

THE NOVA SCOTIA RESTORATIVE JUSTICE INITIATIVE

FINAL EVALUATION REPORT

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SUBMITTED BY

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OVERVIEW ON RESTORATIVE JUSTICE

The Nova Scotia Restorative Justice (NSRJ) program was initiated in 1999 after two years of pre-implementation planning. It aimed at implementing the RJ approach throughout the criminal justice system (CJS), having the premise that RJ, in some modality, could be applicable to all offenders and all offences throughout the province. Referrals to RJ were eligible from any level in the CJS, whether police at pre-charge or the crown, judicial and corrections levels. Different offences and different RJ tactics were envisaged at the different levels. RJ programming was to be carried out by regional non-profit agencies each with its own local board of directors and having significant experience in youth alternative measures and in administering community service orders. The agencies, each having a mix of paid staff and volunteers, have been funded by the office of the NSRJ co-ordinator which has also provided training, protocol development and administrative oversight. The NSRJ initiative, now in its fifth year, received significant start-up funding support from the federal government but is now 100% funded by the province.

The NSRJ program clearly represents a significant commitment by the provincial government. Funding, now in the amount of roughly 1.5 million dollars per year, is provided for over 40 full-time staff position throughout the province as well as for equipment, training, travel costs and special program development. The organizational structure is impressive too. The coordinator's office, formally located in the Court Services Division, is assisted by both a steering committee and a program management committee drawn from CJS roles and the agencies and is fully integrated into the Department of Justice. The steering committee is chaired by the deputy minister of the Department of Justice. The NSRJ, through the coordinator, has a place at the table of the Justice Department as it was, and, accordingly, is both accountable to and a stakeholder in major departmental decision-making. Close linkages are in place between the NSRJ coordinator's office and the local agencies and their boards via standardized protocols and guidelines and a provincially-managed Restorative Justice Information System (RJIS) to which all referral and case management data are inputted and from which a variety of reports are regularly issued. Regular regional meetings of various stakeholders

supplement the NSRJ and local boards meetings.

The NSRJ program has largely been evolving as projected. It has been extended to the entire province and, increasingly, referrals have been directed to the local agencies from both pre-charge and post-charge levels of the CJS. Considerable effort has been directed by the coordinator's office to standards for case management and session facilitation, and to protocol development relating to the promulgation of the YCJA as well as to the greater collaboration of judges and corrections officials. As problems and opportunities have been identified (e.g., race/ethnic variations in frequency of court and RJ-based processing), action plans have been developed and implemented. The NSRJ program has yet to expand, as projected, to respond to adult offending (there is an "alternative measures" or diversion program available for adults) but discussions are ongoing on that issue. Also, a moratorium on dealing with cases of spousal/partner violence and sexual assaults remains in effect. The moratorium was put into effect in early 2000 in response to concerns raised by certain women's organizations and others over the proposed referral of such cases at post-conviction levels of the justice system. Considerable effort, via, for example, conferences and regional meetings, has been extended by NSRJ, in discussing issues and possibilities of RJ processing of such offences, in collaboration with representatives of the women's organizations and others. Finally, the NSRJ program has increasingly aligned with two other provincial restorative justice programs, namely the Mi'kmaq's Customary Law Program (MCLP) and the RCMP's Community Justice Forum (CJF). Both these programs' youth restorative justice programming dovetail closely with the NSRJ's in protocol and administration but both exercise certain autonomy and respond to adult offenders as well.

The evaluation began with a pre-implementation feasibility assessment and has continued for five years. A variety of evaluation strategies have been utilized, including short "exit questionnaires" completed by all RJ session participants, follow-up telephone interviews with all participants indicating their willingness to be interviewed on the exit form, direct observation of a sampling of the RJ sessions, utilization of provincial data systems (including a new one the RJIS, created for the NSRJ program) panel studies (i.e., three waves of interviews, eighteen months apart) of CJS and community leaders, and regular monitoring of agency caseload (e.g., number and type of referrals). A

considerable amount of data has been amassed dealing with a large variety of issues (e.g., recidivism, court/RJ comparisons, satisfaction among the RJ participants, acceptance of RJ by various stakeholders) and thus far several major reports have been produced.

The evaluation has followed a "logic model" outlined in the research design and highlighted the dimensions of processes and outcomes. Accordingly, developments in the RJ implementation have been major foci, examining the developments for the agencies, for RJ implementation at each CJS level, the linkages (and comparability) to other RJ-type initiatives, and the dynamics of the RJ programming as well as actual sessions. At the outcomes level, the participation and satisfaction of the RJ participants have been examined as well as recidivism and community impact.

It can be said that restorative justice programming has become institutionalised. It is a fully established component of the Department of Justice and also the community through its partnership with regional non-profit organizations. Being institutionalised as such seems quite unique for RJ programs in Canada. The Collaborative Justice project in Ottawa, for example, which provides an RJ alternative to incarceration in the case of serious offending, exists on an explicit short-term basis and seeks its basic funding periodically as if from scratch. Being institutionalized does not guarantee long-term survival but it does provide some security for RJ personnel and most importantly enables the program to plan and meet problems and crises rather than expending an inordinate amount of time and effort securing its periodic renewal. It also means that other sections of the Department of Justice relate to the NSRJ as a partner in matters of policy and administration rather than as a marginal player to the criminal justice system. That status clearly represents a significant evolution. The possible downside of institutionalisation may be that the RJ program becomes ensnarled in the bureaucratic modality and becomes more court-like in its approach.

The organizational development of the NSRJ has also been impressive. The local RJ agencies have generally been able to mobilize high calibre volunteers at the facilitator and board levels and are managed by committed staff persons. Turnover has been low and the local organizations have generally been well managed. There is however significant variation in these regards and the largest agency – Halifax – has experienced serious turnover in staff and serious management problems. The co-ordination of the RJ

programming by NSRJ has been impressive as well. Significant increases in budget were obtained by the NSRJ in fiscal 2003-2004 in order to improve the salaries of the RJ staffers in the regional agencies (the agencies depend virtually entirely on the NSRJ for all personnel and usual operating expenses) and to mount special projects aimed at improving the RJ programming and meeting issues raised in earlier evaluation reports and elsewhere (e.g., by the program management committee, regional RJ boards). Most dramatic has been the funding of projects to respond to issues of standardizing RJ training and protocols and of responding to the challenge of more effective partnership with Afro-Canadian communities in order to improve RJ's response to the disproportionately high number of young black offenders.

In terms of its stated objectives in 1999, it can be argued that the NSRJ initiative has been quite successful too. It has represented a major effort to incorporate victims into the Justice process and its success over the years in that regard has been significant. Victims who have participated in RJ sessions have been very positive about their experience and their treatment by RJ staff and facilitators as determined by exit and follow-up interviews. Evaluation research has also shown that there has been a profound difference in victim satisfaction between the court and the RJ processes. Even where victims did not wish to participate in RJ sessions the RJ agencies at least generally established contact, heard their views and were able to convey these often as a kind of victim impact statement. The positive views of offenders and offenders' supporters have also been documented as well as those of community representatives and CJS role players (e.g., police) who have participated in RJ processing. Direct observation of RJ sessions has found numerous "best cases" where the principles of RJ were well manifested and the session dynamic apparently very "restorative". There has been some mobilization of community resources beyond that represented by the regional RJ agencies in the form of providing venues for RJ sessions. And, of course, the contribution entailed by the non-profit agencies has been considerable. The RJ program also has been shown to have significantly reduced court-load.

In considering cost-benefit analysis, it is important to appreciate that the offence patterns and the offender profiles are different for restorative justice than for court processed cases; there was no random assignment of cases and analyses of police and

crowns' discretion with respect to referrals clearly underline the difference between the two streams). Still, until the YCJA made the calculation too complex, it was found that the RJ initiative reduced court load by roughly 5% per year over the period 2000 to 2003. Clearly, too, RJ referrals led to more services and attention for both victims and offenders than that provided in similar modest youth cases processed through the courts. And, as just noted, the RJ initiative mobilized considerable resources at the community level in terms of volunteers and facilities. The cost per referral has been estimated at roughly \$1000, well under the cost for youth court according to knowledgeable informants but such comparisons are of limited value.

Acknowledging these achievements vis-à-vis initial NSRJ objectives does not skip over the contention that there is still much that should and can be done. Victims, while positive, have been less positive about the RJ outcomes than the RJ processes. The level of recidivism among RJ clients, both in the RJ path and subsequently in the court path, has been significant while probably less than their counterparts channelled first into the court process. While the panel studies have found that CJS officials (judges, crowns, police and correctional staff) have become better disposed to RJ as a Justice strategy, there is still little use of RJ at the court and corrections levels and critics at all CJS levels are not hard to find. While the court load has been reduced by the RJ programming there are still many cases of infractions of provincial / municipal statutes that are processed there and there is little use at all CJS levels of YCJA-type conferencing in collaboration with the RJ agencies. The main point however is that restorative justice has been well implemented in Nova Scotia, much more thoroughly than elsewhere in Canada at the youth level, and the value of the RJ approach can thus be heuristically assessed here.

A number of crucial issues present themselves for NSRJ and RJ programming in Nova Scotia. The original vision of RJ, characterizing its initiation and capturing the enthusiasm of its many advocates, was that the philosophy or approach of restorative justice could be applicable in some fashion to all offending and all offenders. Clearly the program has fallen short on that vision and, despite the trends noted in various sections of this evaluation, is limited to young offenders and a limited range of offences (not only those specified in the moratorium on sexual assault and spousal/partner referrals). It may be quite difficult to sustain the positive sentiments and enthusiasm for

restorative justice under the circumstances. Also, the movement or evolution that has occurred – more violent offences dealt with, more person victims, more crown-level referrals – have increased the complexity of the referred cases and challenge the effectiveness of the RJ intervention. This has been evident in the analyses of recidivism (and especially the factors associated with recidivism) as well as in patterns associated with “incompletes” as discussed in the Context B chapter. Can RJ as presently constituted in NSRJ deal well with increasingly complex cases where YCJA guidelines facilitate the use of other informal options for minor offences? Another major issue concerns the exclusivity of CJS referrals. At present the RJ agencies depend exclusively on CJS initiation and this prevents, apparently, a more proactive response to schools, group homes (still a major source proportionately for youth crime and for RJ referrals) and youths under 12 years of age.

The above and other issues (e.g., the trend towards a professional, bureaucratic style) mean that there are plenty of possible trajectories or directions possible for RJ in Nova Scotia. Should the program expand into dealing with adults? The implication of such a development for caseload is huge and the associated budget demands would be considerable if one simply extrapolated based on the number of referrals. Issues of security for staff and facilitators would also loom large perhaps, as might competition from Corrections where staffers currently handle adult diversion cases. Also, many RJ staffers might well prefer to restrict their engagement to youth cases. At the same time the RCMP’s community justice forum and the Mi’kmaq Customary Law Program both deal with adults as well as youth so there are inequities in access to Justice programs depending on the offender’s race/ethnicity or residence. Discussions are on-going between NSRJ and Corrections on this matter. Another possible trajectory concerns the moratorium offences. Certain women’s organizations have forcefully presented views on maintaining the moratorium. Not meaningfully involved in the initiation of the NSRJ, their arguments are quite legitimate and have been treated as such by Department of Justice and NSRJ officials. The evaluator did not find much support for ending the moratorium among the agency personnel either. On the other hand, virtually all interviewed CJS officials beyond the police level have been critical of RJ for not dealing with “low level” cases of sexual assault and partner violence at the post-charge level.

In this evaluator's view, it would be quite appropriate for NSRJ and the RJ agencies to concentrate on the youth category at this time. There are real problems there that seem to require major attention. One is the equity problem and the extent to which RJ serves those of lower socio-economic status, males, Afro-Canadian and the disabled (e.g., FASD youth) as well as it does the middle class, females, Caucasians and non-disabled. The evaluation has raised concerns about this equity problem as well as reaching out to youth outside the CJS. Also, there is a significant and perhaps growing recidivism problem for the RJ path and it raises issues concerning the adequacy of the RJ intervention. Is there an adequate strategy in place to recognize and deal with these problems? Are the local agencies and NSRJ promoting explicit exchanges among facilitators that can sensitize them to the problems and increase their competence for dealing with them? Nova Scotia's RJ implementation could go deeper rather than wider and made a great contribution in that way to the restorative justice movement and the CJS. There is of course a downside to maintaining the focus on youth. Quite apart from possibly alienating those with the big vision for RJ as noted above, the pool of youths 17 years of age and under is declining in Nova Scotia quite sharply, down to 18% of the population from a high of 36% in the early 1970s and slated to go further down to about 16% over the next decade. Perhaps the optimum direction then is to focus on youth at greater depth while spawning modest pilot projects with respect to adult offenders and certain types of offences.

Recommendations or suggestions, aside from directional issues, have been made in the conclusion to each of this evaluation's chapters. Perhaps it would suffice here to reiterate the main suggestion from each section. From Context A the suggestion was that the declining youth population and the impact of the YCJA created the opportunity for RJ in Nova Scotia to focus more creatively on complex youth offenders and offending and thus it would be expected to develop more explicit and formalized strategies for RJ intervention. From Context B, it was suggested that since the majority of referrals even at the crown level do not involve a person victim, what happens in accountability sessions might be rethought, and in particular, for repeat offenders where no victim presence is possible or likely, perhaps the sessions might be conceptualised along the lines of family group conferencing and approached from that restorative justice

angle. From the chapter on exits and follow-up interviews, it was suggested, in keeping actually with the suggestions of the respondents, that improvement would largely require that the RJ process become more RJ, that is, for example, involve all the role players (victims, police officers etc) and effect understanding across sub-cultural lines (especially between youths and adults). From the recidivism chapter, the suggestion was, that given the increasing problem of recidivism, there should be some serious thought given to cases of repeat referral, such as formal agency review of what might have been shortfalls in the previous RJ intervention (s), assessing what social supports for the youth might be better effected, and so on; this may well be done in some agencies but the evaluator has not found it to be usual in any respect in the Halifax area. Of course the evaluator would recommend the pursuit of recommendations contained in earlier reports on responding to Afro-Canadian youths and communities and proactively to youth and staff in the group homes. The evaluator was impressed with the exchange among RJ personnel across the province in 2004 by e-mail. Organized by the NSRJ co-ordinator, it obtained many good ideas on standardizing RJ procedures. Such a mechanism might well be regularly employed to encourage RJ facilitators to exchange views on specific issues and related experiences and also to create a strong co-learning RJ environment in Nova Scotia.

CONTEXT FOR THE NSRJ: YOUTHS AND THE CRIMINAL JUSTICE SYSTEM IN NOVA SCOTIA: PART A

PROBATION AND CUSTODY TRENDS

In this section there is a discussion of the patterns of youth offending reflected in the CJS processing for the years leading up and including the restorative justice era (November, 1999 to the present)? There is also a brief analysis of patterns in court processing for the years 2002-2003 and 2003-2004, and a summary overview of the impact of restorative justice on these patterns. In addition, there will be an assessment of the impact of the federal Youth Criminal Justice Act (YCJA implemented in April 2003) on the referrals to the restorative justice agencies.

Tables D-1 to D-4 provides information on trends in recent years. Table D-1 depicts the sharp decline in admissions to probation that set in shortly after the mid-1990s and has continued sharply ever since then. Table D-2 dealing with annual month end probation counts mirrors this admissions data. Table D-3 indicates that the rate of youth “sentenced to custody” has also declined over this period, more modestly than the probation decline until 2002-2003. The overall trend in youth custody numbers was modestly upwards until 1998 because of the increasing use of remand; however, since then, remand trends have largely reinforced sentencing trends with the result that the overall custody rates declined sharply since 2001. The “in-house counts” noted in D-4 shows the two transition periods well, 1997-98 and 1998-99 and, much more dramatically, 2003-04 and 2004-05, the years immediately following the introduction of the YCJA. In-house custody counts reveal that currently the level of custody is less than a third of the peak level of 1996-97; at the end of 2004 there were 54 youth in Nova Scotia’s only closed custody facility for young offenders.

Apart from the impact of the YCJA in recent years, it is not clear what factors account the most for these trends but likely socio-demographic factors (e.g., the age distribution of the youth population) and Justice policy have been crucial; for example, probation officers throughout Nova Scotia indicated in 2003 that the “minimums” or less demanding probation cases had been declining as a proportion of their caseloads over the past five years and that the trend accelerated with the introduction of restorative justice.

Clearly, the rates take into account the youth population as a whole so a

population decline cannot in itself be a determinant of the probation and custody trends. Still, it is interesting that the percentage of youth under eighteen years of age has declined appreciably in Nova Scotia since 1971 both in absolute terms and as a proportion of the total provincial population. In 1971 such youth made up approximately 36% of the provincial population but dropped to roughly half that proportion, namely 18%, in 2001. The raw numbers were 293,000 in 1971 and 199,000 in 2001. According to the Nova Scotia Government's projections (website, Nova Scotia Demographic Trends), the population under eighteen years of age is expected to decline further in absolute and percentage terms between 2001 and 2020. It seems likely then that, for a variety of reasons, youth numbers in probation and custody will continue to decline in the decade ahead.

Tables D-5 and D-6 put the Nova Scotian patterns in Canadian context for the year 2002-03. It can be seen that Nova Scotia had a comparatively high level of probation admission - the third highest rate in Canada according to table D-5. On the other hand its rates of "sentenced custody" were on the middling-low side, being fourth lowest as shown in table D-6. In other words, overall the Nova Scotian combined pattern of probation and custody – the basic formal major CJS sanctions - was close to the Canadian norm. Interestingly, a Statistics Canada release (Juristat, vol.24, #6) reported that in 2003 Nova Scotian youth (12 to 17 inclusive) had a higher rate of violent crime and property crime than the Canadian average and higher than all provinces east of Manitoba, and that the rate had increased faster than these other five central-eastern provinces.

Tables D-7 to D-9 examine recent patterns with respect to youth "charged" and "not charged". As noted in the footnote to table D-7, national data indicate that there was a marked shift, especially in 2003, between these two rates, with the former declining and the latter rising sharply. The shift was of course associated with the introduction of the Youth Criminal Justice Act which encouraged the use of alternatives to court processing. In the case of Nova Scotia, the long-term reduction in rates of charging clearly spiked in 1999, the year the restorative justice program was introduced. It can also be seen in D-7

that the rate of “youths not charged” rose sharply in two periods, namely 1999 when the RJ program was introduced in four regions of the province, and 2001-02 when it was fully implemented throughout Nova Scotia. In 1993, almost five times as many young offenders were charged as not charged, but by 2004, the rate of “not charged” was much greater (i.e., closing in on double) that of “charged”. Table D-8 shows that the combined rate of charged and not charged young offenders - better labelled “accused” - has increased steadily in Nova Scotia since the introduction of the restorative justice program in 1999 and this trend has been reinforced by the YCJA. The increase associated with the implementation of RJ could be considered as “net-widening”, that is more young accused persons are dealt with formally (as opposed to informal, unrecorded, warnings) and so “captured” in CJS statistics. While “net-widening” usually carries a negative connotation, it might well be that casting a wider net and dealing more formally with young accused would be beneficial for both the youth and the larger society (including the CJS).

The Centre for Justice Statistics (Statistics Canada) regularly publishes “youth accused” rates. It can be seen in table D-9 that Nova Scotia has the fourth highest rate at 1,009 per 10,000 youth population, well below Saskatchewan which has a very high rate and well above the other Maritime Provinces, Ontario and Quebec. Such a finding is consistent with the fact that Nova Scotia has the most extensive and thorough restorative justice program in Canada.

ON THE EVE OF THE YCJA

As noted above, on the eve of the implementation of the YCJA, Nova Scotia was close to the Canadian norm in its use of the two major formal CJS sanctions (i.e., probation and custody) but well above the Canadian norm in its use of the “non-charge” option. Tables D-10 to D-13 provide data on the court processing of the young offenders for the period April 2002 to March 2003 just prior to the launching of the YCJA and for the year immediately following, namely fiscal 2003-2004. Court-processed here refers to youth criminal charges that were registered in Nova Scotian courts and recorded in the JOIS (Justice Oriented Information Statistics) system. The data sets did not include motor vehicle charges outside the criminal code, provincial or municipal statutes. In some instances the charges or cases were subsequently referred to restorative justice agencies,

basically as pre-plea, crown-level referrals. In the year 2002-2003 youth accounted for roughly 16% of all charges recorded in JOIS. It may be noted that there was a significant decline in youth charges and cases in 2003-2004 (17% and 22% respectively) so undoubtedly the contribution of youth cases to the criminal courts declined as hoped for in the YCJA.

Table D-10 indicates that on average each incident or case (technically defined as all charges faced by the same individual in the same court on the same day) entailed slightly more than two charges. Over 50% of the charges and cases involved youth aged 16 or 17 while 11% were 13 or under in 2002-2003 and 8% were of this age category in 2003-2004. Interestingly, the sub-sample of youth aged 16 or 17, who accounted for over 50% of the all charges and cases, did not yield significantly different profiles than the younger youth with respect to offence pattern, conviction rates and recidivism but they were less likely to be represented by Nova Scotia Legal Aid and more likely to have no representation or private counsel.

Table D-11 presents the charge and case profiles by offence type for both fiscal years. For cases, where multiple charges were involved, the most serious charge was provided. The patterns over the two years were quite similar and indeed virtually identical in terms of the rank order of offences by percentage in each year. The offenses charged ran the gamut from attempted murder (three or four depending on the year) to mischief (roughly 120 cases each year). Theft (typically “theft under”) was one of the most common offences and, along with possession of stolen property, accounted for almost a quarter of all criminal cases in both periods. The combination of assaults and break and enter accounted for another approximately one-third of all cases. Aside from person and property offenses, the most common c.c. offence was “administration of justice” (e.g., “no show”, breaches) which accounted for nearly a quarter of all the charges and a fifth of all cases in both 2002-2003 and 2003-2004. While the percentage distribution of offences remained roughly the same before and after the YCJA, the major offences affected by it, in terms of absolute numbers, were theft under (declining from 352 to 216 cases), drug possession (declining from 109 to 18 cases), break and enter (declining from 161 to 98 cases) and minor assault (declining from 161 to 135 cases). Such declines would appear to be quite congruent with the objectives of the YCJA

focused around the use of extra-judicial sanctions for less serious offences. As noted, this JOIS data set excludes violations of municipal and provincial statutes which together accounted for 66% of the youth charges in the two year period. The dominant provincial offence by far was motor vehicle violation which itself accounted for 46% of all court-processed youth offenses in those two years.

