.50% | 27.30% | 18.20% | | 100.00% |
| Police | 8 | 0 | 3 | 0 | 11 |
| | 72.70% | 0.00% | 27.30% | | 100.00% |
| Missing | 5 | 0 | 2 | 0 | 7 |
| | | | | | |
| TOTAL | 54 | 28 | 33 | 2 | 115 |
| | 47.00% | 24.30% | 28.70% | | |

It is logical to think, however, that this variable will vary according to whether a victim was present at the conference. That is, the view that a conference helps the offender more than the victim is more likely to be held if the victim isn’t present at the conference. The following table (35) divides participants according to whether they attended an Accountability Session (victim absent), a session in which the victim was present, or a “Conference” defined as both the victim and a representative of the community being present.

Table 35 -- Conference Helps Offender More by Type of Session Attended

| | Disagree | Unsure | Agree | Missing | TOTAL |
|------------|----------|--------|--------|---------|---------|
| Accounta | 20 | 11 | 11 | 1 | 42 |
| | 47.60% | 26.20% | 26.20% | | 100.00% |
| VictimPres | 24 | 15 | 24 | 0 | 63 |
| | 38.10% | 23.80% | 38.10% | | 100.00% |
| Conference | 15 | 2 | 0 | 1 | 17 |
| | 88.20% | 11.80% | 0.00% | | 100.00% |
| TOTAL | 59 | 28 | 35 | 2 | 122 |
| | 48.40% | 23.00% | 28.70% | | |

With the exception of the Conference, where none of the 17 participants agreed that the offender benefited more than the victim, the participants in the sessions with victims present tended to disagree less than those who attended Accountability sessions (with no victim present). This latter finding was not expected.

More details may be learned by examining the question of which of the role players were more likely to believe that offenders would benefit more. In the following two sub-tables, the relationship between role and attitude towards the question of who benefits the most is controlled by type of session (Accountability vs. Victim-Present Session).

Table 36 -- Role by Offender Helped More (Accountability)

| | Disagree | Unsure | Agree | Missing | TOTAL |
|------------|----------|--------|--------|---------|---------|
| Offender | 4 | 7 | 3 | 1 | 14 |
| | 28.60% | 50.00% | 21.40% | | 100.00% |
| OffParent | 8 | 3 | 4 | 0 | 15 |
| | 53.30% | 20.00% | 26.70% | | 100.00% |
| VictParent | 2 | 1 | 1 | 0 | 4 |
| | 50.00% | 25.00% | 25.00% | | 100.00% |
| Police | 5 | 0 | 2 | 0 | 7 |
| | 71.40% | 0.00% | 28.60% | | 100.00% |
| Missing | 1 | 0 | 1 | 0 | 2 |
| | | | | | |
| TOTAL | 19 | 11 | 10 | 1 | 40 |
| | 47.50% | 27.50% | 25.00% | | |

Table 36 shows that, in the accountability sessions, it is chiefly the police who disagree that the session helped the offender more, followed by, in almost equal proportions, the offender's and victim's parents (who in the latter case could be regarded as surrogate victims). [Perhaps the data ought to be recoded to combine victims and victim surrogates. There were only four victim's parents present, however]. About half of the offenders were unsure whether they were helped more than the victims. One possible source of error here is that some of the sessions I have defined as Accountability Sessions may have had a victim present who did not complete an exit form. This would not be likely to account for many of the cases, however.

Table 37 -- Role by Offender Helped More (Victim Present)

| | Disagree | Unsure | Agree | TOTAL |
|------------|----------|--------|--------|---------|
| Offender | 4 | 7 | 5 | 16 |
| | 25.00% | 43.80% | 31.30% | 100.00% |
| OffParent | 7 | 4 | 5 | 16 |
| | 43.80% | 25.00% | 31.30% | 100.00% |
| Victim | 5 | 2 | 11 | 18 |
| | 27.80% | 11.10% | 61.10% | 100.00% |
| VictParent | 3 | 2 | 1 | 6 |
| | 50.00% | 33.30% | 16.70% | 100.00% |
| Police | 2 | 0 | 1 | 3 |
| | 66.70% | 0.00% | 33.30% | 100.00% |
| Missing | 3 | 0 | 1 | 4 |
| | | | | |
| TOTAL | 21 | 15 | 23 | 59 |
| | 35.60% | 25.40% | 39.00% | |

Table 38 -- Role by Conference Helps Offender Stay Away from Crime: Amherst

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|--------|----------|---------|---------|
| Offender | 1 | 0 | 1 | 4 | 9 | 0 | 15 |
| | 6.70% | 0.00% | 6.70% | 26.70% | 60.00% | | 100.00% |
| OffParent | 0 | 0 | 0 | 6 | 3 | 0 | 9 |
| | 0.00% | 0.00% | 0.00% | 66.70% | 33.30% | | 100.00% |
| Victim | 0 | 0 | 3 | 3 | 1 | 1 | 7 |
| | 0.00% | 0.00% | 42.90% | 42.90% | 14.30% | | 100.00% |
| VictParent | 0 | 0 | 1 | 4 | 0 | 0 | 5 |
| | 0.00% | 0.00% | 20.00% | 80.00% | 0.00% | | 100.00% |
| Police | 0 | 0 | 0 | 6 | 2 | 0 | 8 |
| | 0.00% | 0.00% | 0.00% | 75.00% | 25.00% | | 100.00% |
| Missing | 0 | 1 | 0 | 1 | 5 | 0 | 7 |
| | | | | | | | |
| TOTAL | 1 | 0 | 5 | 23 | 15 | 1 | 44 |
| | 2.30% | 0.00% | 11.40% | 52.30% | 34.10% | | |

In the sessions with victims present (exclusive of Conferences), the results were quite similar to the Accountability sessions with the exception of the Victims, who were present (by definition). 61% of victims agreed that the session helped the offender more than it helped them. It is still the police and the parents (both sets) who tend to disagree that the conference helped the offender most.

Nova Scotia Restorative Justice 2001

There was, again, substantial agreement about whether the conference would help the offender stay away from crime. 85.1% in Amherst agreed, as did 84.2% in the Valley. No other patterns emerge, although it was the offenders who were most likely to agree strongly with the statement. The police, followed by the parents (both offenders and victims) agreed, but not "strongly".

Table 39 -- Role by Conference Helps Offender Stay Away from Crime: Valley

| | | | | | | | |
|------------|-------|--------|--------|---------|--------|---|---------|
| Offender | 0 | 0 | 3 | 10 | 8 | 1 | 21 |
| | 0.00% | 0.00% | 14.30% | 47.60% | 38.10% | | 100.00% |
| OffParent | 0 | 1 | 2 | 13 | 12 | 0 | 28 |
| | 0.00% | 3.60% | 7.10% | 46.40% | 42.90% | | 100.00% |
| Victim | 1 | 0 | 2 | 6 | 4 | 0 | 13 |
| | 7.70% | 0.00% | 15.40% | 46.20% | 30.80% | | 100.00% |
| VictParent | 0 | 1 | 1 | 2 | 2 | 0 | 6 |
| | 0.00% | 16.70% | 16.70% | 33.30% | 33.30% | | 100.00% |
| Police | 0 | 0 | 0 | 2 | 0 | 1 | 2 |
| | 0.00% | 0.00% | 0.00% | 100.00% | 0.00% | | 100.00% |
| TOTAL | 1 | 2 | 8 | 33 | 26 | 2 | 70 |
| | 1.40% | 2.90% | 11.40% | 47.10% | 37.10% | | |