Table D-12 provide information on the pattern of youth criminal code offending by whether the charge was made in metropolitan Halifax or elsewhere in Nova Scotia. According to the 2001 Census, 35% of all Nova Scotian youth between the ages of 12 and 17 inclusively, resided in metropolitan Halifax. The ratio of male to female youth was modestly greater in non-metropolitan Nova Scotia, that is 52 % to 48% compared with 51% to 49% in metropolitan Halifax; the gender gap outside metropolitan Halifax was especially noticeable among youth aged 15 to 17, the age categories most likely to be processed in court on criminal charges. Looking at table D-12 it is clear that robbery and major assault were much more likely - especially robbery - to be youth crimes in metropolitan Halifax in 2002-2003 and, though less so, in 2003-2004. Administration of justice offences did not diverge much by location, while break and enter and sexual assault were most common, proportionately, outside the metropolitan area. These patterns are congruent with the observation made in previous evaluation reports, namely that gang-type youth offences are more common in the Halifax area. It was rather surprising, to the evaluator at least, that sexual assault, and especially break and enter, would be proportionately more common outside the metropolitan area; perhaps the gender gap noted above may account for some of this variation.

Table D-13 provides data on selected features of youth offending on the eve of the YCJA implementation and for the year following it. The most serious category of offenses, namely significant person violence including robberies and designated Category A offence type in the table, accounted for almost 25% of all cases in both periods and these were concentrated more in metropolitan Halifax as noted above. Males accounted for 80% of all cases in 2002-2003 and 83% in 2003-2004. All youth are entitled to legal aid in Nova Scotia and the table indicates that, where counsel data were available, 72% of

the youth did utilize the service at least for their final court appearance on the case. In 2002-2003 only 12% used private defence counsel while, surprisingly, some 16% were self-represented (as noted, older youth were more likely to be “self-represented” but the overall 16% figure is suspect given the mandatory Legal Aid and record keeping practice at that time); in 2003-2004 there was a slight increase in the percentage represented by private defence counsel. In 2002-2003, about two-thirds of the youth cases concluded with a conviction on at least one charge while in 2003-2004 the conviction rate declined by 10%. Acquittals, dismissals and withdrawn cases constituted about one-third of the resolved total. Cases referred to restorative justice would typically be recorded as “withdrawn” once the crown prosecutor was notified of a successful RJ conclusion. Finally, the table records the level of recidivism found in this court data set. The data set provides all charges against persons aged 17 or under in a twelve month period so, clearly, recidivism has a limited meaning, namely all different incidents or cases in 2002-2003 or in 2003-2004 involving the same youth aged 17 or under. In this very limited sense, 67% in each time period had no recidivism (i.e., were involved in only one incident which may or may not have entailed multiple charges), about 18% had a recidivism score of 1 (i.e., two cases or incidents) and 15%, a score of 2 or more (three or more incidents). These data do suggest that recidivism is quite commonplace as at least 33% of the youths had recidivated within the short 12 month period (and the reader should note that police referrals to restorative justice would not be included in the court data in any way). In that regard, the data are consistent with data presented elsewhere in this report on recidivism among court-processed young offenders.

Overall, then, the court data indicate that youth cases declined significantly subsequent to the implementation of the YCJA and made up a smaller proportion of all cases in provincial criminal court. This pattern was in keeping with the longer trend noted above but clearly the YCJA enhanced that trend. The decrease in youth charges and cases dealt with in criminal court was especially found – in absolute terms – in the offences of “theft under”, simple drug possession, mischief, and break and enter. With the possible exception of the latter, an offence that can vary significantly in its seriousness, these are indeed the offences apparently targeted for extra-judicial sanctions by the YCJA. These JOIS data also indicated that most young offenders processed through the courts were

male, over 15 years of age and having a high rate of recidivism. These data also reinforce the perceptions of most interviewed police officers that criminal quasi-gangs are largely restricted to the metropolitan area.

IMPACT OF THE YCJA

It appears that alternative measures programming throughout Canada may have been impacted, at least on a short-term basis, by the implementation of the YCJA in April 2003. The Public Safety officials in New Brunswick who co-ordinate the alternative measures in that province, reported that referrals were down significantly, since “it (the YCJA) empowered police and allowed them to do other things such as a phone call and that’s that”. Several RCMP officers, when questioned about the decline in referrals, indicated that “yes, the officers phone now”. In metropolitan Halifax, the regional police service had been encouraging formal police cautions as a presumptive strategy for certain first time offenses and the implementation of the YCJA encouraged a more informal response by officers; indeed, a knowledgeable departmental source reported that, because of the HRPS policy and the YCJA, there was a pick-up in officers responding to shoplifting for example by “taking no further action”. One could well at least expect an initial decline in referrals by police but would this be counter-balanced by more referrals and “conferences” on the part of crown prosecutors and judges and would the police referrals involve more serious offending and repeat offenders? Here the quantity question is dealt with while patterns of referral types and sources will be considered in the next section.

The data presented in table D-14 clearly indicate a significant decline in police referrals to the RJ agencies, as well as in the number of cautions issued by police in Nova Scotia. The comparison of the fiscal years 2002/03 and 2003/04 shows an overall decline in referrals of 16% for the latter year, attributable in whole to the decline in police referrals (i.e., 33%). There was variation by RJ agency with Truro, Amherst and Sydney bearing the brunt of the decline. That decline in police referrals was off-set to some extent by an increase in crown-level referrals but this counter-impact was mostly experienced in the Halifax area. Additionally, there was little impact associated with the

“conferencing” recommendations of the YCJA. Few if any conferences were held by crown prosecutors or correctional officials, at least conferencing of the restorative justice rather than professional type. There were some thirteen conferences initiated at the judicial level in 2003-2004, all but one of which taking place in the Halifax area.

The negative impact of the YCJA for police referrals to the RJ agencies appeared initially to have been largely a “blip”. Table D-15 presents data for the five months subsequent to the implementation of the YCJA and the corresponding five months a year later in 2004. It can be seen that police referrals – as well as crown referrals – increased in the 2004 period and overall rose by 11%. The increase was especially evident precisely in the areas where the decline immediately following the YCJA implementation had been most significant, namely Truro and Amherst. The Sydney area was something of an anomaly as there, police referrals continued to decline, though at a lower rate. The Kentville agency experienced a delayed YCJA effect. It alone had registered an increase in referrals in 2003-04 compared to 2002-03 but the five months comparison indicated a significant decline, especially in police referrals, in the 2004 period. In the Halifax area both police and crown referrals increased, by 15% and 25% respectively. It may be noted that corrections referrals were down sharply in the 2004 period but they constituted a small proportion of agency workload and their decline appears to be related to a fall-off in the proactive strategy whereby certain probationers were sought out for possible RJ participation.

Table D-16 reports comparable data for the fiscal years 2003-04 and 2004-05 and indicates that there was little change but, what there was, was modestly positive in terms of the number of referrals. Police, Crown and Court referrals increased a little while Corrections’ referrals – largely because of the policy change noted above – declined significantly. The overall patterns masked much inter-agency variation as Halifax and Truro had significant increases compared to 2003-04 while Kentville, Amherst and Sydney experienced significant declines. The data suggest that the YCJA effect may well have been a one-time effect for police referrals but one which has slashed referrals by approximately 30% over the five regional agencies; in 2002-03 there were 1194 police referrals whereas in 2004-05 the number was only 827. Police formal cautions, as recorded via the RJIS, also fell by approximately 40% over the same period, declining in

each of the fiscal years by roughly 20%*. It is clear then that the YCJA impacted directly on how police exercised their discretionary powers in responding to youth crime, encouraging or facilitating a less formal response. Some of the decline in referral numbers could perhaps be attributed to a decline in the population of youths aged 12 to 17 throughout Nova Scotia but the YCJA impact accounted for most of the variation by fiscal year.

Overall, then, the data suggest that the YCJA-engendered decline in police referrals has been significant and created a new, lower bench-mark. The data also suggest a steady increase in crown-level referrals, a decline in proactive probation referrals and little change at the court level. It may well be that the more significant long-term impact of the YCJA for the RJ system in Nova Scotia would be on the type of offenses referred, contributing to more complex offending being handled by the RJ agencies. In that sense then the RJ agencies would have lower caseloads but more demanding cases to respond to.

SUMMARY

There are several conclusions that can be drawn from the above analyses:

1. Nova Scotia, compared with other jurisdictions in Canada, has had a fairly high rate of serious youth crime and an average use of the major formal sanctions (probation and custody) over the past twenty years.
2. Nova Scotia has experienced a significant decline in rates of probation and custody – similar to elsewhere in Canada - due to Justice Policy and to the age structure of the population.
3. Population trends in Nova Scotia indicate a significant decline both in absolute numbers and in proportional share of total provincial population on the part of youth
4. There has been some “net-widening” in Nova Scotia associated with the implementation of restorative justice, as reflected in the CCJS’ s monitoring of “accused statistics” for youth.
5. Youth cases processed in provincial criminal courts declined significantly in the year following the implementation of the YCJA and now represent well under 15% of the court load in Nova Scotia. The long-term decline in youth cases was clearly enhanced by the YCJA’s impact and the latter was evident especially in the offence-types targeted

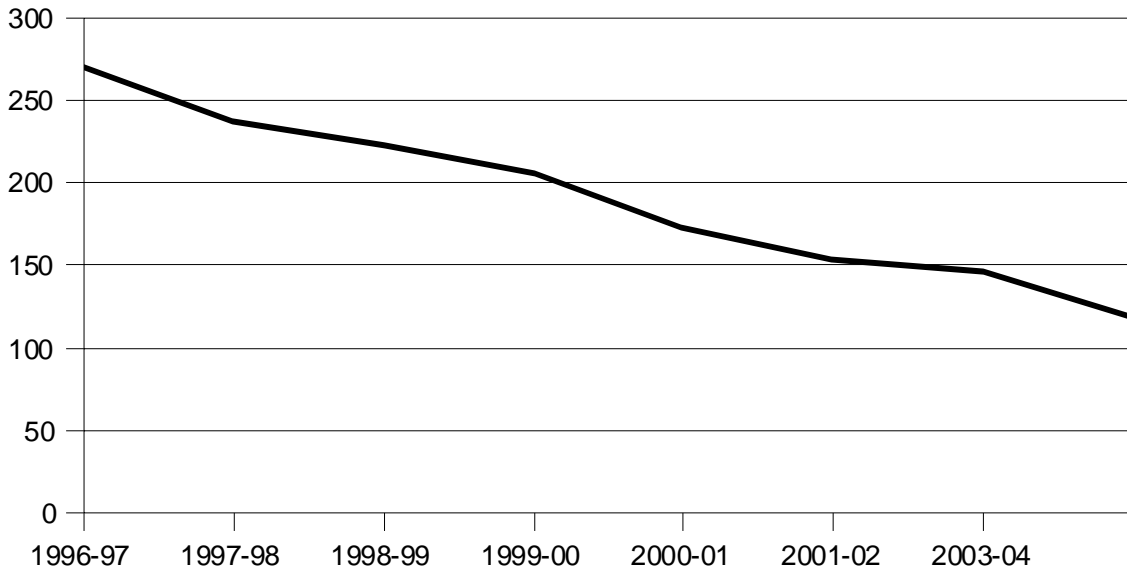
by the YCJA for greater use of extra-judicial sanctions, namely “theft under”, mischief, and simple possession of soft drugs. Aside from that major pattern, the JOIS data for the years 2002-2003 and 2003-2004 yielded very similar patterns. These latter indicate that youth cases overwhelmingly involve males, more often older youths, and youths having a high level of recidivism. The data also suggest interesting metropolitan – small town/rural differences in youth crimes. Unfortunately the JOIS data did not permit any analysis using racialized categories.

6. The YCJA did have a pronounced impact on police referrals to restorative justice, resulting in fewer police referrals, and may have a long-term impact on the complexity of cases referred to the local RJ agencies.

* The 2004-05 data on formal police cautions indicate that HRPS and RCMP in the metropolitan Halifax area accounted for 46% of the recorded number. Virtually all Afro-Canadian youth given a formal police caution were located in metropolitan Halifax and such youths accounted for 15% of HRPS’ formal cautions.

D-1: Admissions to Probation, 1996-97 to 2003-04, Nova Scotia*

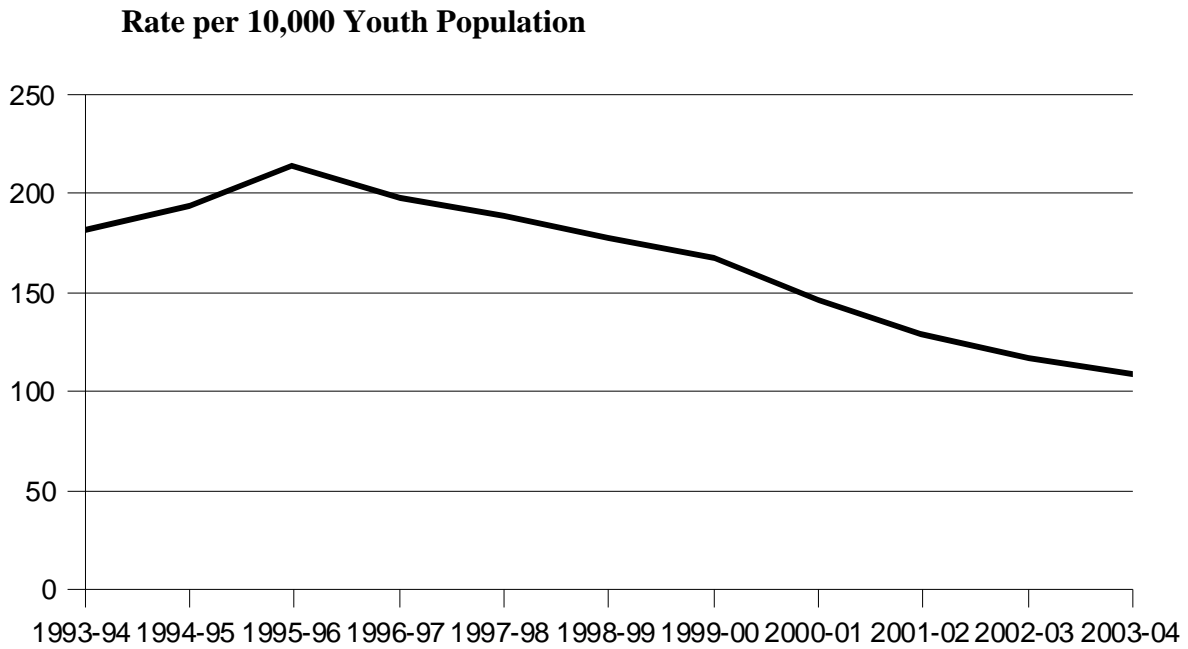
Rate per 10,000 Youth Population



Source: Department of Justice, Nova Scotia

Admissions to probation have consistently declined from 1996-97. In 1996-97 the admission rate was 270 per 10,000 youth population and in 2003-04 it was 119 per 10,000 youth population, a 56% drop.

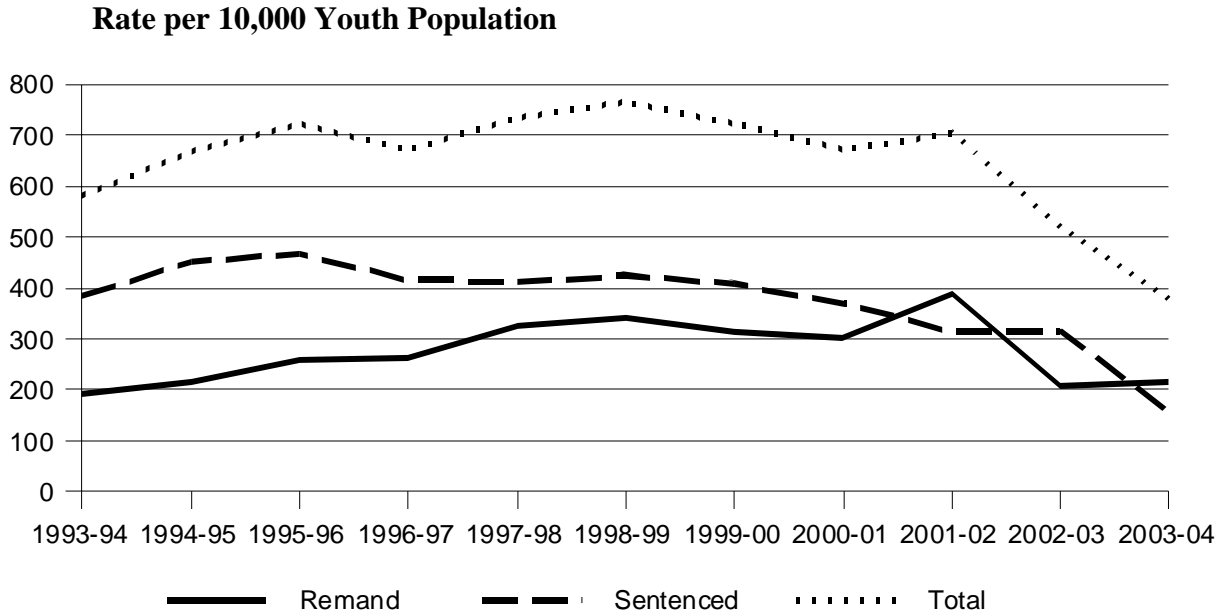
D-2: Average Annual Month End Probation Counts, 1993-94 to 2003-04



Source: Department of Justice, Nova Scotia

Displayed in this graph are average annual month end counts of probationers from 1993-94 to 2003-04. As with admissions the trend has been downwards. Peaking in 1995-96 average counts have declined from 213 per 10,000 youth population to 109 in 2003-04, a drop of 49%.

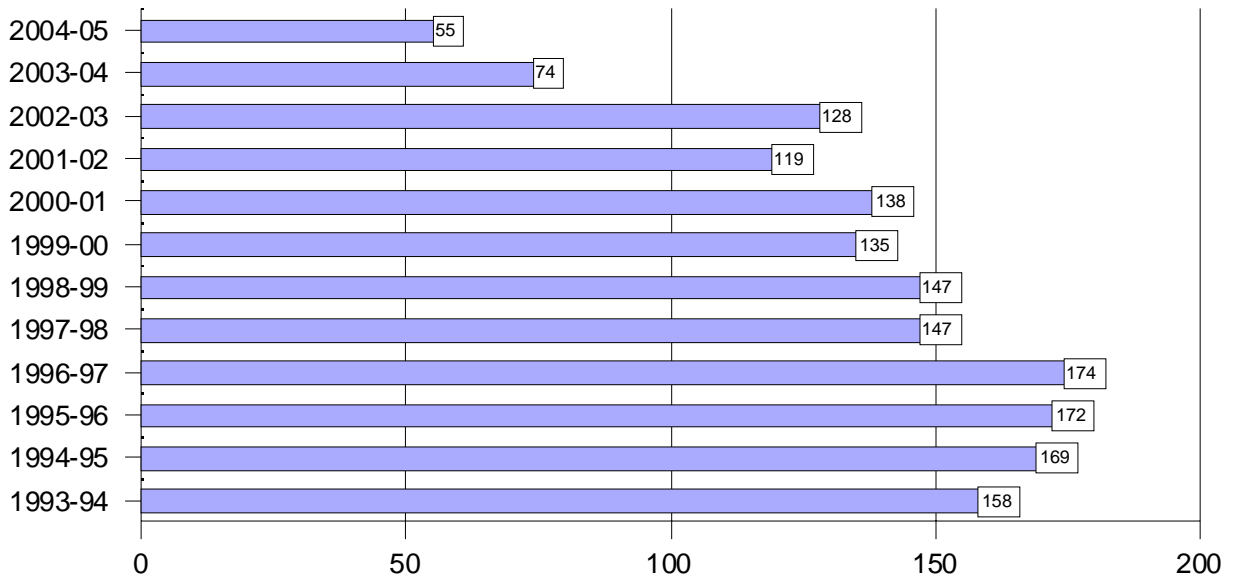
D-3: Admissions to Custody, 1993-94 to 2003-04, Nova Scotia*



Source: Department of Justice, Nova Scotia

Displayed in the above figure are long term trends in custody admissions from 1993-94 to 2003-04. As may be noticed from 1993-94 to 1998-99 the trend was upwards, largely driven by the increased number of remand admissions. As may be noticed sentenced admissions generally declined over the course of the series.

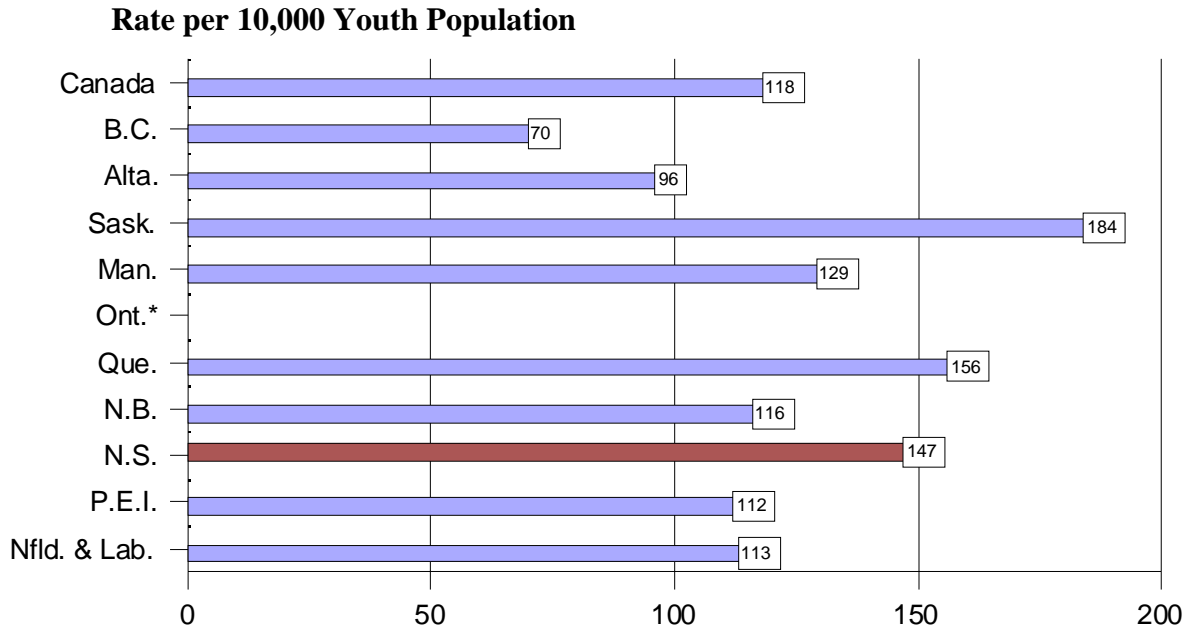
D-4: Average Annual In-House Counts, 1993-94 to 2004-05, Nova Scotia*



Source: Department of Justice, Nova Scotia

This graph provides information on average annual in-house counts from 1993-94 to 2004-05. In-house counts include sentenced and remanded offenders and the data represents persons actually in the facility. As may be noted between 1993-94 and 2002-03 in-house counts have generally declined, albeit at a modest pace. In 2003-04 with the implementation of the YCJA in-house counts dropped dramatically declining from 128 to 74, a 42% on year drop.