Table 40 -- Role by Conference Helps Offender Stay Away from Crime

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|--------|----------|---------|---------|
| Offender | 1 | 0 | 4 | 14 | 17 | 1 | 36 |
| | 2.80% | 0.00% | 11.10% | 38.90% | 47.20% | | 100.00% |
| OffParent | 0 | 1 | 2 | 19 | 15 | 0 | 37 |
| | 0.00% | 2.70% | 5.40% | 51.40% | 40.50% | | 100.00% |
| Victim | 1 | 0 | 5 | 9 | 5 | 1 | 20 |
| | 5.00% | 0.00% | 25.00% | 45.00% | 25.00% | | 100.00% |
| VictParent | 0 | 1 | 2 | 6 | 2 | 0 | 11 |
| | 0.00% | 9.10% | 18.20% | 54.50% | 18.20% | | 100.00% |
| Police | 0 | 0 | 0 | 8 | 2 | 1 | 10 |
| | 0.00% | 0.00% | 0.00% | 80.00% | 20.00% | | 100.00% |
| Missing | 0 | 1 | 0 | 1 | 5 | 0 | 7 |
| | | | | | | | |
| TOTAL | 2 | 2 | 13 | 56 | 41 | 3 | 114 |
| | 1.80% | 1.80% | 11.40% | 49.10% | 36.00% | | |

Table 41 -- Role by Things Disorganized at Conference End

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|-------|----------|---------|---------|
| Offender | 20 | 10 | 0 | 3 | 2 | 2 | 35 |
| | 57.10% | 28.60% | 0.00% | 8.60% | 5.70% | | 100.00% |
| OffParent | 20 | 16 | 0 | 0 | 1 | 0 | 37 |
| | 54.10% | 43.20% | 0.00% | 0.00% | 2.70% | | 100.00% |
| Victim | 13 | 6 | 1 | 0 | 1 | 0 | 21 |
| | 61.90% | 28.60% | 4.80% | 0.00% | 4.80% | | 100.00% |
| VictParent | 6 | 3 | 0 | 0 | 2 | 0 | 11 |
| | 54.50% | 27.30% | 0.00% | 0.00% | 18.20% | | 100.00% |
| Police | 8 | 3 | 0 | 0 | 0 | 0 | 11 |
| | 72.70% | 27.30% | 0.00% | 0.00% | 0.00% | | 100.00% |
| Missing | 6 | 0 | 0 | 1 | 0 | 0 | 7 |
| | | | | | | | |
| TOTAL | 67 | 38 | 1 | 3 | 6 | 2 | 115 |
| | 58.30% | 33.00% | 0.90% | 2.60% | 5.20% | | |

About 90% disagreed that the conference was confusing at the end. Logically, perhaps, few were unsure whether it was confusing, so 8.5% agreed the end was confused (10 out of 118, 5 of them being offenders).

Table 42 -- Role by People Seemed to Understand My Side

| | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|----------|--------|--------|----------|---------|---------|
| Offender | 1 | 5 | 18 | 12 | 1 | 36 |
| | 2.80% | 13.90% | 50.00% | 33.30% | | 100.00% |
| OffParent | 0 | 0 | 28 | 8 | 1 | 36 |
| | 0.00% | 0.00% | 77.80% | 22.20% | | 100.00% |
| Victim | 0 | 0 | 14 | 6 | 1 | 20 |
| | 0.00% | 0.00% | 70.00% | 30.00% | | 100.00% |
| VictParent | 0 | 0 | 5 | 5 | 1 | 10 |
| | 0.00% | 0.00% | 50.00% | 50.00% | | 100.00% |
| Police | 0 | 1 | 6 | 4 | 0 | 11 |
| | 0.00% | 9.10% | 54.50% | 36.40% | | 100.00% |
| Missing | 0 | 1 | 5 | 1 | 0 | 7 |
| | | | | | | |
| TOTAL | 1 | 6 | 71 | 35 | 4 | 113 |
| | 0.90% | 5.30% | 62.80% | 31.00% | | |

The great majority (93.1%) agreed that "people seemed to understand my side of things".