D-5: Probation Admission Rates, Canada and the Provinces, 2002-03\

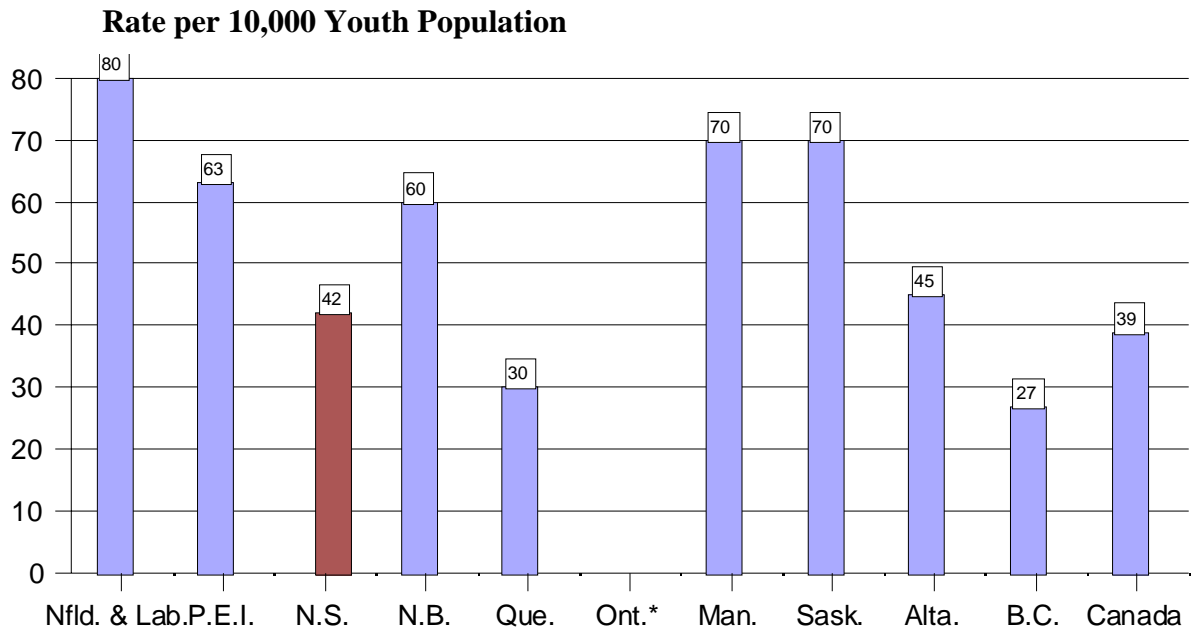


* Data for Ontario is only for 16-17 year olds as 12-15 year olds come under the auspices of Family & Children's Services and these data are not available. Thus, Ontario rates have not been included. Canada rates also exclude Ontario.

Source: Department of Justice

Displayed in the above figure are probation admission rates comparing Canada and the provinces. Saskatchewan had the highest admission rate at 184 while British Columbia had the lowest at 70. Nova Scotia stood third at 147.

D-6: Sentenced Custody Rates Comparing Canada and the Provinces, 2002-03*

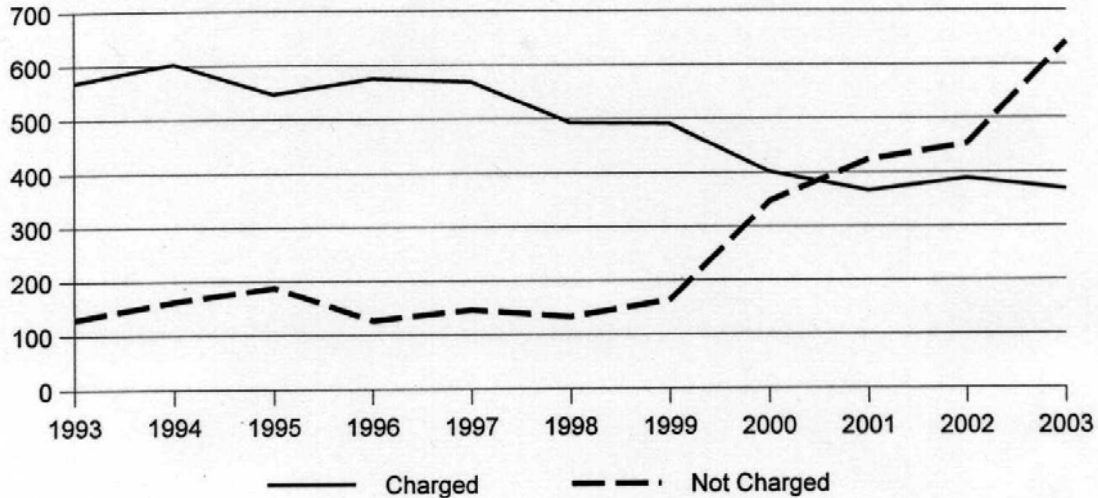


* Data for Ontario is only for 16-17 year olds as 12-15 year olds come under the auspices of Family & Children's Services and these data are not available. Thus, Ontario rates have not been included. Canada rates also exclude Ontario.

Source: Department of Justice, Nova Scotia

With respect to sentenced custody, Newfoundland and Labrador had the highest admission rates at 80 per 10,000 youth population while British Columbia had the lowest at 27 per 10,000 youth population. Nova Scotia stood 4th lowest at 42.

**TABLE D-7
YOUTH CHARGED AND NOT CHARGED IN NOVA SCOTIA, 1993-2003
RATE PER 10, 000 YOUTH POPULATION**

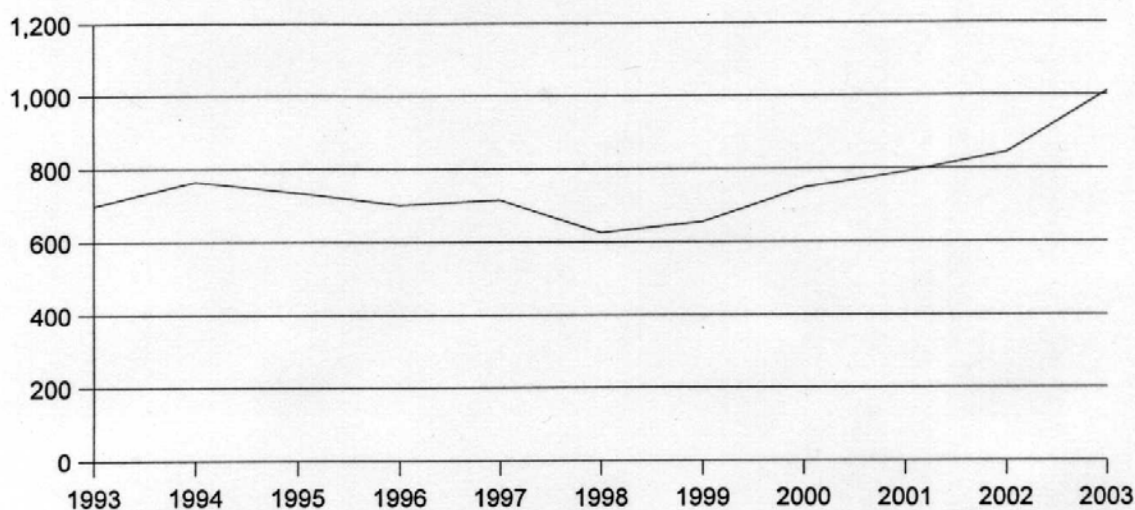


With the introduction of the Youth Criminal Justice Act there has been a significant shift in the number of youth diverted from the courts. While the national data shows this marked shift from 2002 to 2003 the process in Nova Scotia actually commenced in 1999 when the Department of Justice began implementing Restorative Justice with a pilot program in four areas of the province. Full implementation took place during 2001.

From 1999 to 2003 the rate of youth not charged per 10,000 youth population rose from 164 to 641 representing 290% increase. On the other hand the number of youth charged by police has declined. While there has been a general drop from 1993 to 1998 the process began to accelerate in 1999. From 1999 to 2003 the rate of youth charged dropped by 25% and from 2002 to 2003 by 5%.

Source: Department of Justice, Nova Scotia

TABLE D-8
YOUTH 'ACCUSED' RATE IN NOVA SCOTIA, 1993-2003
RATE PER 10, 000 YOUTH POPULATION



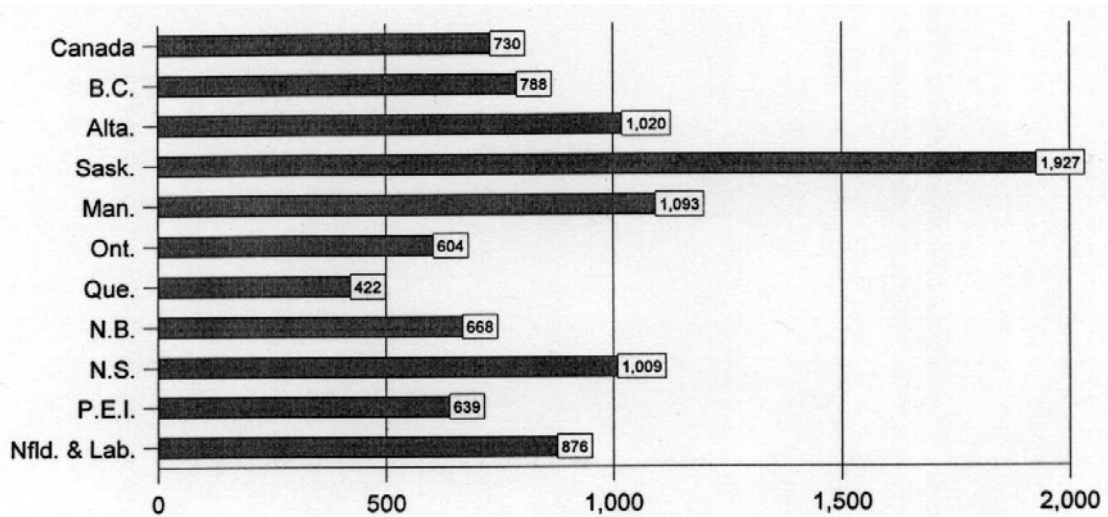
In order to make a more accurate assessment of youth involvement (as a result of the introduction of the Youth Criminal Justice Act- YCJA) in crime the Canadian Centre for Justice Statistics has combined youth charged by police and youth 'not charged' (i.e. diverted) into a youth 'accused' rate.

Figure 7 shows the youth accused rate from 1993 to 2003. Up until 1999 the youth accused rate generally declined (from 1993 to 1999 the rate dropped by 6%). Then, with the introduction of the Restorative Justice pilot program in 1999 the youth accused rate began to increase and accelerated as the program went province wide in 2001 and continued to increase in 2003 with the YCJA in effect.

From 1999 to 2003 the youth accused rate increased by 54%. Rather than representing a 'real' increase in youth crime this may represent 'net widening'. Prior to Restorative Justice and the YCJA police may have dealt with youth involved in minor offences informally. But with Restorative Justice and the YCJA police may be using a more formalised process which captures, in a statistical sense, more youth.

Source: Department of Justice, Nova Scotia

TABLE D-9
YOUTH 'ACCUSED' RATES COMPARING CANADA AND THE PROVINCES,
2003
RATE PER 10, 000 YOUTH POPULATION



Shown in the above figure are the youth accused rates comparing Canada and the provinces. As may be noted Saskatchewan had the highest rate at 1,927 youth per 10,000 population while Quebec had the lowest rate at 422. Nova Scotia stood 4th highest at 1,009 per 10,000 youth population.

Source: Department of Justice, Nova Scotia

TABLE D-10**YOUTH CHARGES AND CASES,*****JOIS, APRIL 2002-MARCH 2003 and APRIL 2003 – MARCH 2004**

| Age | April 2002 – March 2003 | | | | April 2003 – March 2004 | | | |
|-------|-------------------------|-----|-------|-----|-------------------------|----|-------|-----|
| | Charges | | Cases | | Charges | | Cases | |
| | # | % | # | % | # | % | # | % |
| 12 | 61 | 2 | 29 | 2 | 33 | 1 | 17 | 1 |
| 13 | 332 | 9 | 147 | 9 | 208 | 7 | 81 | 7 |
| 14 | 469 | 13 | 227 | 13 | 443 | 15 | 187 | 15 |
| 15 | 770 | 22 | 362 | 22 | 624 | 21 | 240 | 20 |
| 16 | 732 | 21 | 356 | 22 | 841 | 29 | 339 | 28 |
| 17 | 1194 | 33 | 522 | 32 | 754 | 26 | 351 | 29 |
| Total | 3558 | 100 | 1643 | 100 | 2904 | 99 | 1215 | 100 |

* This data set refers to court-processed charges and cases for all youth, aged twelve to seventeen inclusive, for the years 2003 and 2004. A case includes all charges faced by the same individual in the same court, on the same day.

TABLE D-11**YOUTH CHARGES AND CASES BY OFFENCE****JOIS, APRIL 2002- MARCH 2003 and APRIL 2003 – MARCH 2004**

| Offence Type | April 2002- March 2003 | | | | April 2003 – March 2004 | | | |
|------------------------------|------------------------|------|-------|------|-------------------------|------|-------|------|
| | Charges | | Cases | | Charges | | Cases | |
| | # | % | # | % | # | % | # | % |
| Attempted Murder | 4 | 0.1 | 4 | 0.2 | 4 | 0.1 | 3 | 0.1 |
| Sexual Assault | 52 | 1.5 | 32 | 1.9 | 48 | 1.7 | 23 | 1.9 |
| Sexual Abuse | 23 | 0.6 | 4 | 0.2 | 13 | 0.4 | 6 | 0.5 |
| Kidnapping | 6 | 0.2 | 1 | 0.1 | 8 | 0.3 | 2 | 0.2 |
| Robbery | 111 | 3.1 | 48 | 2.9 | 71 | 2.4 | 42 | 3.5 |
| Major Assault | 162 | 4.6 | 76 | 4.6 | 144 | 5.0 | 82 | 6.7 |
| Minor Assault | 274 | 7.7 | 193 | 11.7 | 214 | 7.4 | 135 | 11.1 |
| Break and Enter | 329 | 9.2 | 161 | 9.8 | 205 | 7.1 | 98 | 8.1 |
| Weapons | 102 | 2.9 | 30 | 1.8 | 58 | 2.0 | 19 | 1.6 |
| Fraud | 73 | 2.1 | 27 | 1.6 | 46 | 1.6 | 15 | 1.2 |
| Theft | 508 | 14.3 | 352 | 21.4 | 447 | 15.4 | 216 | 17.8 |
| Stolen Property | 307 | 8.6 | 51 | 3.1 | 201 | 6.9 | 55 | 4.5 |
| Arson | 14 | 0.4 | 7 | 0.4 | 24 | 0.8 | 13 | 1.1 |
| Property Damage and Mischief | 239 | 6.7 | 121 | 7.4 | 322 | 11.1 | 118 | 9.7 |
| Drug Trafficking | 4 | 0.1 | 3 | 0.2 | 16 | 0.6 | 12 | 1.0 |
| Drug Possession | 176 | 4.9 | 109 | 6.6 | 27 | 0.9 | 18 | 1.5 |
| Morals – Sex | 4 | 0.1 | 3 | 0.2 | 6 | 0.2 | 5 | 0.4 |
| Public Order | 35 | 1 | 22 | 1.3 | 27 | 0.9 | 8 | 0.7 |
| C.C. Traffic | 53 | 1.5 | 15 | 0.9 | 50 | 1.7 | 14 | 1.2 |
| Impaired Driving | 28 | 0.8 | 12 | 0.7 | 17 | 0.6 | 7 | 0.6 |
| Adm. Of Justice | 818 | 23 | 296 | 18 | 742 | 25.6 | 245 | 20.2 |
| Other C.C. | 236 | 6.6 | 76 | 4.6 | 214 | 7.4 | 79 | 6.5 |
| Total | 3558 | 100 | 1643 | 100 | 2904 | 100 | 1215 | 100 |

TABLE D-12**YOUTH CHARGES, JOIS, APRIL 2002 – MARCH 2003 and APRIL 2003 –
MARCH 2004****2. SELECTED METRO – NON-METRO COMPARISONS**

| | Feature | April 2002 – March 2003 | | April 2003 – March 2004 | |
|----|-----------------------|-------------------------|----|-------------------------|----|
| | | # | % | # | % |
| 1. | Robbery | | | | |
| | Metro Halifax | 94 | 85 | 59 | 83 |
| | Other N.S. | 17 | 15 | 12 | 17 |
| 2. | Sexual Assault | | | | |
| | Metro Halifax | 15 | 29 | 13 | 27 |
| | Other N.S. | 37 | 71 | 35 | 73 |
| 3. | Major Assault | | | | |
| | Metro Halifax | 74 | 46 | 52 | 36 |
| | Other N.S. | 88 | 54 | 92 | 64 |
| 4. | Adm. Justice Offences | | | | |
| | Metro Halifax | 302 | 37 | 269 | 36 |
| | Other N.S. | 516 | 63 | 473 | 64 |
| 5. | Break and Enter | | | | |
| | Metro Halifax | 67 | 20 | 39 | 19 |
| | Other N.S. | 262 | 80 | 166 | 81 |

* Metro Halifax cases may come from either of the two provincial courts or the Halifax Supreme / Family Court.

TABLE D-13

YOUTH CASES, JOIS, APRIL 2002 – MARCH 2003 and APRIL 2003 – MARCH 2004

SELECTED FEATURES

| | Feature | April 2002 – March 2003 | | April 2003- March 2004 | |
|----|----------------------|-------------------------|----|------------------------|----|
| | | # | % | # | % |
| 1. | Case Disposition | | | | |
| | Convicted | 1076 | 66 | 715 | 59 |
| | A/W/D* | 532 | 32 | 463 | 38 |
| | Other | 35 | 2 | 35 | 3 |
| 2. | Legal Representation | | | | |
| | NSLA | 1127 | 72 | 832 | 72 |
| | Self-Rep** | 239 | 16 | 147 | 13 |
| | Private Counsel | 192 | 12 | 162 | 15 |
| 3. | Offence Type*** | | | | |
| | Category A | 386 | 24 | 293 | 24 |
| | Category B | 1230 | 74 | 904 | 74 |
| | Category C | 27 | 2 | 21 | 2 |
| 4. | Gender | | | | |
| | Male | 1318 | 80 | 1001 | 83 |
| | Female | 323 | 20 | 210 | 17 |
| 5. | Recidivism | | | | |
| | No | 682 | 67 | 494 | 67 |
| | Yes | 339 | 33 | 242 | 33 |

*These letters stand for acquitted, withdrawn or dismissed, respectively.

** Youths in Nova Scotia are provided with legal aid (i.e. NSLA) unless represented by private counsel or allowed to refuse counsel. It is not clear whether “refusal” or incomplete data account for this high percentage.

*** Category A refers to violent person offences including robbery. Category C refers to *Criminal Code* driving offences and category B to all other charges.

**TABLE D-14
YCJA'S IMPACT ON RJ**

REFERRALS, 2002/2003 AND 2003/2004*

1. Overall

| Period | Police | Crown | Court | Corrections | Total | Recorded Formal Police Cautions** |
|-----------------|---------------|--------------|--------------|--------------------|--------------|--|
| 2002/03 | 1194 | 396 | 22 | 67 | 1679 | 625 |
| 2003/04 | 799 | 510 | 21 | 73 | 1403 | 485 |
| Difference | -395 | +114 | -1 | +6 | -274 | -140 |
| % Difference | -33% | 29% | - | 8% | -16% | -23% |

* Data courtesy N.S. RJ, May 2004

** These refer to recorded formal police cautions reported to NSRJ.

2. Selected Agencies, All Referrals

| Period | Truro | Amherst | Sydney* | Kentville | Halifax |
|-----------------|--------------|----------------|----------------|------------------|----------------|
| 2002/03 | 166 | 126 | 328 | 165 | 548 |
| 2003/04 | 62 | 92 | 228 | 184 | 519 |
| Difference | -104 | -34 | -100 | 19 | -29 |
| % Difference | -62% | -27% | -30% | 11% | -5% |

* Sydney here includes Sydney and Inverness/Richmond offices.

TABLE D-15

YCJA'S IMPACT ON RJ*

REFERRALS ACCEPTED, APRIL 1 TO AUGUST 31, 2003, 2004

1. Overall

| Period | Police | Crown | Court | Corrections | Total |
|---------------|---------------|--------------|--------------|--------------------|--------------|
| 2003 | 334 | 175 | 11 | 34 | 554 |
| 2004 | 378 | 215 | 11 | 13 | 617 |
| Difference | 44 | 40 | 0 | -21 | 63 |
| % Difference | 13% | 23% | 0% | -61% | 11% |

* Data courtesy NSRJ Summer, 2004

2. Selected Agencies, Overall

| Period | Truro | Amherst | Sydney* | Kentville | Halifax |
|---------------|--------------|----------------|----------------|------------------|----------------|
| 2003 | 19 | 30 | 91 | 65 | 225 |
| 2004 | 44 | 38 | 84 | 49 | 273 |
| Difference | 25 | 8 | -7 | -16% | 48 |
| % Difference | 130% | 27% | -8% | -25% | 21% |

* Sydney here includes Sydney and Inverness/Richmond offices.

3. Selected Agencies, Police Referrals

| Period | Truro | Amherst | Sydney* | Kentville | Halifax |
|---------------|--------------|----------------|----------------|------------------|----------------|
| 2003 | 9 | 17 | 61 | 54 | 100 |
| 2004 | 39 | 34 | 55 | 40 | 115 |
| Difference | 30 | 17 | 6 | -14 | 15 |
| % Difference | 330% | 100% | -10% | -26% | 15% |

TABLE D-16**YCJA'S IMPACT ON RJ****REFERRALS, 2003/2004 AND 2004/2005***

1. Overall

| Period | Police | Crown | Court | Corrections | Total | Recorded Formal Police Cautions** |
|---------------|---------------|--------------|--------------|--------------------|--------------|--|
| 2003/04 | 799 | 510 | 21 | 73 | 1403 | 485 |
| 2004/05 | 827 | 524 | 45 | 19 | 1415 | 380 |
| Difference | +28 | +14 | +24 | -54 | +12 | -105 |
| % Difference | +3% | +3% | +53% | -74% | +1% | -22% |

* Data courtesy N.S. RJ

** These refer to recorded formal police cautions reported to NSRJ.

2. Selected Agencies, All Referrals

| Period | Truro | Amherst | Sydney* | Kentville | Halifax |
|---------------|--------------|----------------|----------------|------------------|----------------|
| 2003/04 | 62 | 92 | 228 | 184 | 519 |
| 2004/05 | 83 | 77 | 186 | 115 | 650 |
| Difference | +21 | -15 | -42 | -69 | +131 |
| % Difference | +25% | -17% | -19% | -37% | +20% |

* Sydney here includes Sydney and Inverness/Richmond offices.

3. Selected Agencies, Police Referrals

| Period | Truro | Amherst | Sydney* | Kentville | Halifax |
|---------------|--------------|----------------|----------------|------------------|----------------|
| 2003-2004 | 27 | 68 | 133 | 142 | 208 |
| 2004-2005 | 64 | 65 | 125 | 90 | 265 |
| Difference | +37 | -3 | -8 | -52 | +65 |
| % Difference | +138% | -5% | -6% | -37% | +31% |

CONTEXT B: TRENDS IN AGENCY WORKLOAD

REFERRAL PATTERNS

Tables E-1 to E-11 provide data on RJ referral patterns over the years by referral source and accepting agency and also give the corresponding data on offence and victim patterns. In the section, Context A, the referral patterns by number and referral source for all RJ agencies (save the Mi'kmaq Customary Law Program) were analysed; there it was shown that the YCJA impact had reinforced the trends towards proportionately fewer police referrals and increasing complexity of referrals. Here the focus is on the agencies which have been highlighted in the five year evaluation, namely the four "founding" agencies of Halifax, Sydney, Amherst and Kentville, and the "control" agency of Truro which moved from "alternative measures" to restorative justice programming two years later. These five regional RJ agencies have accounted for roughly 75% of all yearly accepted referrals in the NSRJ program (e.g., 76% in 2002-2003 and 74% in 2003-2004).

Tables E-1 and E-2 provide data for the four highlighted RJ agencies for 2001 to 2004. The tables indicate that overall the number of accepted RJ referrals has remained fairly stable, ranging from a low of 953 in 2004 to a high of 1074 in 2002. The difference was a modest 10%, clearly accountable for by the implementation of the YCJA. Police referrals began to decline in mid-2003 period and the decline in 2004 also was quite significant. The Halifax agency received 47 fewer police referral in 2004 than in 2003, while the comparable numbers for Amherst, Sydney and Kentville were 12, 18 and 12 respectively; percentage-wise the declines were between 15% and 20%. Clearly the YCJA, implemented in April 2003, had an impact on police discretion in forwarding referrals since prior to this there was a modest increase over the years in the number of police referrals.

It can be seen that by the end of 2004 the total referrals for all agencies had declined from the high levels of earlier years, especially for Sydney but also significantly for Amherst. Halifax, the largest agency in terms of yearly referrals, basically held its caseload because of increasing Crown referrals. In previous reports the evaluator raised the issue of whether the RJ initiative could penetrate the "CJS wall" which, in its first two

years, appeared to confine referrals to the police level, outside court-processing. Table E-1 indicates that, in all the highlighted agencies, police referrals as a proportion of total agency-accepted referrals were indeed declining after 2001. Halifax and Sydney in particular exhibited this pattern. This trend continued in 2004 for Halifax when the police referrals constituted but 41% of all referrals. The downward trend did not continue for the other three agencies; the Sydney agency's proportion of police referrals remained at 65% while for Amherst and Kentville the corresponding proportions reversed direction in 2004. It would be appropriate to say that overall the "wall has been breached" in the evolution of the RJ initiative but agency variation in that regard was significant. In 2004 the largest single referral source for RJ in Nova Scotia was the Public Prosecution Service or the Crown in Halifax, whereas in previous years the Halifax Regional Police Service had held that distinction. The considerable increase in post-charge referrals in Halifax in 2003 and 2004 appears to owe much to the team approach adopted there by the key police and crown role players whereby charges are filed with recommendation for crown-level referral. This team approach assumed greater significance in 2003 when there was a consolidation of metropolitan youth court services (both 12 to 15 and 16 to 17 age groups) into a single Halifax youth Court. In the other highlighted agencies, there have been some increases in post-charge referrals (most notably in the case of Sydney) but one encounters inconsistent patterns and, indeed, in 2004 the absolute numbers for post-charge referrals in the case of Amherst and Kentville were back at 2002 levels.

Corrections referrals increased sharply for a period in 2003, largely confined among the highlighted agencies to Amherst, but the strategy of encouraging what we have elsewhere called "proactive probation referrals" was not successful (typically the probationer declined RJ participation) and Corrections referrals in 2004 were much less. The "breaching of the CJS wall" by RJ also has not impacted much at the Court, post-conviction level, where only Halifax recorded such referrals in any number. There is some evidence, not indicated in these tables, that court referrals in Halifax have continued to increase in the latter half of 2004-2005 but at the same time much of this court level increase can be accounted for by the Court referring back to the RJ agency, youths given summary offence tickets, SOTs, (e.g., liquor act violations, motor vehicle infractions). Court-initiated "conferencing", encouraged in the YCJA, has apparently

fallen by the wayside after an initial spurt in 2003-2004. There is little evidence of any profound Court-level engagement in RJ at this time but several Halifax-area judges are well-known supporters of the initiative and the judiciary has been engaged in full-fledged sentencing circles in the Mi'kmaq community. Overall, then, for a variety of reasons, the "wall" has been breached primarily at the Crown level and especially in Halifax then Sydney. Other wall-breaching initiatives at the Court and Corrections level remain problematic.

Figure 2 provides an overview of the panel interviews conducted with CJS role players, namely judges, crown prosecutors, defence counsel and probation officers, representing the four referral levels. A subsequent report will be devoted to the CJS panels but here it can be noted that there has been (up to the end of 2004) little referral activity by judges and probation officers and much variation in such activity at the crown prosecutors' level. The metropolitan Halifax prosecutors since 2003 have been the leading referral source in the province but crown referrals outside metro Halifax have been quite modest though also modestly increasing. It can be noted that the chief criticism directed at RJ by judges, crowns and probation officers is that it spawns "inadequate denunciation" of offending. The RJ initiative, outside the probation sphere at least, has become more accepted by the CJS role players who, despite some reservations, would encourage its expansion to adults and to the moratorium offences at the "low-end" level.

OFFENCE PATTERNS

Tables E-3 to E-8 examine the RJ referrals accepted by the highlighted agencies by offence type. Tables E-3 and E-4 indicate that overall offences declined by at least 100 or 7% from 2003 to 2004. Both tables show that offence type varied by referral source. Police referrals were most likely to deal with property offences (primarily "theft under") and infractions against provincial / municipal statutes – 68% in 2003 and 75% in 2004 – while in post-charge referrals the corresponding proportions were 50% and 60% respectively. Violent offences were more characteristic of post-charge than pre-charge referrals, namely 25% to 14% in 2003 and 18% to 13% in 2004. The similarities between

the two years is masked somewhat by the fact that the 2003 data set just identified one offence (the most serious) per case while the 2004 data set included all recorded offences, thereby discounting a little the proportion of violent offences when compared to the 2003 data. Corrections and Court referrals, though modest in number, generally present greater challenges for RJ insofar as they entail a higher proportion of serious offending (i.e., violent offences involving person victims and breaches which could be construed as challenges to the Justice system). It appears then that as the proportion of police referrals decline, the complexity of the referred caseload may increase if there is an offset by some increase in absolute numbers of post-charge referrals; in that sense then workload may well become more onerous if RJ is to be successfully implemented even in the face of declining referrals

Tables E-5 and E-6 explore variation in the offence patterns of referrals accepted by the highlighted agencies. It is clear that in both 2003 and 2004 there was variation. The Halifax agency always had the highest proportion of property crimes (primarily “theft under”), some 66% of its police referrals, which might be expected given its concentration of malls and stores. Possession of soft drugs as an offence was proportionately less referred in the metropolitan Halifax area than in the other sites, perhaps reflecting a metropolitan –non-metropolitan difference in enforcement style. The Sydney agency for example had a high proportion of provincial / municipal statute infractions among its police referrals. Otherwise no clear patterns jump out on inspection of the police referrals by agency. At the Crown referral level, drug offences again seem more likely to be referred outside metropolitan Halifax (and probably more likely attended to there whether by RJ referral or prosecution). Perhaps most surprising is the relatively high proportion of the crown-level referrals in metropolitan Halifax in 2004 that dealt with infractions of provincial and municipal statutes (12%); such an anomaly may well reflect the team style of the Halifax Youth Court noted above since such referrals were much less common at the police level.

Tables E-7 and E-8 elaborate on the above themes. Table E-7 presents data on type of offence referred by agency. In Halifax the police procedure has been to record a shoplifting incident as both not either “theft under” and “possession under”, a practice that appears to be done less by other police services. Discounting for that difference in

police practice, what is most significant about table E-7 is how profoundly similar the offence distribution is for all four highlighted agencies. For example, the proportions of offences that are violent or that involve property offences are almost identical. The most significant differences appear to reflect a rural-urban difference as proportionately much fewer of the Halifax area referrals have to do with soft drug possession and liquor control act infractions. Table E-8 illustrates, overall for the four highlighted agencies, how the referral caseload has been changing through the years. There has been a trend towards more of the agencies' referrals involving violent offences, from an average of 13% in the first two complete years of the NSRJ program to 19% in the last two years. As noted above, the changing mix of offences has implications for agency workload and also creates greater challenge for successful RJ intervention.

TYPES OF VICTIMS

Tables E-9 and E-10 present data on the victimization entailed by the RJ referrals for the fiscal years 2003-2004 and 2004-2005. The data are provided for both the number of victims involved and for the number of distinct incidents or cases involving such victims; the latter, the case numbers, are given in brackets and constitute a lesser number since a specific incident or case might well involve more than one such victim. Both tables provide data for all RJ agencies by referral source, followed by data for each of the highlighted agencies, first by police referrals and then by crown referrals. Table E-9 indicates that, where there was a victim, whether for police referrals or crown/court corrections' referrals, in the majority of cases the victim was a person (or persons). This was true for 52% of the police referral cases, 70% of the crown referral cases and 75 % of the Corrections referral cases. The NSRJ has moved well beyond its earlier concentration on shoplifting and provincial / municipal statutes and that is reflected not only by the increase in person-victim cases but also by the fact that corporate-retail victim cases constituted only some 25% even of the police referral cases; of course the % of such corporate-retail cases was less at the post-charge level (e.g., some 16% of crown victim cases and 8% of court victim cases). It may be noted too that the ratio of victims to victim

cases or incidents was greater where the victim type was a person – while the ratio was close to 1 to 1 for other types of victimization, it was 1.5 to 1 for person victim cases. These data underscore the argument that person victim cases provide more complexity for the RJ approach (i.e., more roles and more role players to respond to).

The above patterns held for the five highlighted agencies (note that Truro is now included) in 2003-2004. With respect to the police referrals, roughly half the cases where a victim was identified were cases involving a person while corporate-retail victim cases made up just slightly better than one quarter of all referrals. Person victim cases exhibited a higher ratio of victims per case. With respect to crown referrals, it was basically unusual for the agencies to receive a case that did not involve a person victim. Halifax was an exception here as some 33% of the cases (91/266) did involve corporate-retail, business and school victims. And, as in the case of police referrals, the crown cases were more likely to involve multiple victims when the cases were of the person-victim type.

Table E-10 provides a more comprehensive picture of the victim factor in 2004-2005 referrals because it also indicates the number of cases where the referral did not identify any victim. In these cases, the young offender was facing drug or liquor or motor vehicle charges or violation of other provincial/municipal statutes. Looking first at the data for all RJ agencies, the patterns of 2003-2004 clearly hold for 2004-2005. For all referral sources more than half of the cases where a victim was identified were person victim cases. Post-charge referrals were more likely to involve person victim as in 2003-2004 but perhaps reflecting the impact of the YCJA on police discretion, the number of victim cases among police referrals more closely approximated those among crown referral cases (i.e., 56% to 60%). Again, corporate-retail victim cases made up only some 25% of the police referrals (less at the post-charge level) and again the ratio of victims to cases was higher for the person victim cases. One benefit of including cases where there was no victim identified is that one gets a better sense of the total agency involvement with victims. Including the no-victim cases, it is clear that whether police or crown or even court, the person victim cases constituted well under 50% of the cases and overall only some 40% of the referred cases. Such patterns make quite understandable the heavy use of accountability session format (where usually no victim is present) by the RJ agencies.

The patterns among the five highlighted agencies in 2004-2005 also closely follow those identified for 2003-2004. Roughly 50% of the police referrals where a victim was identified were person victim cases. Halifax was a modest deviant case as there the proportion of person cases declined slightly and the proportion of corporate-retail cases increased from 25% to 36%. School and public property victims were proportionately greater outside the metropolitan Halifax area. As noted above for all the RJ agencies, when the no victim cases are added to the mix, the proportion of person victim cases is generally under 50% of the police referrals, most noticeably for Halifax and Sydney where the person victim cases were only 37% and 30% respectively of the total 2004-2005 referrals. Among the crown level referrals, where a victim was identified, it remained common outside metropolitan Halifax for the referral to involve a person victim and quite often multiple persons (again the ratio of victims to cases was greater in person victim cases) but the pattern was less obvious than in 2003-2004, especially for Kentville and Sydney. Including the no victim cases it can be seen in table E-10 that even at the post-charge level the proportion of case that were of the person victim type exceeded 50% only for Truro and Amherst while the % person victim cases constituted only 44% of the overall total of cases referred.

Overall, then, the data on victim type depict a fairly stable set of patterns over the last two fiscal years. Where a victim was identified, the majority of cases from each referral level were person victim cases and that was especially true for post-charge referrals. Person victim cases often involved multiple victims. The evidence is clear that NSRJ has moved well beyond shoplifting and infractions of provincial / municipal statutes and is increasingly engaged in more complex cases. There were significant variations by agency with the Halifax agency more engaged in corporate-retail victim cases and statute violation even at the post-charge level. It appears that there continues to be a large number of “no victim” referral cases. When these cases were included in the calculations, the proportion of person victim cases at both the pre and post charge levels fell to under 50% and that was especially true for Halifax. Under the circumstances one can appreciate the incongruence of both increasingly complex victim referral cases and high levels of accountability sessions where no victim is present and the process often deemed not to reflect the RJ approach.

HANDLING REFERRALS

There are many ways to explore how RJ referrals have been handled by the RJ agencies. In the section on “Exits and Follow-Up interviews”, the views of large samples of session participants have been thoroughly described. Essentially it was found that the vast majority of all types of session participants (offenders, offenders’ supporters, victims, victims’ supporters, community representatives and police officers and others) were well satisfied with the RJ process including the session dynamics, but less positive (though still more positive than negative) about the outcomes of the RJ intervention. Other ways to explore RJ processing would be to observe the session dynamics, and to examine the success of the intervention in terms of successful completion of cases and in terms of recidivism of the offenders. The latter will be discussed at length in a section below but here the focus is on the completion issue. Table E-11 provides data on completion rates as measured by the rate of acceptances to incompletes for the years 2002, 2003 and 2004. Incompletes are defined in the RJ reports as unsuccessful, not pending cases.

For all agencies, the pattern has been for a modest decline in the ratio of accepted cases to incompletes (from 5 to 1 in 2002 to 4 to 1 in 2004) but there are discontinuities (the rates are better in 2004 than in 2003). That pattern held for both police and crown referrals and provides some support for the argument that cases dealt with by the RJ agencies have increased in complexity. The ratio for court referrals has been unstable probably because of the small number of such referrals, while the ratio for corrections referrals improved, probably because of a movement away from the “proactive probation referral” strategy where agencies sought out RJ opportunities among probationers on the basis of file review by probation officers and/or RJ staff. It is clear from table E-11 that there has been considerable variation by agency in the ratio of accepted cases to incompletes. The Halifax agency, operating in a metropolitan milieu where contacting persons may be more problematic, not surprisingly generally had the lowest ratio for both police and crown referrals in each of the three years examined, namely 2002, 2003 and 2004. The ratio for crown and police referrals varied by agency but for all four, these

ratios were quite comparable. It can be seen in the examples of Halifax, Amherst and Sydney that the ratios for corrections referrals was poor indeed; for example, in Amherst, it was about one new acceptance to four incompletes yearly while in Sydney the ratio in 2003 and 2004 was one new acceptance per three or four incompletes.

Examining the incompletes or unsuccessful RJ referrals further, one finds that most such corrections referral cases were terminated at the pre-session stage, that is the individuals refused to participate (and in a few instances could not be reached). Agency officials have observed that where the corrections referral involved a breach offence and a possible court appearance, the referral was usually completed but where the corrections referral had more of a “healing or restorative” character, it was usually not completed. The argument was advanced that in these latter cases there was no incentive on the probationers’ part to participate in RJ as they had already received their sentence and the RJ participation would not ameliorate it in any way. The majority of the not-completed cases at the police and crown level also occurred at the pre-session stage and here, as noted, Halifax accounted for the largest number, almost 40% of the incompletes. There were relatively few incompletes at the session stage, indicating that few sessions were terminated because an agreement could not be reached by the parties engaged. Incompletes at the post-session stage (i.e., the offender did not complete the obligations of the RJ agreement reached in the session) were less common than pre-session incompletes but still accounted for roughly 35% of all police and crown incompletes.

It has not been possible here to examine the completed RJ cases in order to assess how effectively and timely they were completed. This should be done at some point since appropriately implemented and monitored dispositions (agreements in RJ language) are central to successful RJ intervention. Outside the RJ framework, for example, community service orders have frequently been criticized for being loosely if not cavalierly responded to by the offenders and being inadequately monitored by authorities and participating community agencies. Successful RJ intervention requires successful RJ implementation.

SUMMARY

There were many interesting variations in the referral patterns, having

implications for the agencies' workloads which could be discussed more fully. For one thing it can be noted that the YCJA had different impacts for different police services in terms of referring cases to RJ or handling them informally (e.g., in the case of Kentville, municipal police referrals declined sharply after the YCJA but RCMP referrals increased). Still, whether one focuses on the three divisions of Cape Breton Regional Police or the two police services in metropolitan Halifax, the common trend was for a significant decline in RJ referrals. Age and gender characteristics of agency workloads also varied; for example it appears that the offenders dealt with by RJ were younger in the rural/small town milieus and that female referrals tended to younger than male referrals. Dispositions contained in the RJ agreements also varied by agency; for example there was more restitution required in the agreements in rural/small town areas than for the agreements in the urban centres of Halifax and Sydney (15% in the former and 7% in the latter). On the whole, in 2003-2004 for example, RJ agreements averaged three obligations per agreement, with formal apology being the number one disposition (30% of the agreements) followed equally by essays and community service (each 15% of the agreements). Race/ethnic involvement also varied by agency. Here, given the separate Mi'kmaq agency, the only significant non-Caucasian grouping of referred offenders was Afro-Canadian and these persons were concentrated (more than 75% in 2004) in metropolitan Halifax, but there were a handful in the New Glasgow and South West Nova Scotia areas. Afro-Canadian youths as a proportion of police and crown referrals in Halifax increased from 2003 to 2004 and this was reflected in the agency's statistics that showed an increase from 15% to 25% in the clientele who were Afro-Canadian. The implications of these patterns for agency workload merit consideration.

In summary it can be noted that post-charge referrals to the RJ agencies have increased over the years and it could be argued that the "wall" referred to in earlier reports has been breached. Basically that development has largely centered on the Halifax criminal justice system but Sydney has also seen significant post-charge referrals. Court and Corrections referrals remain a problematic area for the NSRJ despite some interesting initiatives as in the file review collaboration with Corrections. There is a clear trend for the offences dealt with by the RJ programs to have increased in complexity; referrals involving violent offences, while a minority, have increased steadily over the years. The

distributions of offence types entailed by referrals have been remarkably similar for the different agencies. Where victims have been identified in referred cases, the data show an increase in person victims (whether through violent offences or property offences) and a decrease in corporate-retail victims. Person victim cases also were more likely to involve multiple victims. Clearly then the offence and victim patterns point to increasing complexity even while the number of referrals has either stabilized or decline recently. Such a pattern helps account for the seeming incongruity of agencies claiming heavier workloads while their cases may have declined. The increasing complexity of RJ cases (in conjunction with the number of “incompletes”) puts in relief perhaps the need for a more sophisticated RJ response, and the associated infrastructural requirements for it such as briefing and debriefing of facilitators, explicit strategizing about recidivism and so on. Finally, it was noted that when one includes the referrals involving no victims, the majority of referral cases even at the crown level do not involve a person victim. In these circumstances one usually encounter a type of RJ session not deemed especially “restorative”, namely the accountability session. It might be advisable to consider more options here. The Sydney agency has used community volunteers as community representative in some such cases (where otherwise they would have been no victim presence) and the Mi’kmaq program in its MYOP era used adult mentors to complement their RJ response. It may well be that at least in the case of repeat referrals/offenders, there could be a formal and explicit recourse in referrals where there is no specified victim (or little likelihood of victim presence) to a family group conferencing model, something which fits well within the RJ philosophy and which, in an informal way, may be done in some accountability sessions.

TABLE E-1

**NSRJ PROJECT – NUMBER AND SOURCE OF REFERRALS ACCEPTED,
2001, 2002, 2003**

| RJ Agency | 2001 | | 2002 | | 2003 | |
|-----------------------------|------|------|------|------|------|------|
| <i>Halifax</i> | # | % | # | % | # | % |
| Pre-Charge (Police) | 317 | 67% | 328 | 60% | 280 | 48% |
| Post-Charge (Crown) | 150 | 32% | 197 | 36% | 285 | 49% |
| Post-Conviction (Court) | 3 | 1% | 14 | 3% | 8 | 1% |
| Post Sentence (Corrections) | 1 | - | 6 | 1% | 5 | 1% |
| Subtotal | 471 | 100% | 545 | 100% | 578 | 99% |
| <i>Amherst</i> | | | | | | |
| Pre-Charge (Police) | 82 | 78% | 92 | 82% | 70 | 70% |
| Post-Charge (Crown) | 12 | 11% | 8 | 7% | 7 | 7% |
| Post-Conviction (Court) | 3 | 3% | 3 | 3% | 2 | 1% |
| Post Sentence (Corrections) | 8 | 8% | 9 | 8% | 23 | 23% |
| Subtotal | 105 | 100% | 112 | 100% | 102 | 100% |
| <i>Sydney</i> | | | | | | |
| Pre-Charge (Police) | 245 | 87% | 220 | 85% | 127 | 65% |
| Post-Charge (Crown) | 28 | 10% | 33 | 13% | 58 | 29% |
| Post-Conviction (Court) | 2 | 1% | - | - | 2 | 1% |
| Post Sentence (Corrections) | 5 | 2% | 6 | 2% | 9 | 5% |
| Subtotal | 280 | 100% | 259 | 100% | 196 | 100% |
| <i>Kentville</i> | | | | | | |
| Pre-Charge (Police) | 123 | 81% | 128 | 81% | 133 | 75% |
| Post-Charge (Crown) | 28 | 18% | 25 | 16% | 41 | 23% |
| Post-Conviction (Court) | 0 | - | 1 | 1% | - | - |
| Post Sentence (Corrections) | 1 | 1% | 4 | 2% | 3 | 2% |
| Subtotal | 152 | | 158 | | 177 | 100% |
| Grand Total | 1008 | | 1074 | | 1053 | |

Note: The respective restorative justice agencies per region are as follows: Halifax-

Community Justice Society; Amherst- Cumberland Community Alternative Society;
Sydney- Island Community Justice Society; Kentville- Valley Restorative Justice.