Table 43 -- Role by I See Offence Differently Now: Amherst

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|--------|--------|----------|---------|---------|
| Offender | 1 | 1 | 0 | 7 | 6 | 0 | 15 |
| | 6.70% | 6.70% | 0.00% | 46.70% | 40.00% | | 100.00% |
| OffParent | 0 | 3 | 2 | 2 | 1 | 1 | 8 |
| | 0.00% | 37.50% | 25.00% | 25.00% | 12.50% | | 100.00% |
| Victim | 1 | 1 | 3 | 2 | 1 | 0 | 8 |
| | 12.50% | 12.50% | 37.50% | 25.00% | 12.50% | | 100.00% |
| VictParent | 0 | 3 | 1 | 1 | 0 | 0 | 5 |
| | 0.00% | 60.00% | 20.00% | 20.00% | 0.00% | | 100.00% |
| Police | 1 | 1 | 3 | 1 | 1 | 1 | 7 |
| | 14.30% | 14.30% | 42.90% | 14.30% | 14.30% | | 100.00% |
| Missing | 0 | 0 | 1 | 2 | 1 | 3 | 4 |
| | | | | | | | |
| TOTAL | 3 | 9 | 9 | 13 | 9 | 2 | 43 |
| | 7.00% | 20.90% | 20.90% | 30.20% | 20.90% | | |

There was again some variation in whether “after hearing people talk, I see this crime/offence differently now”. In Amherst, 52.3% agreed while 27.3% disagreed. In the Valley, the proportions were 70.8% and 13.8% respectively.

Table 44 -- Role by I See Offence Differently Now: Valley

| | DisStrong | Disagree | Unsure | Agree | AgreeStr | Missing | TOTAL |
|------------|-----------|----------|---------|--------|----------|---------|---------|
| Offender | 0 | 0 | 3 | 13 | 6 | 0 | 22 |
| | 0.00% | 0.00% | 13.60% | 59.10% | 27.30% | | 100.00% |
| OffParent | 2 | 4 | 5 | 15 | 2 | 0 | 28 |
| | 7.10% | 14.30% | 17.90% | 53.60% | 7.10% | | 100.00% |
| Victim | 1 | 2 | 1 | 5 | 0 | 4 | 9 |
| | 11.10% | 22.20% | 11.10% | 55.60% | 0.00% | | 100.00% |
| VictParent | 0 | 0 | 0 | 1 | 4 | 1 | 5 |
| | 0.00% | 0.00% | 0.00% | 20.00% | 80.00% | | 100.00% |
| Police | 0 | 0 | 1 | 0 | 0 | 2 | 1 |
| | 0.00% | 0.00% | 100.00% | 0.00% | 0.00% | | 100.00% |
| TOTAL | 3 | 6 | 10 | 34 | 12 | 7 | 65 |
| | 4.60% | 9.20% | 15.40% | 52.30% | 18.50% | | |

If we collapse the values to agree and disagree, and join the agencies, the following table results (see Table 13): 19.4% disagree while 63% agree that they see the offence differently now. The offenders are the most likely to agree; the victims and the police the least likely (47% and 25% respectively, though the police are most likely to be “unsure”).

Table 45 -- Role by I See Offence Differently Now

| | Disagree | Unsure | Agree | Missing | TOTAL |
|------------|----------|--------|--------|---------|---------|
| Offender | 2 | 3 | 32 | 0 | 37 |
| | 5.40% | 8.10% | 86.50% | | 100.00% |
| OffParent | 9 | 7 | 20 | 1 | 36 |
| | 25.00% | 19.40% | 55.60% | | 100.00% |
| Victim | 5 | 4 | 8 | 4 | 17 |
| | 29.40% | 23.50% | 47.10% | | 100.00% |
| VictParent | 3 | 1 | 6 | 1 | 10 |
| | 30.00% | 10.00% | 60.00% | | 100.00% |
| Police | 2 | 4 | 2 | 3 | 8 |
| | 25.00% | 50.00% | 25.00% | | 100.00% |
| Missing | 0 | 1 | 3 | 3 | 4 |
| | | | | | |
| TOTAL | 21 | 19 | 68 | 9 | 108 |
| | 19.40% | 17.60% | 63.00% | | |