TABLE E-2

NSRJ PROJECT – NUMBER AND SOURCE OF REFERRALS ACCEPTED, 2004

| RJ Agency | 2004 | |
|-----------------------------|------|------|
| <i>Halifax</i> | # | % |
| Pre-Charge (Police) | 233 | 41% |
| Post-Charge (Crown) | 313 | 56% |
| Post-Conviction (Court) | 14 | 2% |
| Post Sentence (Corrections) | 4 | 1% |
| Subtotal | 564 | 100% |
| <i>Amherst</i> | | |
| Pre-Charge (Police) | 70 | 86% |
| Post-Charge (Crown) | 9 | 11% |
| Post-Conviction (Court) | - | - |
| Post Sentence (Corrections) | 2 | 2% |
| Subtotal | 81 | 99% |
| <i>Sydney</i> | | |
| Pre-Charge (Police) | 109 | 64% |
| Post-Charge (Crown) | 60 | 35% |
| Post-Conviction (Court) | 1 | 1% |
| Post Sentence (Corrections) | - | - |
| Subtotal | 170 | 100% |
| <i>Kentville</i> | | |
| Pre-Charge (Police) | 109 | 79% |
| Post-Charge (Crown) | 28 | 20% |
| Post-Conviction (Court) | 1 | 1% |
| Post Sentence (Corrections) | - | - |
| Subtotal | 138 | 100% |
| Grand Total | 953 | |

Note: The respective restorative justice agencies per region are as follows: Halifax- Community Justice Society; Amherst- Cumberland Community Alternative Society; Sydney- Island Community Justice Society; Kentville- Valley Restorative Justice.

TABLE E-3

OFFENCE TYPE BY REFERRAL SOURCE, SELECTED AGENCIES¹ 2003

REFERRAL SOURCE

| Offence Type ² | Police | Crown | Corrections | Court | Total |
|---------------------------|--------|-------|-------------|-------|-------|
| Violent | | | | | |
| # | 112 | 137 | 14 | 8 | 271 |
| % | 14% | 24% | 21% | 33% | 18% |
| Property | | | | | |
| # | 472 | 263 | 25 | 4 | 764 |
| % | 59% | 45% | 37% | 17% | 52% |
| Drugs | | | | | |
| # | 33 | 10 | 1 | 0 | 44 |
| % | 4% | 2% | 1% | 0% | 3% |
| Breaches | | | | | |
| # | 15 | 42 | 12 | 6 | 75 |
| % | 2% | 7% | 18% | 25% | 5% |
| Other | | | | | |
| # | 92 | 92 | 14 | 6 | 204 |
| % | 12% | 16% | 21% | 25% | 14% |
| Prov./Mun. | | | | | |
| # | 74 | 37 | 1 | 0 | 110 |
| % | 9% | 6% | 1% | 0% | 8% |
| Total | | | | | |
| # | 798 | 581 | 67 | 24 | 1470 |
| % | 100% | 100% | 100% | 100% | 100% |

¹ The selected agencies are Halifax, Amherst, Sydney and Kentville.

² Robbery and weapons offences are included in 'violent offences.' The 'other' category includes obstruction, interference, being an accessory, and 'operation of motor vehicle' offences. Property offences included theft under \$5000 and related offences, mischief, joy riding, causing a disturbance, fraud, break and enter, and arson.

TABLE E-4
OFFENCE TYPE BY REFERRAL SOURCE, SELECTED AGENCIES³ 2004

REFERRAL SOURCE

| Offence Type ⁴ | Police | Crown | Corrections | Court | Total |
|---------------------------|--------|-------|-------------|-------|-------|
| Violent | | | | | |
| # | 96 | 99 | 4 | 7 | 206 |
| % | 13% | 16% | 44% | 36% | 15% |
| Property | | | | | |
| # | 453 | 318 | 3 | 4 | 778 |
| % | 64% | 51% | 33% | 16% | 56% |
| Drugs | | | | | |
| # | 38 | 14 | - | - | 52 |
| % | 5% | 2% | | | 4% |
| Breaches | | | | | |
| # | 6 | 38 | 1 | 3 | 48 |
| % | 1% | 6% | 11% | 12% | 4% |
| Other C.C. | | | | | |
| # | 41 | 81 | 1 | 8 | 131 |
| % | 6% | 13% | 11% | 32% | 10% |
| Prov./Mun. | | | | | |
| # | 78 | 73 | - | 1 | 152 |
| % | 11% | 12% | | 4% | 11% |
| Total | | | | | |
| # | 712 | 623 | 9 | 25 | 1369 |
| % | 100% | 100% | 99% | 100% | 100% |

³ The selected agencies by site are Halifax, Amherst, Sydney and Kentville.

⁴ Robbery and weapons offences are included in 'violent offences.' The 'other' category includes obstruction, interference, being an accessory, and 'operation of motor vehicle' offences. These data provide multiple offences per case where applicable whereas other data sets as in table E-8 provide only one offence – the most serious – per case.

TABLE E-5**OFFENCE TYPE BY REFERRAL SOURCE, SELECTED AGENCIES⁵ 2003****REFERRAL SOURCE**

| | Police % Range | | Crown/Court Corrections % Range | |
|--------------|-------------------|----------|------------------------------------|-----------|
| | Low | High | Low | High |
| Offence Type | | | | |
| Violent | 10% (K) | 20% (A) | 10% (A) | 35% (S) |
| Property | 43% (S) | 66% (H) | 20% (S) | 50% (K/H) |
| Drugs | 2% (H) | 9% (K/A) | 1% (S/H) | 6% (K) |
| Breaches | 1% (S) | 4% (A) | 7% (H) | 17% (A) |
| Other | 7% (H) | 20% (S) | 14% (K/H) | 29% (S) |
| Prov./Mun. | 3% (K) | 17% (S) | 0% (A/S) | 11% (K) |

⁵ The agencies are identified by letter with A signifying Amherst, K signifying Kentville, S signifying Sydney, and H signifying Halifax.

TABLE E-6**OFFENCE TYPE BY REFERRAL SOURCE, SELECTED AGENCIES⁶ 2004****REFERRAL SOURCE**

| Offence Type | Police % Range | | Crown/Court Corrections % Range | |
|--------------|-------------------|---------|------------------------------------|---------|
| | Low | High | Low | High |
| Violent | 5% (S) | 17% (H) | 13% (K) | 20% (A) |
| Property | 53% (A) | 67% (H) | 45% (K) | 51% (S) |
| Drugs | 4% (H) | 8% (S) | 0% (A) | 16% (K) |
| Breaches | 0% (K, A) | 2% (H) | 3% (K) | 9% (S) |
| Other | 4% (S) | 7% (K) | 12 % (S) | 20% (A) |
| Prov./Mun. | 5% (A) | 22% (S) | 6% (K) | 12% (H) |

⁶ The agencies by site are identified by letter with A signifying Amherst, K signifying Kentville, S signifying Sydney, and H signifying Halifax.

**Table E-7
Offences Handled, By Selected Agencies, 2004**

| Type of Offence | Halifax | | Amherst | | Sydney | | Kentville | |
|------------------------------|------------|-----|-----------|-----|------------|-----|------------|-----|
| | # | % | # | % | # | % | # | % |
| Violent | | | | | | | | |
| Common Assault | 92 | 11% | 13 | 13% | 17 | 8% | 21 | 13% |
| Others Assaults ⁷ | 27 | 3% | - | - | 10 | 4% | 1 | 1% |
| Threats | 34 | 4% | 4 | 4% | 9 | 4% | 7 | 4% |
| Robbery ⁸ | 10 | 1% | - | - | - | - | - | - |
| Weapons | 16 | 2% | - | - | - | - | 6 | 3% |
| Property | | | | | | | | |
| Theft ⁹ | 161 | 19% | 24 | 25% | 44 | 20% | 35 | 21% |
| Possession | 145 | 17% | 6 | 6% | 4 | 2% | 10 | 6% |
| Car Theft | 5 | 1% | 3 | 3% | 9 | 4% | 3 | 2% |
| Break & Enter | 65 | 8% | 4 | 4% | 20 | 9% | 21 | 13% |
| B&E Other | 21 | 2% | - | - | 1 | 1% | 3 | 2% |
| Fraud | 18 | 2% | - | - | - | - | 5 | 3% |
| Adm of Justice | 40 | 5% | 2 | 2% | 10 | 5% | 3 | 2% |
| Resistance/Obstruction | 15 | 2% | - | - | 7 | 3% | - | - |
| Mischief | 72 | 9% | 13 | 13% | 45 | 20% | 21 | 13% |
| Public Disturbance | 13 | 2% | 4 | 4% | 1 | 1% | 2 | 1% |
| Drugs | 20 | 2% | 6 | 6% | 7 | 3% | 13 | 7% |
| LCA | 37 | 4% | 14 | 14% | 29 | 13% | 11 | 6% |
| MVA ¹⁰ | 37 | 4% | 3 | 3% | 7 | 3% | 5 | 3% |
| YCJA | - | - | - | - | 2 | 1% | - | - |
| Property Act | 14 | 2% | 2 | 2% | 1 | 1% | - | - |
| Total | 842 | | 98 | | 223 | | 167 | |

⁷ Other assaults were typically “assault causing bodily harm” but there were eleven “assault of a peace officer.”

⁸ Two extortion cases were included with robbery.

⁹ Virtually all thefts were “theft under.”

¹⁰ Eight of the 37 involved criminal code offences of impaired driving or refusing the breathalyzer test.

Table E-8

**RJ Referrals: Violent Offences as Percentage of Total Offences Handled by Select
RJ Agencies Over Time**

| Year | # | % |
|------|-----|----|
| 2000 | 136 | 14 |
| 2001 | 174 | 12 |
| 2003 | 271 | 18 |
| 2004 | 267 | 20 |

TABLE E-9

VICTIM TYPE, BY NUMBER AND CASE, RJ REFERRALS ACCEPTED, APRIL 1, 2003 TO MARCH 31, 2004

1. All RJ Agencies*

| | Police | Crown | Courts | Corrections | Total |
|-----------------|------------|-----------|---------|-------------|-------------|
| Person | 628 (397) | 485 (329) | 23 (16) | 47 (33) | 1183 (775) |
| Corp – Retail | 227 (199) | 76 (74) | 4 (2) | 5 (5) | 312 (280) |
| Business | 82 (69) | 35 (31) | 16 (3) | 5 (3) | 138 (106) |
| Public Property | 45 (38) | 11 (11) | 4 (3) | 2 (2) | 62 (54) |
| School | 52 (52) | 17 (17) | 3 (2) | 1 (1) | 73 (72) |
| Total | 1034 (755) | 624 (462) | 50 (26) | 60 (44) | 1768 (1287) |

2. Selected Agencies, Victims, Police Referrals

| | Truro | Amherst | Sydney | Kentville | Halifax |
|-----------------|---------|---------|---------|-----------|-----------|
| Person | 24 (13) | 38 (30) | 58 (53) | 135 (83) | 128 (97) |
| Corp – Retail | 10 (8) | 20 (17) | 21 (21) | 32 (28) | 70 (66) |
| Business | 6 (3) | 1 (1) | 8 (4) | 16 (15) | 22 (22) |
| Public Property | 1 (1) | 1 (1) | 2 (2) | 12 (9) | 3 (3) |
| School | 6 (6) | 2 (2) | 1 (1) | 14 (14) | 10 (10) |
| Total | 47 (31) | 61 (51) | 90 (81) | 209 (149) | 233 (198) |

3. Selected Agencies, Victims, Crown Referrals

| | Truro | Amherst | Sydney | Kentville | Halifax |
|-----------------|---------|---------|---------|-----------|-----------|
| Person | 12 (12) | 8 (7) | 67 (52) | 48 (30) | 213 (175) |
| Corp – Retail | 3 (2) | 1 (1) | 5 (5) | 4 (3) | 58 (58) |
| Business | 1 (1) | 3 (3) | 4 (3) | 2 (2) | 21 (19) |
| Public Property | - | - | 6 (6) | 2(2) | 2 (2) |
| School | - | - | 3 (3) | - | 12 (12) |
| Total | 16 (15) | 12 (11) | 85 (69) | 56 (37) | 306 (266) |

*Note: The un-bracketed number refers to the number of victims involved while the bracketed number refers to the number of cases.

TABLE E-10**VICTIM TYPE, BY NUMBER AND CASE, RJ REFERRALS ACCEPTED,
APRIL 1, 2004 TO MARCH 31, 2005****2. All RJ Agencies***

| | Police | Crown | Courts | Corrections | Total |
|-------------------------|-----------|-----------|---------|-------------|-------------|
| Person | 455 (326) | 303 (239) | 24 (17) | 16 (6) | 798 (588) |
| Corp – Retail | 148 (145) | 75 (68) | 5 (5) | - | 228 (218) |
| Business | 44 (43) | 33 (33) | 1 (1) | - | 78 (77) |
| Public Property | 27 (26) | 13 (13) | - | 1 (1) | 41 (40) |
| School | 38 (38) | 16 (16) | - | - | 54 (54) |
| Subtotal | 712 (578) | 440 (369) | 30 (23) | 17 (7) | 1189 (977) |
| No Victim Identified | 265 (263) | 161 (161) | 23 (23) | 12 (12) | 461 (459) |
| Total | 977 (841) | 601 (530) | 53 (46) | 29 (19) | 1650 (1436) |

2. Selected Agencies, Victims, Police Referrals

| | Truro | Amherst | Sydney* | Kentville | Halifax |
|-------------------------|---------|---------|-----------|-----------|-----------|
| Person | 33 (24) | 57 (38) | 60 (40) | 60 (40) | 120 (101) |
| Corp – Retail | 10 (10) | 8 (8) | 27 (27) | 10 (9) | 79 (77) |
| Business | 4 (4) | 2 (2) | 2 (2) | 3 (3) | 16 (16) |
| Public Property | 4 (4) | - | 7 (6) | 3 (3) | 6 (6) |
| School | 4 (4) | 5 (5) | 7 (7) | 4 (4) | 9 (9) |
| Subtotal | 55 (46) | 72 (53) | 103 (82) | 80 (59) | 230 (209) |
| No Victim Identified | 21 (20) | 20 (20) | 51 (50) | 33 (33) | 59 (59) |
| Total | 76 (66) | 92 (73) | 154 (132) | 113 (92) | 289 (268) |

TABLE E-10 (CONTINUED)

3. Selected Agencies, Victims, Crown Referrals

| | Truro | Amherst | Sydney* | Kentville | Halifax |
|----------------------|---------|---------|---------|-----------|-----------|
| Person | 16 (11) | 5 (4) | 38 (29) | 12 (9) | 193 (152) |
| Corp – Retail | 1 (1) | 1 (1) | 9 (9) | 4 (4) | 58 (51) |
| Business | 1 (1) | - | 5 (5) | - | 24 (23) |
| Public Property | - | - | 1 (1) | 2 (2) | 7 (7) |
| School | - | - | 1 (1) | 2 (2) | 11 (11) |
| Subtotal | 18 (13) | 6 (5) | 54 (45) | 20 (17) | 293 (244) |
| No Victim Identified | 3 (3) | 1 (1) | 13 (13) | 7 (7) | 115 (115) |
| Total | 21 (16) | 7 (6) | 67 (58) | 27 (24) | 408 (359) |

*Note: The un-bracketed number refers to the number of victims involved while the bracketed number refers to the number of cases.

**Sydney is as defined in the other tables.

Table E-11
Ratio of Acceptances to Non-Completions, By Year, Overall and for Select Agencies.

| Agency | 2002 | 2003 | 2004 |
|-----------------------------|----------|----------|----------|
| All Agencies Overall | 5 to 1 | 3.5 to 1 | 4 to 1 |
| Police | 6 to 1 | 4.5 to 1 | 5 to 1 |
| Crown | 4 to 1 | 2.5 to 1 | 3.5 to 1 |
| Court | 5 to 1 | 1.5 to 1 | 6 to 1 |
| Corrections | 1 to 3 | 1 to 1.5 | 1 to 1 |
| Halifax Overall | 4 to 1 | 2.5 to 1 | 2.5 to 1 |
| Police | 3.5 to 1 | 3 to 1 | 2.5 to 1 |
| Crown | 5.5 to 1 | 2 to 1 | 3 to 1 |
| Court | 3 to 1 | 1.5 to 1 | 2.5 to 1 |
| Corrections | 0 to 3 | 1 to 2 | 1 to 4 |
| Amherst Overall | 9 to 1 | 2.5 to 1 | 5 to 1 |
| Police | 22 to 1 | 6 to 1 | 6.5 to 1 |
| Crown | 11 to 1 | 9 to 0 | 7 to 1 |
| Court | 1 to 1 | 2 to 0 | 1 to 0 |
| Corrections | 1 to 4 | 1 to 3.5 | 0 to 4 |
| Sydney Overall | 6.5 to 1 | 5.5 to 1 | 3 to 1 |
| Police | 7.5 to 1 | 7 to 1 | 5 to 1 |
| Crown | 7 to 1 | 4.5 to 1 | 2 to 1 |
| Court | 0 to 0 | 2 to 0 | 1 to 0 |
| Corrections | 1 to 1.5 | 1 to 4 | 1 to 3 |
| Kentville Overall | 5 to 1 | 4 to 1 | 8 to 1 |
| Police | 6.5 to 1 | 5.5 to 1 | 6 to 1 |
| Crown | 2.5 to 1 | 2 to 1 | 41 to 0 |
| Court | 1 to 0 | 0 to 0 | 1 to 0 |
| Corrections | 1 to 1 | 1 to 1 | 1 to 1 |

FIGURE 2
Panel Interviews

Third Wave Highlights By Role

| Theme | Judges N=7 | Crowns N=19 | Defence N=12 | Corrections N=19 |
|----------------------------|---|---|--|---|
| Level of Participation Now | <ul style="list-style-type: none"> • Little • Reactive Stance | <ul style="list-style-type: none"> • Much Variation, Especially High in Halifax, Then Sydney | <ul style="list-style-type: none"> • More Than Judges, Much Less Than Crowns | <ul style="list-style-type: none"> • Little in Metro, More in Amherst, Truro, Sydney |
| Change Since 2002 | <ul style="list-style-type: none"> • Disposition Improving • YCJA a Factor | <ul style="list-style-type: none"> • Disposition Improving • YCJA a Factor | <ul style="list-style-type: none"> • More Awareness of RJ | <ul style="list-style-type: none"> • Little in Metro, Modest Elsewhere |
| View of RJ | <ul style="list-style-type: none"> • Knowledgeable About It • Generally Positive • Praise RJ Vis-à-Vis Court Processing | <ul style="list-style-type: none"> • Knowledgeable About It • Image Issues • RJ Has a Place in the CJS | <ul style="list-style-type: none"> • Positive • RJ program "Neglects Us" | <ul style="list-style-type: none"> • Poor in Metro, Better Elsewhere • RJ as a "Limited Tool." |
| Concerns | <ul style="list-style-type: none"> • Want Denunciation Not a Neutral Mediator • Sentencing Circles Problematic • Time it Takes | <ul style="list-style-type: none"> • Inadequate Denunciation • Agencies' Resources May Be Inadequate • More Feedback if Working | <ul style="list-style-type: none"> • Turn-Around Time Problematic • No Feedback • Vision & Resources Questionable | <ul style="list-style-type: none"> • RJ All Reintegration; No Shame • Little Quality Control in RJ |
| Extend | <ul style="list-style-type: none"> • Yes to Adults and to Low-End Spousal Violence (SV) & Sexual Assault (SA) | <ul style="list-style-type: none"> • Yes to Adults, To More Serious Offending & Low-End SV & SA | <ul style="list-style-type: none"> • Strongly Yes to Adults, SV, SA and Serious Offending | <ul style="list-style-type: none"> • Focus on Youth & Take Root First • No to Breaches |
| Level of Consensus | <ul style="list-style-type: none"> • High | <ul style="list-style-type: none"> • High | <ul style="list-style-type: none"> • Very High | <ul style="list-style-type: none"> • Medium |
| Other Issues | <ul style="list-style-type: none"> • Professional Conferencing • Prefer Sentencing Circles as PSRs • Healing Circles Good | <ul style="list-style-type: none"> • Professional Conferencing • Open to Defence Requests • Police-Crown Relationship Especially | <ul style="list-style-type: none"> • Crowns Vary in Receptivity to Defence Recommendations • Increase Our Influence | <ul style="list-style-type: none"> • Significant Metro-Non-Metro Difference • Probation Has Programs/ Competition |

| | | | | |
|--|-----------|-------------------------|---------------------|-----------------------------------|
| | Use of RJ | Important Outside Metro | Regarding Referrals | with RJ • How Does it Help Us? |
|--|-----------|-------------------------|---------------------|-----------------------------------|

PARTICIPANTS' VIEWS OF RESTORATIVE JUSTICE

Here, the focus is on the description and analyses of the views of participants in the restorative justice (RJ) conferencing, namely the young offenders, their parents/guardians and supporters, the victims, their supporters, and the others/neutrals who attended the conferences. The latter were comprised of police officers and a few other criminal justice system (CJS) officials, community representatives and specialists / trainees. There are basically three broad outcome dimensions in the evaluation, namely (a) the exit surveys which garnered participants' views as the RJ conference was ending and all participants were on site, (b) the follow-up telephone interviews conducted a minimum of six months after the conference, and (c) the examination of the implications of the RJ experience for recidivism among the young offenders. The first two are dealt with in this chapter and recidivism in the next.

The emphasis over the last phase of the evaluation has been on increasing the sample size of exit and follow-up respondents. Although there was no funding for fresh data collection over the period 2002-2004, the evaluator considered that to be essential to an adequate assessment of the RJ initiative. The sample sizes at the end of the first two complete years of the NSRJ initiative did not permit distinguishing participants' views and experiences among the different subgroups, beyond the offenders and the offender supporters, in part because the majority of the RJ conferences were accountability sessions without direct victim presence. Similarly, the recidivism analyses at that point would have been of very limited value since the offenses dealt with were only modestly different from the Alternative Measures era, and there was no random assignment of cases to the RJ or court paths; indeed, the evaluator's analyses of police discretion in referring cases to RJ, indicated clearly that, for quite reasonable reasons such as apparently non-remorseful attitudes, past criminal activity, and the wishes of the parents/guardians and victims, the youths dispatched to RJ were likely different than those sent to court, independent of the offence in question. Moreover, the NSRJ and the

local RJ agencies were making strides in engaging victims and victim supporters and in encouraging post-charge referrals where, it could be argued, there was more comparability to youths processed in court. Discretion analyses carried out by the evaluator indicated that crowns focused more on the act or offence while police took context and relationship more into account. Additionally, of course, the Youth Criminal Justice Act (YCJA) was anticipated, beginning in the spring of 2003, to have an important impact on the RJ caseload, presumably resulting in more serious offending being referred to RJ and encouraging further the conference format. Accordingly, recidivism research was deferred until this, fuller implementation of the RJ approach, was effected.

There was considerable fresh data collection over the period from January 2003 to the fall of 2004. Roughly 4000 additional exit surveys (see figure 1) were gathered and over 800 additional follow-up interviews were carried out. The evaluation can now provide a “thick account” (to use an anthropological concept) of participants’ views and experiences, and also identify sources of variation which can hopefully assist the NSRJ and local agencies in preparing for future challenges. Also, the evaluation can now include more detailed analyses of recidivism. Essentially, there will be four dimensions to those analyses, namely (a) analyses of self-reported recidivism within the exit and follow-up samples; (b) recidivism within the RJ path itself (i.e., multiple users of the RJ option); analyses of repeat offending, whether reflected in the RJ or the court milieu, among youth in metropolitan Halifax; (d) a comparison of recidivism among first time offenders in both the RJ and court paths over a two year period.

Process and implementation issues are crucial in any evaluation. To use a childhood metaphor, if the emperor is not wearing any clothes, there is little point discussing the colour of the fabrics. It has been important to monitor key events in the evolution of the NSRJ initiative over the past two years to assess how fully the RJ approach has indeed been implemented and the challenges it has encountered. There has been much advance as noted in earlier chapters. As in previous reports, the agencies’ workload from the three key aspects of number of referrals, types of referrals and types of sessions held, was found to have evolved towards dealing with more complex cases. In addition, the evaluator placed some emphasis on carrying out a third wave of

interviewing a selected CJS panel to assess issues of implementation and challenges within the CJS. This was considered very salient because of the introduction of YCJA in 2003 and because of the NSRJ's efforts to encourage referrals and collaboration with crown prosecutors and probation officers. All told, 65 interviews were conducted by the evaluator with judges, prosecutors, defence counsel, probation officers and others throughout the province; as noted, while change was modest, the panel views' indicate a greater acceptance of RJ among criminal justice system officials and thus increasing likelihood that over the 2002-2004 period more referrals would have been made on a post-charge basis.

Finally, with the assistance of the NSRJ and the local agencies, the evaluator and a research colleague were able to observe 38 RJ conferences over the past year and a half (two-thirds in metro Halifax and all but two involving victims and offenders and other participants) in an attempt to appreciate the dynamics (e.g., the phases) of RJ sessions and examine the engagement of the participants and processes of their reaching collective agreements. This observational experience has informed the appreciation of participants' views and will be discussed itself in a subsequent paper..

SECTION A: EXIT SURVEYS

ANALYSES OF EXIT SURVEYS

Whenever a restorative justice session was held by one of the five highlighted RJ agencies, all participants, apart from the facilitators but usually with their encouragement, typically filled out a one-page questionnaire. This form sought their views on a series of statements (see figure 1), asked for any comments they might wish to make on their RJ experience, and, perhaps most importantly, requested that, if they were agreeable to be interviewed via the telephone in several months by an independent evaluator of the RJ program, they sign the form and provide a telephone number and "best time" to reach them. The forms were subsequently placed by the facilitators in a sealed envelope and picked up by the evaluator at the local agency office. Usually the participants did complete the questionnaire and the majority also signed on the form agreeing to a follow-up interview.

With respect to all twelve statements, the respondents were asked to check off one of the following response categories, namely strongly disagree, disagree, unsure, agree and strongly agree. Three of the twelve statements (marked with an asterisk in figure 1) were deleted in a revised sheet issued in 2002 in order to streamline the data gathering with the least impact on research value. The earlier reports showed that there was a very high level of satisfaction and consensus in the responses across the different participant roles. This was not particularly surprising since the forms were completed on site, immediately following the group's consensus-based decision-making and handed back to the facilitator for sealing in an envelope. Still, a few statements elicited modestly diverse responses and there was significant variation at the ends of the response continuum, between agree and strongly agree or between disagree and strongly disagree. In particular, statements dealing with outcomes, as opposed to process, generated the most grist for the analyst's mill, as will be seen below. As noted, a crucial value of the exit surveys was the access provided, by the respondent's signing the form, for more in-depth follow-up interviews under different conditions (i.e., at home, in private, and after some

passage of time).

Over the first two evaluation reports, some 2440 individual exit questionnaires were obtained. Over the period 2002 to 2004 an additional 3899 were gathered and these latter are the sole bases for this final outcome report. The distributional features of these 3899 questionnaires are specified in table A-1. The larger RJ agencies, Halifax and Sydney, accounted for two-thirds of the data (38% and 28% respectively), with the other three agencies each contributing between 10% and 14%. In the earlier reports, the distribution of questionnaires by agency was more even (e.g., the Halifax agency accounted for only 27% of the forms) which did not reflect as accurately the differences in actual agency caseload.

Surprisingly, given research expectations based on the evolution of the RJ program, the other patterns depicted in table A-1 are remarkably similar to those found in the tables for 1999-2001. The proportion of the different participant roles in the 2002-2004 samples closely mirrored the distribution of the earlier years. In both samples offenders and offender supporters constituted precisely 70% of the respondents; victims made up 11% of the 2002-2004 sample (up 1% from 1999-2001) while victim supporters constituted 6%, exactly the same as in the earlier sample. While not shown in the table, there were major differences among the agencies concerning the proportion of victims and victim supporters in their sub-samples; the lowest percentage of the latter was found, not unexpectedly, in metropolitan Halifax where there has been a higher proportion of accountability sessions relating to minor property crime (especially shoplifting). Approximately 31% of the overall sample had been involved in accountability sessions, defined as not having a direct victim presence; another 5% were associated with 'stoplifting' accountability sessions. These percentages were a slightly down from the earlier sample (i.e., 3%). Correspondingly, there was a slight increase in respondents who had been involved with sessions where victims and/or victim supporters were present (from 57% to 63%). These modest increases and/or decreases represent the maximum likely change since recording errors, whether in the RJIS data system or on the envelope containing the questionnaires, probably underestimate the percentage of accountability sessions as a result of "no shows" on the victim side.

The offenses precipitating the RJ referral are also shown in the table. The single

largest offence type was minor property crime, constituting some 33% (down slightly from the 35% of the earlier sample). The distribution, discounting for the many fewer missing values in the 2002-2004 sample, was virtually identical to that of the early years. At the same time, there is some indirect evidence, through examination of patterns of referral sources, that the offenders and the offending were more serious in 2002-2004. The offence designations capture only broad criminal code and other labels, not differentiating for the offenders' characteristics (e.g. repeater) or the severity of the charge (e.g. major mischief or assault). Here it is important to note that the percentage of exit respondents engaged in cases where the referral was pre-charge, made by police officers, declined by more than 10% to approximately 70%, the increase in post-charge referrals being an indicator, it can be argued, of the more serious character of the offending behaviour. On a related point, in analyses below the offenses will be grouped into two categories, namely category one, the more overtly minor offenses including mischief, public order offenses, provincial/municipal statute violations and minor property crime, and, category two including all other offenses, the largest single contributor being assault. In the 2002-2004 samples, as well as in the early sample, the former categorization accounted for 58% of the cases and the latter 42%. The underlying premise of this categorization is that category one offenses are more minor but the reader is advised that this distinction is drawn for research purposes and is not absolute (e.g., some mischief cases might well be considered more serious than some assault cases).

Tables A-2, A-3 and A-4 display the exit data. In table A-2, all responses are recorded by number and percentage for each of the twelve questions asked of the respondents. Table A-3 presents the same data in more reader-friendly fashion, providing the percentage distributions excluding the missing cases. It is clear that for eight aspects or questions, almost the entire sample reported the same direction of agreement or disagreement, agreeing with the positive statements about the RJ experience and disagreeing with the negative ones. Most of these questions dealt with process issues, namely whether they were treated fairly, had their say, had support at the conference, found it confusing, and whether their position or standpoint was understood there. The questions or statements eliciting the more diverse response were oriented more to "outcome" aspects, such as whether RJ conferencing helps the offender more than the

victim, whether it will deter future crime by the offender and whether the respondent saw the crime/offence differently as a result of the RJ experience. Although there were differences, it can be seen that the large majority of the respondents assessed very positively both process and outcomes aspects of the RJ experience, and overwhelmingly would "recommend conferences like this to deal with offenses like this one". The patterns in the table are fully congruent with the report on the 1999-2001 period - indeed "the identical twin" in terms of the level and rank order of the percentages for each response categories in each question! In other words, one can be very confident that this type of RJ programming would receive such positive assessments at the exit level.

Table A-4 displays the exit data, for selected response categories, for the twelve statements by participant role. What is striking is the high level of positive assessment and consensus just as was found in the past reports. In the case of "sound expectations about the conference", for example, most respondents agreed, and the only "outliers" were the others/neutrals, such as police, community representatives etc, who considered themselves especially well-informed - 54% strongly agreed with the statement. Similarly, in all roles there was, overwhelmingly, disagreement with the statements that "for me, this conference was disappointing", and "the conference outcome was confusing"; indeed, across the board, respondents typically strongly rejected that interpretation. Virtually all participants agreed that "I had my say" and, again in each group, the majority said "strongly agree". This was also the pattern for participants regarding the statement, "I was treated fairly". There was also much agreement and little variation with respect to "having support there" and "my position was understood".

Over 90% of the participants in each role reported themselves satisfied with the conference's outcome at the time, with the offenders' supporters being the most satisfied among the non-neutral parties (i.e., 56% strongly agreed). There was surprisingly little variation in responses to the statement "It helps offenders the most"; on the whole, roughly 60% in each role either agreed or were unsure, with the exception of the young offenders, who frequently (42%) indicated that they were unsure. The majority of all role players considered that the conference "will deter future crime" by the youth. Here there were differences between the offender side and the victim side with victims and their supporters less likely to strongly agree and more likely to indicate that they were unsure.

There were differences as well concerning whether the participants saw crime differently as a result of their RJ experience. In keeping with the objectives of RJ, where presumably the emphasis would be on the youth seeing the offence in a different light, the young offenders were more likely to indicate that they do see the crime differently (i.e., 75%) while victims were least likely to agree with that statement (46%). At the same time at least 86% of all role players agreed that they would recommend RJ in similar cases, offenders and their supporters being especially enthusiastic.

It was noted that the 1999-2001 corresponding table for select exit responses by participant role had yielded very similar results. There were however three modest differences, all on the victim "side", namely, (a) victims and victim supporters in 2002-2004 were somewhat less enthused about recommending the use of RJ in similar cases (40% to 50% and 44% to 52% "strongly agree") although over 80% in each grouping would make such a recommendation; (b) victims and victim supporters in 2002-2004 were less enthused about the outcome of the conference (44% to 50% and 44% to 49% 'strongly agree") although 90% in each grouping at least agreed that they were "satisfied with what the agreement requires the offender to do"; (c) victims in 2002-2004 agreed less and in particular were more unsure (30% to 3%) that "this conference will help the offender to stay away from crime".

While there was clearly only modest variation in the exit survey responses, there was some and it is useful to explore further what variables controlled that variation since such analyses can shed light on the future prospects of the RJ program depending on how it evolves. Tables A-5, A-6 and A-7 explore the variation found among the "outcome" issues, concentrating on the positive "strongly agree" responses. Table A-5 presents data on the impact of contextual factors for an index score indicating positive assessment of the RJ experience. In this index a low score is one where the respondent gave no "strongly agree" response to the outcome questions while a medium score represents one or two such responses and a high score, three or four. It can be seen that women were more likely to have high scores (i.e., 30% to 25%), and that accountability sessions were associated with high scores (30% to 23%) as were involvement with an urban RJ agency (28% to 22%), more minor offenses (29% to 22%) and police or pre-charge referral (28% to 21%). The differences in scores were most evident by role. Offenders and offender

supporters were about twice as likely as victims and victim supporters to have high scores (i.e., 29% and 30% to 14% and 18%); interestingly, while the police scores were not surprisingly more in line with the respondents on the victim side, the community representatives were virtually in a class by themselves with 42% having high scores.

These differences in scores may be explained in a variety of ways. As for gender, it can be argued that women were often more active than males in seeking accommodations at the sessions and that greater investment therein might well account for their higher assessments at the exit stage. The argument would be that the agreement could be seen by themselves as justifiably the fruit of their efforts. Accountability sessions, involvement with the more urban agencies, offence seriousness and referral source may speak more to the nature of the harm caused and respondents' expectations about resolution of the issue. These factors as noted were all associated with presumably less serious offending. The variation by role was expected save for the high enthusiasm of the community representatives which might well be explained in terms of some version of investment theory (i.e., they have committed themselves to the restorative justice approach).

Tables A-6 and A-7 examine, first, the variation by contextual factor in "strongly agree" responses to the outcome questions/statements in general, and then their impact on each of the questions/statements by participant's role. Table A-6 shows that impact - where impact is defined as a percentage difference greater than 5% - occurred most often for offence type, where respondents, involved in cases with the presumably more minor offenses, were more likely to express confidence about the deterrent value of the RJ conference, seeing the crime/offence differently now, and recommending RJ in similar cases. Females, urban agencies and police referrals were all associated with more enthused recommendations of RJ in similar cases. Each factor also impacted on one or other of the remaining questions/statements.

Table A-7 simply reiterates the analyses for each of the four chief participant roles. It can be noted that session type could not be assessed for victims and victim supporters since by operational definition their presence defined one of the two categories which constituted the recoded variable. The impact of gender - females being more likely than males to give enthused responses - was found more among the young offenders than

their supporters but, on the victim side, more among the supporters than the victims themselves. In terms of offence type, the impact was always a matter of those involved with cases of a more minor nature, giving more enthused responses among all categories of role players. Referral type impacted - always with police or pre-charge referrals being associated more with the enthused response - on victim supporters' assessments especially, and on offenders' assessments secondly. Session type - accountability sessions always were associated with more positive assessments - impacted more on offender supporters' assessments. Agency type impacted on the assessments of all participant roles to some extent but, unlike the other contextual variables, the direction of impact changed by role, making interpretation problematic.

Overall, then, the exit data reflected a considerably positive assessment across participant roles at the time - immediately following the conclusion of the session and the signing of the agreement. The large majority of respondents agreed (often strongly) with the positive statements about the RJ experience, and disagreed, often strongly, with the negatively-phrased statements. This was not unexpected given the results obtained from the exit response of earlier years but it does establish the reliability of those responses even in the face of increasing post-charge referrals. Despite the large consensus there were some modest variations in responses and these mostly focused around statements oriented to outcomes rather than to process issues. In that respect, it was possible to identify important variation by role (especially between offender and victim sides but also between victims and victim supporters) and also by contextual variables such as offence type, agency type, referral source and gender.

FIGURE 1

EXIT QUESTIONS

| # | QUESTION |
|----|---|
| 1 | I HAD A GOOD IDEA WHAT THE CONFERENCE WOULD BE LIKE BEFORE I CAME |
| 2 | FOR ME THIS CONFERENCE WAS DISAPPOINTING |
| 3 | I WAS ABLE TO TAKE AN ACTIVE PART AND HAVE MY SAY |
| 4 | THERE WERE PEOPLE AT THE CONFERENCE WHO SUPPORTED ME |
| 5 | I AM SATISFIED WITH WHAT THE AGREEMENT REQUIRES THE OFFENDER TO DO |
| 6 | I WAS TREATED FAIRLY IN THIS CONFERENCE |
| 7 | THIS KIND OF CONFERENCE HELPS THE OFFENDER MORE THAN THE VICTIM |
| 8 | I THINK THAT THIS CONFERENCE WILL HELP THE OFFENDER TO STAY AWAY FROM CRIME |
| 9 | AT THE END OF THIS CONFERENCE, THINGS WERE CONFUSED AND DISORGANIZED |
| 10 | PEOPLE SEEMED TO UNDERSTAND MY SIDE OF THINGS |
| 11 | AFTER HEARING PEOPLE TALK, I SEE THIS CRIME/OFFENSE DIFFERENTLY NOW |
| 12 | I WOULD RECOMMEND CONFERENCES LIKE THIS TO DEAL WITH OFFENSES LIKE THIS ONE |

TABLE A-1**DISTRIBUTION OF EXIT FILE FORMS****BY AGENCY, PARTICIPANT ROLE AND OTHER SELECTED FEATURES,****2002-2004**

| | Number | Percentage |
|------------------------------------|---------------|-------------------|
| Restorative Justice Agency: | | |
| Halifax | 1498 | 38 |
| Cumberland | 412 | 11 |
| ICJS Cape Breton | 1076 | 28 |
| Valley | 562 | 14 |
| | | |
| | | |
| Truro | 351 | 10 |
| Total: | 3899 | 100 |

| | Number | Percentage |
|---|---------------|-------------------|
| Restorative Justice Participant: | | |
| Offender | 1430 | 37 |
| Offender's Supporter | 1273 | 33 |
| Victim | 444 | 11 |
| Victim's Supporter | 235 | 6 |
| Police | 175 | 5 |
| Other * | 199 | 5 |
| Missing | 143 | 4 |
| Total: | 3899 | 100 |

| | Number | Percentage |
|-------------------------|---------------|-------------------|
| Type of Session: | | |
| Accountability | 1217 | 31 |
| Victim – Offender | 958 | 25 |
| RJ Forum | 1466 | 38 |
| ' Stoplifting' | 186 | 5 |
| Missing | 72 | 2 |
| Total: | 3899 | 100 |

TABLE (...continued)

**DISTRIBUTION OF EXIT FILE FORMS
BY AGENCY, PARTICIPANT ROLE AND OTHER SELECTED FEATURES**

| | Number | Percentage |
|----------------------------|---------------|-------------------|
| Type of Offence: ** | | |
| Mischief | 613 | 16 |
| Assault | 872 | 22 |
| Public Order | 42 | 1 |
| Breaches | 22 | 1 |
| Provincial Statutes | 302 | 8 |
| Minor Property Crime | 1281 | 33 |
| Major Property Crime | 368 | 10 |
| Fraud / Forgery | 70 | 2 |
| Other | 322 | 8 |
| Missing | 7 | 0.2 |
| Total: | 3899 | 100 |

| | Number | Percentage |
|---------------------|---------------|-------------------|
| Referred By: | | |
| Police | 2737 | 70 |
| Crown | 878 | 23 |
| Court (Judge) | 101 | 3 |
| Corrections | 50 | 1 |
| Other | 44 | 1 |
| Missing | 130 | 3 |
| Total: | 3896 | 100 |

* Other refers to community representatives, non-police CJS personnel and observers.

** Minor property crime here is largely theft and possession “under”. Assault is typically common/simple assault level one. Major property crime is largely break and enter. Other includes drug possession and other federal statute violations.

TABLE A-2**PARTICIPANTS' EXIT VIEWS OF THEIR RESTORATIVE JUSTICE EXPERIENCE,****2002-2004****(N=3899)**

| Q | Aspects | # | % |
|----------|------------------------------|----------|----------|
| 1 | Sound Expectations | | |
| | Strongly Disagree | 142 | 4 |
| | Disagree | 294 | 8 |
| | Unsure | 840 | 22 |
| | Agree | 1715 | 44 |
| | Strongly Agree | 882 | 23 |
| | No Answer/Multiple Answers | 23 | 1 |
| 2 | Conference Was Disappointing | | |
| | Strongly Disagree | 1861 | 48 |
| | Disagree | 1473 | 38 |
| | Unsure | 222 | 6 |
| | Agree | 143 | 4 |
| | Strongly Agree | 109 | 3 |
| | No Answer/Multiple Answers | 85 | 2 |
| 3 | I Had My Say | | |
| | Strongly Disagree | 65 | 2 |
| | Disagree | 43 | 1 |
| | Unsure | 93 | 2 |
| | Agree | 1563 | 40 |
| | Strongly Agree | 2084 | 56 |
| | No Answer/Multiple Answers | 48 | 1 |
| 4 | I Had Support There | | |
| | Strongly Disagree | 39 | 1 |
| | Disagree | 40 | 1 |
| | Unsure | 214 | 6 |
| | Agree | 1523 | 39 |
| | Strongly Agree | 1162 | 30 |
| | No Answer/Multiple Answers | 918 | 23 |
| 5 | Satisfied With Outcome | | |
| | Strongly Disagree | 31 | 1 |
| | Disagree | 43 | 1 |
| | Unsure | 188 | 5 |
| | Agree | 1767 | 46 |
| | Strongly Agree | 1807 | 46 |
| | No Answer/Multiple Answers | 61 | 1 |

| | Aspects | | |
|----|----------------------------------|------|----|
| Q | | # | % |
| 6 | I Was Treated Fairly | | |
| | Strongly Disagree | 40 | 1 |
| | Disagree | 40 | 1 |
| | Unsure | 72 | 2 |
| | Agree | 1548 | 40 |
| | Strongly Agree | 2112 | 54 |
| | No Answer/Multiple Answers | 88 | 2 |
| 7 | It Helps Offender Most | | |
| | Strongly Disagree | 350 | 9 |
| | Disagree | 822 | 21 |
| | Unsure | 1162 | 30 |
| | Agree | 965 | 25 |
| | Strongly Agree | 453 | 12 |
| | No Answer/Multiple Answers | 144 | 4 |
| 8 | Will Deter Future Crime | | |
| | Strongly Disagree | 59 | 2 |
| | Disagree | 112 | 3 |
| | Unsure | 644 | 17 |
| | Agree | 1689 | 43 |
| | Strongly Agree | 1295 | 33 |
| | No Answer/Multiple Answers | 96 | 3 |
| 9 | Conference Outcome Was Confusing | | |
| | Strongly Disagree | 1653 | 42 |
| | Disagree | 1086 | 28 |
| | Unsure | 106 | 3 |
| | Agree | 89 | 2 |
| | Strongly Agree | 61 | 2 |
| | No Answer/Multiple Answers | 898 | 23 |
| 10 | My Position Was Understood | | |
| | Strongly Disagree | 40 | 1 |
| | Disagree | 38 | 1 |
| | Unsure | 290 | 7 |
| | Agree | 1722 | 44 |
| | Strongly Agree | 889 | 23 |
| | No Answer/Multiple Answers | 916 | 23 |
| 11 | I See The Crime Differently Now | | |
| | Strongly Disagree | 185 | 5 |
| | Disagree | 620 | 16 |
| | Unsure | 550 | 14 |
| | Agree | 1681 | 43 |
| | Strongly Agree | 732 | 19 |
| | No Answer/Multiple Answers | 127 | 3 |

| | Aspects | | |
|----|----------------------------|------|----|
| Q | | # | % |
| 12 | Would Recommend RJ | | |
| | Strongly Disagree | 50 | 1 |
| | Disagree | 34 | 1 |
| | Unsure | 277 | 7 |
| | Agree | 1424 | 37 |
| | Strongly Agree | 2075 | 53 |
| | No Answer/Multiple Answers | 35 | 1 |

TABLE A-3**PARTICIPANTS' VIEWS ON THEIR RJ EXPERIENCE, EXIT SHEETS****2002-2004****(N=3896) (%s)**

| Aspects * | Strongly Disagree | Disagree | Unsure | Agree | Strongly Agree |
|---|--------------------------|-----------------|---------------|--------------|-----------------------|
| Sound Expectations | 4 | 8 | 22 | 44 | 23 |
| Conference Was Disappointing | 49 | 39 | 6 | 4 | 3 |
| I Had My Say | 2 | 1 | 2 | 41 | 54 |
| I Had Support There | 1 | 1 | 7 | 51 | 39 |
| Satisfied With Outcome | 1 | 1 | 5 | 46 | 47 |
| I Was Treated Fairly | 1 | 1 | 2 | 41 | 55 |
| It Helps Offender Most | 9 | 22 | 31 | 26 | 12 |
| Will Deter Future Crime | 2 | 3 | 17 | 44 | 34 |
| Conference Outcome Was Confusing | 55 | 36 | 4 | 3 | 2 |
| My Position Was Understood | 1 | 1 | 10 | 58 | 30 |
| I See The Crime Differently Now | 5 | 16 | 15 | 45 | 19 |
| Would Recommend RJ | 1 | 1 | 7 | 37 | 54 |

* For the complete actual statement see [Appendix](#). The percentages in this table are based on samples excluding missing cases. Questions 4, 9, and 10 have roughly 20% fewer cases than the other questions since they were deleted in the second version of the exit questionnaire.