Table 46 -- Role by I would Recommend Conferences for Like Offences

| | Disagree | Unsure | Agree | AgreeSt | Missing | TOTAL |
|------------|----------|--------|--------|---------|---------|---------|
| Offender | 1 | 2 | 10 | 23 | 1 | 36 |
| | 2.80% | 5.60% | 27.80% | 63.90% | | 100.00% |
| OffParent | 0 | 0 | 12 | 25 | 0 | 37 |
| | 0.00% | 0.00% | 32.40% | 67.60% | | 100.00% |
| Victim | 0 | 3 | 5 | 12 | 1 | 20 |
| | 0.00% | 15.00% | 25.00% | 60.00% | | 100.00% |
| VictParent | 0 | 1 | 1 | 9 | 0 | 11 |
| | 0.00% | 9.10% | 9.10% | 81.80% | | 100.00% |
| Police | 0 | 0 | 7 | 4 | 0 | 11 |
| | 0.00% | 0.00% | 63.60% | 36.40% | | 100.00% |
| Missing | 0 | 0 | 4 | 2 | 1 | 6 |
| | | | | | | |
| TOTAL | 1 | 6 | 35 | 73 | 2 | 115 |
| | 0.90% | 5.20% | 30.40% | 63.50% | | |

94% of respondents would “recommend conferences like this to deal with offences like this one”.

Finally, 27 of the 120 respondents had written comments; only 2 respondents had negative comments to offer about their Restorative Justice experience.

TABLE 47 -- Role by Agreed to be Interviewed Later: Amherst

| | signed | Not signed | TOTAL |
|------------|---------|------------|---------|
| Offender | 12 | 3 | 15 |
| | 80.00% | 20.00% | 100.00% |
| OffParent | 7 | 2 | 9 |
| | 77.80% | 22.20% | 100.00% |
| Victim | 7 | 1 | 8 |
| | 87.50% | 12.50% | 100.00% |
| VictParent | 4 | 1 | 5 |
| | 80.00% | 20.00% | 100.00% |
| Police | 8 | 0 | 8 |
| | 100.00% | 0.00% | 100.00% |
| Other | 3 | 0 | 3 |
| | 100.00% | 0.00% | 100.00% |
| Missing | 2 | 2 | 4 |
| | | | |
| TOTAL | 41 | 7 | 48 |
| | 85.40% | 14.60% | |

TABLE 48 -- Role by Agreed to be Interviewed Later: Valley

| | signed | Not signed | Missing | TOTAL |
|------------|---------|------------|---------|---------|
| Offender | 7 | 13 | 2 | 20 |
| | 35.00% | 65.00% | | 100.00% |
| OffParent | 17 | 9 | 2 | 26 |
| | 65.40% | 34.60% | | 100.00% |
| Victim | 11 | 2 | 0 | 13 |
| | 84.60% | 15.40% | | 100.00% |
| VictParent | 1 | 4 | 1 | 5 |
| | 20.00% | 80.00% | | 100.00% |
| Police | 2 | 0 | 1 | 2 |
| | 100.00% | 0.00% | | 100.00% |
| TOTAL | 38 | 28 | 6 | 66 |
| | 57.60% | 42.40% | | |

There was a variation between agencies about whether the respondents signed the exit form indicating agreement to be interviewed at a later date. In Amherst, 85% agreed (100% of the police). In the Valley, 58% agreed, including only 7 of 22 offenders, and one of 6 victims' parents. Table 16 combines these results (both agencies). In general offenders (54%) and victim's parents (50%) were the least likely to agree to be

interviewed; the police (100%) and victims (86%) were the most likely to sign for a later interview.

TABLE 49 --Role by Agreed to be Interviewed Later

| | signed | Not signed | Missing | TOTAL |
|------------|---------|------------|---------|---------|
| Offender | 19 | 16 | 2 | 35 |
| | 54.30% | 45.70% | | 100.00% |
| OffParent | 24 | 11 | 2 | 35 |
| | 68.60% | 31.40% | | 100.00% |
| Victim | 18 | 3 | 0 | 21 |
| | 85.70% | 14.30% | | 100.00% |
| VictParent | 5 | 5 | 1 | 10 |
| | 50.00% | 50.00% | | 100.00% |
| Police | 10 | 0 | 1 | 10 |
| | 100.00% | 0.00% | | 100.00% |
| Other | 3 | 0 | 0 | 3 |
| | 100.00% | 0.00% | | 100.00% |
| Missing | 2 | 2 | 0 | 4 |
| | | | | |
| TOTAL | 79 | 35 | 6 | 114 |
| | 69.30% | 30.70% | | |