TABLE A-4**PARTICIPANTS' VIEWS OF THEIR RESTORATIVE JUSTICE EXPERIENCE,
2002-2004****(N=3896) (%)**

| Aspects * | Offender N=1431 | Offender Supporter r N=1271 | Victim N=445 | Victim Supporter r N=235 | Neutral N= 374 |
|---|----------------------------|--|-------------------------|---|---------------------------|
| Sound Expectations | | | | | |
| Agree | 42 | 48 | 44 | 45 | 37 |
| Strongly Agree | 16 | 21 | 25 | 24 | 54 |
| Unsure | 27 | 22 | 20 | 21 | 4 |
| Conference Was Disappointing | | | | | |
| Strongly Disagree | 44 | 55 | 44 | 42 | 57 |
| Disagree | 39 | 37 | 42 | 43 | 37 |
| I Had My Say | | | | | |
| Agree | 43 | 41 | 40 | 44 | 27 |
| Strongly Agree | 50 | 55 | 57 | 52 | 67 |
| I Had Support There | | | | | |
| Agree | 48 | 54 | 51 | 56 | 47 |
| Strongly Agree | 35 | 41 | 44 | 39 | 46 |
| Satisfied With Outcome | | | | | |
| Agree | 52 | 41 | 48 | 49 | 34 |
| Strongly Agree | 38 | 56 | 44 | 44 | 60 |
| I Was Treated Fairly | | | | | |
| Agree | 41 | 40 | 44 | 43 | 33 |
| Strongly Agree | 53 | 57 | 55 | 55 | 65 |
| It Helps Offender Most | | | | | |
| Agree | 29 | 25 | 21 | 27 | 20 |
| Strongly Agree | 14 | 13 | 11 | 10 | 6 |
| Unsure | 42 | 26 | 26 | 22 | 20 |

| Aspects * | Offender N=1431 | Offender Supporter N=1271 | Victim N=445 | Victim Supporter N=235 | Neutral N= 374 |
|---|---------------------------|-------------------------------------|------------------------|----------------------------------|--------------------------|
| Will Deter Future Crime | | | | | |
| Agree | 42 | 48 | 44 | 41 | 48 |
| Strongly Agree | 43 | 35 | 18 | 20 | 26 |
| Unsure | 11 | 15 | 30 | 29 | 22 |
| Conference Outcome Was Confusing | | | | | |
| Strongly Disagree | 51 | 61 | 51 | 52 | 66 |
| Disagree | 37 | 34 | 42 | 40 | 29 |
| My Position Was Understood | | | | | |
| Agree | 55 | 62 | 59 | 60 | 53 |
| Strongly Agree | 24 | 33 | 34 | 28 | 40 |
| I See The Crime Differently Now | | | | | |
| Strongly / Disagree / Unsure | 25 | 36 | 54 | 46 | 51 |
| Agree | 47 | 48 | 37 | 40 | 32 |
| Strongly Agree | 28 | 16 | 9 | 14 | 17 |
| Would Recommend RJ | | | | | |
| Agree | 37 | 33 | 46 | 42 | 37 |
| Strongly Agree | 52 | 62 | 40 | 44 | 57 |

*For complete actual statement sentence, and response categories, see [Appendix](#). Select response categories are used for research convenience. Missing values have been excluded in the above frequency calculations.

TABLE A-5

**SPECIAL RJ EXIT INDEX SCORES BY SELECT VARIABLES,* 2002-2004
(%’S)**

| Special RJ Score | Gender | | | | | |
|-------------------------|----------------------------------|------------------------------|-----------------|----------------------------------|-----------------|----------------------------|
| | Males N=1198 | | | Females N=1062 | | |
| Low | 29% | | | 23% | | |
| Medium | 45 | | | 46 | | |
| High | 25 | | | 30 | | |
| Session Type | | | | | | |
| | Accountability N=1405 | | | RJ Types N=2422 | | |
| Low | 26% | | | 33% | | |
| Medium | 44 | | | 44 | | |
| High | 30 | | | 23 | | |
| Agency Type | | | | | | |
| | Urban N=2576 | | | Town/Rural N=1321 | | |
| Low | 28% | | | 34% | | |
| Medium | 43 | | | 44 | | |
| High | 28 | | | 22 | | |
| Referral Source | | | | | | |
| | Police (Pre-Charge) N=2737 | | | Other (Post-Charge) N=1029 | | |
| Low | 28% | | | 35% | | |
| Medium | 44 | | | 43 | | |
| High | 28 | | | 21 | | |
| Offence Category | | | | | | |
| | Most Minor N=2238 | | | Less Minor N=1654 | | |
| Low | 28% | | | 33% | | |
| Medium | 43 | | | 43 | | |
| High | 29 | | | 22 | | |
| Role | | | | | | |
| | Off’r N=1430 | Off’r Supporter N=1273 | Victim N=444 | Victim Supporter N=235 | Police N=175 | Community Reps N=105 |
| Low | 29% | 26% | 42% | 41% | 33% | 16% |
| Medium | 42 | 45 | 44 | 41 | 50 | 42 |
| High | 29 | 30 | 14 | 18 | 17 | 42 |

* The index is based on responses to four questions, questions where there was significant variation in the overall responses. These questions also focused more on positive outcome issues, namely, satisfaction with the disposition reached, likelihood that the conference will be a deterrent to crime, seeing this crime/offence differently now, and whether the respondent would recommend this alternative path for similar offending.

TABLE A-6**EXIT OUTCOME-ORIENTED RESPONSES, BY SELECTED FACTORS, 2002-2004**

| Response* | Factor | | | |
|---|---------------------------|-------------------------|-------------------------|--------------------------------|
| | Gender** | Agency Type*** | Offence Category**** | Referral Source***** |
| Satisfied with Agreement | Females More (47% to 55%) | No Impact | No Impact | No Impact |
| Conference Will Be a Deterrent | No Impact | No Impact | Minor More (36% to 29%) | Police Level More (36% to 26%) |
| See This Crime/Offence Differently Now | No Impact | Urban More (21% to 15%) | Minor More (22% to 15%) | No Impact |
| Would Recommend RJ for Similar Offences | Females More (53% to 62%) | Urban More (56% to 48%) | Minor More (57% to 49%) | Police Level More (55% to 49%) |

*In these four questions, only the 'strongly agree' responses were considered

** Gender is male and female.

*** Agency type is operationalized as Halifax and Sydney area being 1, more urban, and Amherst, Kentville and Truro-based agencies being 2, less urban.

**** Offence type is operationalized as minor property offences, mischief and provincial/municipal statute violations being 1, less serious, and assault and other property crimes being 2, more serious.

***** Referral Source is operationalized as police (pre-charge) equals 1 and all others equal 2.

TABLE A-7

**EXIT OUTCOME-ORIENTED RESPONSES BY ROLE BY SELECT
CONTEXTUAL FACTORS, 2002-2004***

| Response By Role | Contextual Factors | | | | |
|--------------------------------|------------------------------------|-------------------------------|-------------------------------|-------------------------------|---|
| | Gender | Agency Type | Offence Category | Session Type | Referral Type |
| 1. Offenders | | | | | |
| Satisfied With Agreement | No Impact | No Impact | No Impact | No Impact | No Impact |
| Conference a Deterrent | Females More (43% to 49%) | Urban Less (40% to 48%) | Minor More (44% to 38%) | No Impact | Police Level More (45% to 34%) |
| See Offence Differently | Females More (26% to 34%) | No Impact | No Impact | No Impact | No Impact |
| Would Recommend RJ | Females More (50% to 62%) | No Impact | Minor More (55% to 45%) | Acc't More (55% to 48%) | Police Level More (54% to 44%) |
| 2. Offender Supporters | | | | | |
| Satisfied With Agreement | No Impact | No Impact | No Impact | Acc't More (60% to 50%) | No Impact |
| Conference a Deterrent | No Impact | Urban More (36% to 28%) | Minor More (37% to 30%) | Acc't More (38% to 30%) | Police Level More (35% to 27%) |
| See Offence Differently | No Impact | No Impact | No Impact | No Impact | No Impact |
| Would Recommend RJ | No Impact | Urban More (64% to 58%) | Minor More (65% to 58%) | Acc't More (67% to 57%) | No Impact |

| Response By Role | Contextual Factors | | | | |
|-----------------------------|---------------------------|-------------------------|-------------------------|--------------|--------------------------------|
| | Gender | Agency Type | Offence Category | Session Type | Referral Type |
| 3. Victims | | | | | |
| Satisfied With Agreement | Females More (44% to 53%) | Urban More (48% to 38%) | Minor More (47% to 40%) | N/A | No Impact |
| Conference a Deterrent | No Impact | No Impact | No Impact | N/A | No Impact |
| See Offence Differently | No Impact | No Impact | No Impact | N/A | No Impact |
| Would Recommend RJ | No Impact | Urban More (46% to 30%) | Minor More (43% to 36%) | N/A | No Impact |
| 4. Victim Supporters | | | | | |
| Satisfied With Agreement | Females More (30% to 55%) | No Impact | No Impact | N/A | No Impact |
| Conference a Deterrent | No Impact | Urban Less (16% to 25%) | Minor More (25% to 16%) | N/A | Police Level More (23% to 15%) |
| See Offence Differently | Females More (8% to 20%) | No Impact | Minor More (20% to 10%) | N/A | Police Level More (16% to 8%) |
| Would Recommend RJ | Females More (30% to 55%) | Urban Less (42% to 48%) | No Impact | N/A | Police Level More (48% to 39%) |

* See *Table A-6* for definitions and operationalizations of all concepts.

SECTION B: THE FOLLOW-UP INTERVIEWS

"I was hoping the session would give my son a wake-up call, a reality check. Give my son a chance to learn a lesson without getting off scot-free. The caseworker was always there for any questions and made it quite easy for me. There was no one big thing that was good about it but a bunch of little things like the boys getting a chance to meet face to face to express themselves, a chance to clear the air. I was surprised at the session. I was intrigued by it. It was quite a different approach and I rather liked it. Maybe the most positive thing about the session was that it gave me more insight into the mechanics of my son's thinking at the time of the incident". (Parent of a Halifax young offender accused of assaulting another youth).

"She was one of the most positive interviewees I talked with. She appeared to have really learned a lot from the experience. Asked why she agreed to participate in the RJ program, she said, "I knew that if I didn't, things would probably get worse for me. When they told me about it [the RJ option], it seemed like it would be better". Asked what she hoped to achieve by going to the RJ conference, she said, "I hoped to change my life around. I hung around with the wrong crowd and didn't know where my life was going". The most important thing for her about the conference was "I was able to apologize to everyone". She informed me that being able "to see facial expressions and hear them talk; I understood them a lot better" [the other participants with respect to their concerns and worries]. Restorative justice was most positive for her because "I got to hear how everybody felt. Before I went in, I really didn't care. After I saw the effects, I was really sorry" (Interviewer's observations regarding an interview completed with a young Truro girl referred to RJ for "theft and possession under").

"The main theme to the interview was a sense that she was torn between satisfaction with the attitude of one of the offenders and frustration with that of the other. She wondered how long the impact of the conference would stay with them once they were no longer, in her words, "up against the wall". She was grateful that the RJ option had allowed her to get off her chest a number of things she wanted to say to the offenders. She noted that her daughter, the victim, was already over the offence by the time of the conference, and as such, did not need it for closure. Because of this, the respondent noted that she had probably benefited more from the conference than her daughter. She was not sure that the conference had

been successful in conveying to one of the offenders the wrongness and impact of the offence, circumstances but, circumstances the same, she was not sure she would choose the court over the RJ option. (Interviewer's observation from an interview with a victim supporter in Halifax).

"Most positive about the conference? Getting a written apology from all. Only one kid out of five that we didn't get an apology from at the conference. We even got apologies from the parents. Those kids won't commit other crime ... when they had to admit to their parents and face the victims, it really opened their eyes. [The benefits over the court?] they talk about how to be responsible for actions. We got to face the offenders, their parents and it went around in a round robin. Victims got to address kids and parents. [Any negative things about the RJ experience?] Well just one parent's negative attitude. The kid had a chance to redeem himself and take responsibility but the father didn't feel his son was guilty. [Any other problems?] The conference was a little too long, over three hours. [The worst thing?] Some parents received some blame. I don't think the parents should suffer" (A man, quite pleased with the RJ option, who had been victimized by youths dropping objects from a bridge in metropolitan Halifax).

"She told me that she had spent almost two decades working security for a large nation-wide retail chain and regularly sees some 250 youths each year for some shoplifting and related offenses. She was very positive about the RJ program in her area. She participates often because "I've seen the success rate of the organization" and "the girls that handle it are extremely good at what they do". The most positive feature of the RJ option for her as a victim or victim representative is that "99% of the time, I am 100% sure that the person is not going to show up [later] in the legal system". In her view, restorative justice is better than the court option especially because "it is a lot stricter in a nicer way" and "to get something back positive, you need to deal out something positive" (Interviewer's observations regarding an interview completed with a fifty year old store security official attending an RJ session).

"I have been a full supporter of this program during my three years as a police officer. I like the fact that I have input and can help decide how the individual should make restitution. I strongly feel that the teens learn more from being here than in court. No offence to the Canadian court system but most offenders think it is a joke and many have told me that. More funding should be directed at a positive program such as this one" (RCMP officer, Annapolis Valley area, commenting on his RJ experience)

INTRODUCTION

The above quoted pieces reflect well the typical views about their RJ experience, and RJ in general, expressed in their follow-up interviews by participants in the different roles. As will be seen below, there are both strong patterns of consensus and much diversity in participants' views, whether within or across participant category. These quotes have been carefully selected, among the many possibilities, to represent the typical views by roles. The emphasis is on the word, 'typical', since it would have been easy to cite quite different but much less widely shared opinions in each role category. Like the parent quoted, offender supporters - basically parents and guardians - generally emphasized their satisfaction with the RJ option as an opportunity for their youth to learn a lesson without getting or adding to a criminal record. They were frequently surprised at how positive they found the RJ conference and often indicated that it gave them some insight into their youth's mind-set. The young offenders generally shared both the satisfaction and the positive sense of surprise (when they were surprised) of the youth quoted. While certainly not usually as articulate as the latter, they did generally share the views that the RJ option enabled them to avoid fairly serious negative consequences, provided them with some greater appreciation of the harmful effects of their actions, and facilitated their apologizing.

The victim quoted was also quite typical of victims in being positive about the RJ experience, appreciating the apology received and the opportunity to have face to face discussions with the offender side (whether the offender or his/her guardian), and yet having some reservations about the potential of the RJ approach in dealing with recidivism and serious offending. The majority of the victim supporters, like the one quoted, were even more ambivalent if not sceptical about restorative justice while again largely considering their RJ experience, especially the conference, as positive; many victim supporters, as will be seen, much appreciated the opportunity to express their views about the harm done to the victim and also held that they themselves had received some benefit from the RJ experience.

Like the security official quoted, business and institutional victims or representatives (e.g., school officials) were generally quite positive about the RJ option, highlighting the direct, face to face exchanges, and noting that the impact on the offender

(and for their own sense of empowerment) was more impressive than in the court processing of shoplifting and similar offenses. Finally, while the views of participating police officers covered the continuum of dislike and like regarding restorative justice, the majority of those interviewed shared the quite positive standpoint of the officer quoted and for the same two reasons, namely that in the RJ option they have more input regarding what is to be the disposition, and secondly, that RJ was an improvement on what they regularly see in the court room regarding processing youth offenses.

The follow-up sample can be shown to be reasonably representative of the participants attending conferences at the highlighted RJ agencies. Table B-1 provides the salient data for that assertion. It can be seen that the range of signings (i.e., participants signing their names agreeing to be interviewed at a later date) ranged from 56% for Halifax and Cumberland agencies to 78% for Truro. The average rate over the two more urban agencies - Halifax and Sydney - was roughly 60%, virtually identical to that for the small town and rural-based agencies. Among the role players, the range was from 52% for the young offenders to 82% for community representatives and other specialists/trainees. Victims and victim supporters were more likely to sign up for the follow-up interview than their counterparts on the offender side. The ratio of signers to non-signers was also greater among those involved in RJ-format than accountability sessions, namely 67% to 58% compared to 33% to 42%. The differences by offence type between the signers and the non-signers were quite modest; the proportions involved in serious property crime and assault cases were identical but there were fewer from cases involving minor property crime in the follow-up sample. Signers were modestly more likely to have made spontaneous, positive comments about the conference on their exit sheets (22% to 13%). There was no appreciable difference in the proportion of signers and non-signers who were engaged in conferences initiated by a pre-charge, police referral. In sum, the follow-up sample matches well the population of conference participants (apart from the facilitators of course) but the modest bias that may exist is in favour of victims, RJ-formatted sessions and the minority writing positive statements about the RJ experience on their exit sheets.

As noted in the introduction to this report, a considerable effort was expended to increase the number of follow-up interviews obtained. This was done to enable the

evaluation to distinguish among the different role players in the analyses, to provide for a more in-depth, richly textured description and analysis of participants' views, and to determine whether the positive assessments found in the earlier reports would hold up as the RJ evolved with more post-charge referrals and cases involving more serious offending. That objective was met. The number of usable follow-up interviews increased from just over 500 in the previous report to almost 1350 available for this final report. The number of offender supporters, victims and victim supporters increased by a 2.5 factor while the number of offenders doubled and the number of others/neutrals almost tripled. It might be noted here that occasionally it was difficult to determine the proper role designation for a small number of participants. There were a number of cases where family members were involved both as offenders and victims and a parent could be pigeon-holed in several ways. Generally, the researchers went along with the self-definition of the participants but in a few cases where the respondent subsequently made it clear that he or she was there primarily to support the offender, that label was applied. Also, in a few instances, parents of a youth facing drug charges, insisted upon the label victim supporter, but the code was changed by the researcher to offender supporter.

In the text below, there is a three-fold presentation. First, there is a profile of the different role players - offenders, offender supporters, victims, victim supporters, and others/neutrals. Then there is an examination of the contextual variables that impact on variation within the different groupings. Finally, there is a comparison of the different role players' views and assessments over the different phases of their RJ experience, namely pre-session, the session itself, the conference agreement, and the post-conference situation (labelled "reintegration and closure"). All respondents were also questioned concerning their overall RJ experience with respect to its value as an alternative to the conventional court-processing of offenses. In the follow-up questionnaire format, there were essentially two types of questions, one entailed fixed choice responses (typically, yes much, yes, no, don't know), and the other inviting open-ended, spontaneous responses. The former type of question aims at the coverage of an issue while the latter seeks what is foremost in the respondent's consciousness on the matter.

TABLE B-1

**FROM EXIT QUESTIONNAIRES TO FOLLOW-UP INTERVIEWS
RJ PARTICIPANTS, 2002-2004**

| SESSION PARTICIPANTS AGREEING TO BE INTERVIEWED | | | |
|--|----------------------|------------------|------------------|
| By Restorative Justice Agency: | # Exit Sheets | # Signing | % Signing |
| Halifax | 1498 | 835 | 56% |
| Cumberland | 412 | 229 | 56% |
| Sydney | 1076 | 742 | 69% |
| Kentville | 562 | 342 | 61% |
| Truro | 351 | 274 | 78% |
| Total: | 3899 | 2422 | 61% |
| By Restorative Justice Participant Role: | # Exit Sheets | # Signing | % Signing |
| Offender | 1431 | 738 | 52 |
| Offender's Supporter | 1271 | 821 | 65 |
| Victim | 445 | 334 | 75 |
| Victim's Supporter | 235 | 158 | 68 |
| Police | 175 | 124 | 71 |
| Others * | 199 | 163 | 82 |
| Missing | 143 | 85 | 60 |
| Total: | 3899 | 2422 | 62% |

| SELECTED COMPARISONS OF SESSION PARTICIPANTS AGREEING / NOT AGREEING TO BE INTERVIEWED | | |
|---|------------------|----------------------|
| By Session Type:** | % Signers | % Non-Signers |
| Accountability | 33 | 42 |
| RJ Types | 67 | 58 |
| By Offence Type: | % Signers | % Non-Signers |
| Minor Property Crime | 31 | 37 |
| Serious Property Crime | 9 | 10 |
| Assault | 22 | 22 |
| By Comment Type: | % Signers | % Non-Signers |
| Positive | 22 | 13 |
| Negative | 4 | 2 |
| Other | 2 | 1 |
| No Comment | 72 | 84 |
| By Referral Source: | % Signers | % Non-Signers |
| Police (Pre-Charge) | 71 | 73 |
| Other (Post-Charge) | 27 | 25 |

*Others included community representatives, other CJS personnel and special guests. In the first two complete years of the NSRJ program, roughly 60% of the others were from sessions held by Island Community Justice. In this grouping, the same agency accounted for 52% of the others.

**All sessions involving any victim presence were grouped together as “RJ Types” for this table and in subsequent analyses.

RESPONSE PROFILE: THE YOUNG OFFENDERS:

The sample of youths was fairly well distributed among the five selected local RJ agencies though one-third were from the Halifax agency. Two-thirds of the 359 offenders were males and roughly the same proportion had accepted responsibility for what we are defining as a category one offence (i.e., mischief, minor property crime, provincial and municipal statutes). Their socio-economic status varied, ranging from doctors' and police officers' youths to teens from impoverished single parent families. The large majority of these referrals had come from police sources (i.e., pre-charge). A slight majority of the respondents had been involved in accountability sessions where there were neither victims nor victim supporters present. Most offenders had been unaware of the RJ approach prior to their own referral but almost 20% indicated that they had had some knowledge of RJ. Asked why they decided to participate in the RJ process, the youths' chief spontaneous answer was "to avoid the court process and a criminal record" (51%); still, about 25% articulated "pull" factors such as liking the RJ idea, wanting to have their say, and hoping to get some help such as anger management counselling. Roughly 30% reported that, at least to some extent, they were persuaded by the RJ case worker to go the RJ route. Fifty youths (14%) reported some pre-session consultation with a lawyer. Only 40% indicated they had had face to face and telephone contact with the RJ agencies prior to their session while another 40% reported multiple or single telephone calls but no face to face contact. A number of youths reported only receiving correspondence and/or indirect contact through their parent or guardian. The youths' main spontaneously expressed hope, pre-session, was to put the incident behind them (26%); this was closely followed by "avoiding court and a record" (25%). Approximately one quarter of the youths reported having at least some concern about meeting the victim at the RJ session; given the fact that some 50% of their sessions did not involve victim presence, it can be suggested that such concerns were fairly pervasive where there was a person-victim.

In discussing their experience at the RJ session, the youths highlighted the important results of "getting a good solution" (26%) and "having their say" (23%). Another "most important result" cited was "being able to show remorse and apologize"

(16%). While most youths apparently were not surprised by what happened at the session, the positive surprises (i.e., the session itself, the agreement or the victim's actions) outnumbered the negative ones by a 10 to 1 ratio. For example, one small town youth, who had committed break and enter and "felt ashamed, guilty and bad", expressed surprise at the victims' demeanour at the conference, noting "I thought they would be angrier than they were". A Halifax area teen, taking responsibility for an assault, reported surprise at how light his "punishment" was, adding that, though it had helped him make up for his offence, "I could probably have done a lot more"; another Halifax area youth, also facing an assault charge, said he was surprised at how little the victim has asked for at the conference - "I expected to do community service but all the victim asked for was an apology".

The large majority (typically 66% or greater, yes much) of the youths emphasized that the session's process was fine in all respects (e.g., treated fairly and with respect, had adequate support there, able to say what they wanted, understood what was happening) and enabled them to appreciate the victim's concerns (58%, yes, much). They reported experiencing a variety of emotions, chiefly nervousness (26%), regret/guilt (30%) and shame (14%). In their spontaneous responses, the youth gave a variety of accounts as to what was the most positive feature of the RJ session; some 21% referred to the friendliness and fairness at the session while 19% noted the chance to express their views, and still others cited the agreement reached (19%). For example, one such youth who referred to the session agreement as "fair but lenient", said that the most positive feature for him was the opportunity "to get out of trouble and start going down a new path". Asked about the most negative aspects of their RJ session, the majority (52%) said "nothing". Those who did report negative features highlighted, in roughly equal proportions, the agreement reached, the attitudes of some other participants, the feelings of guilt or shame, or having to be there at all (e.g., "it was time consuming and I missed a volleyball game").

As for the agreement reached at the session, the vast majority of the youth were quite satisfied at the time with the agreement and they were similarly satisfied six months later. For example, one Annapolis Valley youth, who had faced threat charges, reported that he was still much satisfied, adding "a criminal record would have ruined me ... this

was a major event in my life, one that I'll never forget. I will never, ever do something like this again". Only 8 of the 359 respondents expressed dissatisfaction with the agreement either retrospectively or at the time of the follow-up interview. Generally, the agreement's requirements were seen as having been easily met; one of the small proportion who did not think so was a Sydney area girl, a repeat offender experienced with the criminal court and facing an assault charge, who, while overall positive about the RJ option, protested that "I have to do a billion hours of community service ... all the hours, 60 to 70 hours". The youths typically held that their participation in the RJ option had made up for the offense for which they were responsible (58% yes, much) and that they were able now to put the incident behind them (59%, yes much). A majority reported at least some improvement in their relationships with their RJ supporters (usually parents). Most (66%) reported positive life changes since the RJ experience and they overwhelmingly (87%) attributed such change at least in part to the RJ experience. On the other hand, few youths reported negative life changes (7%) and only 35% of these changes were considered to be, at least in part, related to the RJ experience. Nine percent acknowledged that they had committed new offenses since their RJ session.

In their overall assessment of their RJ experience and comparing it to their perceptions of what the court process might have yielded, the youths again were very positive about RJ. The youths emphasized the advantages of the RJ option, especially citing the avoidance of court and getting a record (46%) and the fair and friendly ambience of the RJ option (19%). One Halifax area youth, facing a break and enter charge, highlighted the advantage of "being involved in discussions about my punishment". Asked specifically what was the "worst thing" about going to RJ rather than to court, 61% of the youths replied there was nothing negative. Those who acknowledged "worse" features were most likely to cite meeting the victim and having to face people (9%); a related negative feature for a few youths was "trying to express my feelings", "getting my feelings right". Few youths had any actual court experience to relate to and even fewer (8% at the most) thought that their case should have gone through the court process. The youths spontaneously identified a number of differences if their case had gone to court rather than to RJ, mostly stressing that the disposition/sentence would have been different, a criminal record would have resulted, and/or the ambience would have

more intimidating; some of the youths painted a very grim implication such as "very limited future opportunities", "ruined my life". A few youths emphasized the positive learning of the RJ experience and noted that if their case had gone to court they would not have got much out of it. The vast majority of youths held that similar type offenses should generally go to RJ (77% yes, much). At the same time, the youths were wary (some two-thirds) of having the RJ option utilized in cases involving more serious, though undefined, offending. The youths also typically reported that no changes were required in the RJ option but a few suggested format changes and another small number (4%) called for other persons - notably victims -to be present at the sessions. A few youths, not unexpectedly given the typical youth's anxiety, echoed the complaint of one Halifax area offender who argued that "the session lasted too long for the decision that was made".

TABLE C-1**FOLLOW-UP INTERVIEWS: OFFENDER RESPONSES PROFILE****N = 359**

| Characteristic | Distribution |
|-----------------------------------|------------------------------------|
| GENDER | 66% MALES, 34% FEMALES |
| TYPE OF OFFENCE | 65% CATEGORY 1, 35% CATEGORY 2 |
| REFERRED BY | 82% POLICE, 17% CROWN |
| SESSION TYPE | 53% ACCOUNTABILITY |
| PRIOR AWARENESS OF RJ? | 77% NONE |
| TOP REASONS FOR PARTICIPATING? | 50% AVOID COURT, 20% LIKED RJ IDEA |
| WAS ATTENDANCE VOLUNTARY? | YES MUCH, 56%, TOTAL YES, 90% |
| PERSUADED BY CASEWORKER? | 27% YES, 71% NO |
| CONSULTATION WITH LAWYER? | 14% YES |
| PRE-SESSION AGENCY CONTACT CALLS? | 40% FACE-TO-FACE, 29% 2+ CALLS |
| CHIEF PRE-SESSION "HOPE?" | 24% "CAN PUT IT BEHIND ME" |
| CONCERNED RE MEETING VICTIM? | YES MUCH, 9%, TOTAL YES, 26% |
| TOP TWO ASPECTS OF SESSION? | 26% GOOD SOLUTION, 23% HAD A SAY |
| SURPRISED AT SESSION? | 59% NO, YES (+) 34%, YES (-) 3% |
| UNDERSTAND AT SESSION? | YES MUCH, 68%, TOTAL YES, 99% |
| TREATED WITH RESPECT THERE? | YES MUCH, 70%, TOTAL YES, 98% |
| ADEQUATE SUPPORT THERE? | YES MUCH, 68%, TOTAL YES, 97% |
| HAD YOUR SAY THERE? | YES MUCH, 67%, TOTAL YES, 98% |
| BETTER SEE VICTIM'S SIDE? | YES MUCH, 58%, TOTAL YES, 87% |
| WAS CONFERENCE FAIR? | YES MUCH, 68% TOTAL YES, 98% |
| CONFERENCE SETUP OKAY? | YES MUCH, 66%, TOTAL YES, 98% |
| PERSONAL FEELINGS THERE? | 26% NERVOUS, 15%, SORRY, 14% SHAME |
| MOST POSITIVE RE SESSION? | 19% HAD MY SAY, 17% AGREEMENT |
| MOST NEGATIVE RE SESSION? | 52% NOTHING, 5% THE AGREEMENT |
| SATISFIED WITH AGREEMENT? | YES MUCH, 65%, TOTAL YES, 97% |
| STILL HAPPY WITH AGREEMENT? | YES MYCH, 66%, TOTAL YES, 97% |
| CONDITIONS EASILY MET? | YES MUCH, 61%, TOTAL YES, 93% |
| TOUGHEST CONDITIONS TO MEET? | 5% COMMUNITY WORK REQUIREMENT |
| RJ OPTION MAKE UP FOR OFFENCE? | YES MUCH, 58%, TOTAL YES, 94% |
| IMPROVED TIES RE SUPPORTERS? | 32% NO CHANGE, 26% YES MUCH |
| ABLE TO PUT IT BEHIND NOW? | YES MUCH, 59%, TOTAL YES, 92% |
| CONCERN NOW IF MET VICTIM? | YES MUCH, 4%, TOTAL YES, 11% |

| | |
|---------------------------------|--------------------------------------|
| ANY NEW OFFENCES SINCE? | 9% YES, 90% NO |
| POSITIVE LIFE CHANGES SINCE? | 66% YES, RJ EXP A FACTOR, 87% |
| NEGATIVE LIFE CHANGES SINCE? | 7% YES, RJ EXP A FACTOR, 30% |
| ADVANTAGE OF RJ TO COURT? | 44% AVOID COURT RECORD, 18% AMBIENCE |
| DISADVANTAGE OF RJ TO COURT? | 61% NONE, 7% FACING THE VICTIM |
| SHOULD THIS HAVE GONE TO COURT? | YES MUCH, 2%, TOTAL YES, 8% |
| DIFFERENCE IF WENT TO COURT? | 29% GET A RECORD, 25% SENTENCE |
| ANY COURT EXP AS OFFENDER? | YES MUCH, 5%, TOTAL YES, 11% |
| USE RJ FOR CASES LIKE THIS? | YES MUCH, 77%, TOTAL YES, 96% |
| USE RJ FOR MORE SERIOUS CASES? | 41% NO, 23% NO QUALIFIED |

RESPONSE PROFILE: OFFENDER SUPPORTERS

The sample of 564 offender supporters, overwhelmingly parents and especially mothers, was very well distributed among the five RJ agencies, with the Sydney-based agency accounting for the largest proportion at 28%. Roughly two-thirds of the sample were females and almost the same proportion were involved in cases where the offence was minor property crime or mischief or provincial / municipal statute violation. Just slightly less than 50% of the sample had been involved in accountability sessions. Police pre-charge referrals accounted for the lion's share (78%) of the referrals involved. These offender supporters typically (75%) reported having no knowledge of the RJ approach prior to this involvement. Asked why they had participated, the respondents especially articulated three types of reasons, namely "liked the idea of RJ"(46%), "avoid the court/record" (20%) and "family obligations" (19%). Of course, if they had been specifically asked about each factor, it is likely that the large majority would have acknowledged each consideration as salient. While depicting their participation as voluntary (69% yes, much), about one in five also highlighted the persuasion by agency staff. Nine percent reported that they had some consultation with a lawyer prior to attending the RJ session. There was much pre-session contact with the agencies' staff, entailing both face to face meetings and telephone calls - over 50% had had at least one face-to-face meeting. The clear majority (68%) of offender supporters went into the session hoping that the offending youth would "learn a lesson". They indicated too that the youth would likely have gone to the session even if they, themselves, had not.

The respondents, when asked to identify the most important things that happened at the session, spontaneously cited "being able to talk about the offence and give my views" (29%), "the youth showing remorse and apologizing" (29%) and "getting a good solution which could help the offender" (22%); other remarks included "avoiding court", "the youth learning a lesson" and idiosyncratic comments such as "other people saw what we've been dealing with all along". While most supporters apparently were not surprised at what transpired at the session, the positive surprises (especially with respect to the overall session dynamics) outnumbered the negative ones 20% to 8%. Most offender supporters considered that the young offender had taken responsibility (69% yes much),

that they themselves had had their say (73% yes much), that victims, where present, were fair in their demands (67% yes much) and that the youths did get a sense of the victims' position (61% yes much). The session was seen as essentially positive and few persons identified any negative aspects. For example, one Sydney area parent, whose youth was charged with theft of a credit card, commented "At first I was leery but this proved to be the right avenue. It was a great idea. As a parent I liked the opportunity to provide input".

In their spontaneous responses to the question, "what was most positive about the session", the offender supporters referred to a wide range of factors. The positive attitudes of the other participants and the friendly and fair ambience of the session were frequently noted (20% and 16% respectively) while other less frequently articulated themes included "avoiding court", "offender learning a lesson", and "learning about RJ" (e.g., one respondent talked of "knowing that things can be resolved without courts"). A significant minority of the supporters called attention to their youth's taking responsibility and made comments such as "the session opened lines of communication [between my youth and I]" or "it gave me insight into my son's thinking and how he and his friends spend their time". As noted, most youth supporters (59%) said there was nothing negative about the RJ session. The specific negative themes mentioned - none by more than 7% of the sample - included "the attitudes of other participants", the agreement reached, the embarrassment of being there, and criticism of the RJ format and process (e.g., lack of follow-up). A few supporters were disappointed at the "leniency" and/or critical of their own youth's actions at the session; for example, one Halifax parent whose son was charged with robbery suggested that the "counsellors" and the victim's side "should have pushed it a little harder [because] it went in one ear and out the other [of her son]. He was antsy, fiddling around and laying on the table. Seemed like he didn't care and didn't want to be there ... I actually wish it would have gone to court. It didn't do anything for him or me".

The offender supporters reported themselves quite satisfied (66% yes much) with the agreement or disposition reached at the session. In their view, typically, the offender was committed to the agreement (69% yes much), had realized the harm caused (69% yes much) and would be unlikely to re-offend (54% yes much). While only a slight majority reported improved ties with the offender, a stronger majority (72% yes much) considered

that the latter's life had improved since the session (e.g., "re-enrolled in high school", "going to church more regularly now". "matured and grown up") and that the RJ experience had contributed to that positive change (83%). For example, a Kentville parent commented: "he's more likely to listen to me now; they [at the RJ session] were able to get through to him". One Halifax parent of youth referred for assault, praised the RJ approach, noting major changes in her son's behaviour and their specific interactional strategy: "now when he gets ticked off, we sit down and talk it out, instead of him doing something he shouldn't"; another Halifax area parent, in an assault where she was the mother of both the offender and the victim, talked of positive though perhaps short-term consequences, noting "it probably did him some good but he has ADHD and I can't be sure of the long-term impact of the conference". Many supporters indicated that the RJ experience had helped themselves to cope or deal better with the offence (44% yes much).

Overall, the offender supporters considered that RJ had many advantages over the court process such as avoiding a record (41%) and having a fair and friendly ambience (25%). Asked whether there were any "worse things" about going to RJ rather than the courts, the clear majority (69%) said there were no worse things. The few who did advance such negatives - no single theme accounted for more than 4% of the sample - cited having to face the victim, RJ being too lenient and time/format concerns such as poor follow-up; one Sydney parent, for example, noted that "there was no way of really enforcing the projects that they give them. My child being very bright, she took advantage of it. She took it to the limit". Perhaps, more importantly, a good number of offender supporters (33%) spontaneously noted that the court process would have had a negative impact for the young offender whether, as was often articulated, "making him a harder person" or "causing him to think he was a hot-shot". A Sydney area mother opined that if her daughter had gone instead to court, "it would have been stressful. It wasn't stressful at that meeting. Court would have been more aggressive and she wouldn't have had such a positive attitude afterwards". Only a score of the respondents held, in retrospect, that the matter should have gone to court and most held (61% yes much) that RJ should be used in similar cases. Like the young offenders, the offender supporters were generally wary about extending RJ to more serious offending, though roughly 50%

were agreeable to that possibility. Sixty percent of the respondents held that there was nothing that needed to be changed with respect to the RJ conference experience. The chief changes that were suggested included "having others present" (12%) and better follow-up and monitoring of the agreements (11%); the former referred to the absence of either police or victim, while the latter was typically expressed in a positive context such as the remarks of one parent who said "follow-up is lacking and very poor while the rest of the process is effective and professional".

TABLE C-2**FOLLOW-UP INTERVIEWS: OFFENDER SUPPORTER RESPONSES
PROFILE****N = 564**

| CHARACTERISTIC | DISTRIBUTION |
|----------------------------------|----------------------------------|
| GENDER | 33% MALES, 67% FEMALES |
| TYPE OF OFFENCE | 3% CATEGORY 1, 37% CATEGORY2 |
| REFERRED BY | 78% POLICE, 20% CROWN |
| SESSION TYPE | 47% ACCOUNTABILITY |
| PRIOR AWARENESS OF RJ | 75% NONE |
| TOP REASONS FOR PARTICIPATING | 20% AVOID CJS, 46% LIKED RJ IDEA |
| WAS ATTENDANCE VOLUNTARY? | YES MUCH, 69%, TOTAL YES, 93% |
| PERSUADED BY CASEWORKER? | 16% YES, 82% NO |
| CONSULTATION WITH LAWYER? | 9% YES |
| PRE-SESSION AGENCY CONTACT CALLS | 50% FACE-TO-FACE, 27% 2+ |
| CHIEF PRE-SESSION "HOPE" | 68% "OFFENDER LEARN A LESSON" |
| WOULD OFF'R GO WITHOUT YOU? | YES MUCH, 36%, TOTAL YES, 69% |
| TOP TWO ASPECTS OF SESSION | 29% SHOW REMORSE, 29% HAD A SAY |
| SURPRISED AT SESSION? | 66% NO, YES (+) 20%, YES (-) 8% |
| DISCUSSED SPECIAL FACTORS? | YES MUCH, 34%, TOTAL YES, 58% |
| OFF'R TAKE RESPONSIBILITY? | YES MUCH, 69%, TOTAL YES, 94% |
| VICTIMS FAIR IN DEMANDS? | YES MUCH, 52%, TOTAL YES, 71% |
| HAD YOUR SAY THERE? | YES MUCH, 73%, TOTAL YES, 97% |
| OFF GET SENSE OF VICTIM VIEW? | YES MUCH, 61%, TOTAL YES, 85% |
| WAS CONFERENCE FAIR? | YES MUCH, 70%, TOTAL YES, 97% |
| MOST POSITIVE RE SESSION? | 20% PARTICIPANTS, 16% FAIRNESS |
| MOST NEGATIVE RE SESSION? | 59% NOTHING, 7% PARTICIPANTS |
| SATISFIED THEN RE AGREEMENT? | YES MUCH, 66%, TOTAL YES, 94% |
| WAS OFF'R COMMITTED TO IT? | YES MUCH, 69%, TOTAL YES, 93% |
| OFF'R REALIZED HARM DONE? | YES MUCH, 69%, TOTAL YES, 92% |
| OFF'R LESS LIKELY TO OFFEND? | YES MUCH, 54%, TOTAL YES, 83% |
| IMPROVED TIES WITH OFF'R? | 40% NO CHANGE, 28% YES VERY MUCH |

| | |
|--|--------------------------------|
| HELPED YOU COPE BETTER? YES,75% | YES MUCH, 44%, TOTAL |
| POSITIVE CHANGES FOR O SINCE? 83% | 72% YES, RJ EXP A FACTOR, |
| NEGATIVE CHANGES FOR O SINCE? 16% | 14% YES, RJ EXP A FACTOR, |
| ADVANTAGE OF RJ TO COURT? | 41% AVOID RECORD, 25% AMBIENCE |
| DISADVANTAGE OF RJ TO COURT? VICTIM | 69% NONE, 4% FACING THE |
| SHOULD THIS CASE GONE COURT? | YES MUCH, 4%, TOTAL YES, 8% |
| DIFFERENCE IF WENT TO COURT? | 33% (-) IMPACT, 14% SENTENCE |
| ANY SIMILAR COURT EXPERIENCE? 29% | YES MUCH, 17%, TOTAL YES, |
| USE RJ FOR CASES LIKE THIS? | YES MUCH, 61%, TOTAL YES, 96% |
| USE RJ FOR MORE SERIOUS CASES? | 32% NO, 21% NO QUALIFIED |

THE VICTIMS

The victim sample drew quite evenly from all five local RJ agencies, the largest proportion - 24% - having been involved with the Kentville-based, Annapolis Valley agency. A slight majority of the victim sample was male (55%) and involved with category one offenses (54%). Three-quarters of the victims were associated with police-referred cases. A significant minority (38%) of the victims interviewed (who were largely adults) had had some prior awareness of RJ. The chief stated reason for their participation was that they liked the idea of the RJ option (44%); of course that could be specified in a variety of ways; one Truro victim of mischief elaborated as follows: "we were all kids once ... we all played around with fire ... there's no reason he should get a record for that if it can be avoided ... I just wanted to give him a scare in the hopes that he would not re-offend". Other frequently cited reasons were "persuaded/pressured to attend" (17%) and wanting to have their say (10%); for example, a Truro area adult victim of mischief stated "I wanted to stand up and be heard". Very few (5%) had consulted with a lawyer prior to attending the conference. The victims had roughly the same level and type of pre-session contact with the local RJ agencies as had offenders; for example, roughly 44% reported having at least one face to face meeting with RJ case workers. Entering the session their most commonly expressed hope (28%) was that they would receive an apology and/or restitution; other commonly articulated hopes were "give my side" (15%), "be able to put it all behind me" (13%) and "show forgiveness/help the young offender" (8%).

Few victims apparently were surprised by what transpired at the sessions but, as with offenders and their supporters, positive surprises (e.g., the offender's side was quite remorseful, sympathetic etc) outnumbered negative ones (19% to 11%). One Truro respondent, victim of a break and enter, was surprised at the session dynamics because "I thought the individual [offender] was going to be a real jerk and for the first five minutes he was; but when asked to explain himself, he broke. He was a totally different person". The actual session process was quite positively assessed by the victims with regards to their having adequate support there (69% yes much), being treated with respect (77% yes much), having their say (75% yes much), and experiencing fairness (64% yes much). Only a slightly smaller majority (52% yes much) also held that they got answers from the

offender and that the latter accepted responsibility for the incident (52% yes much). Asked what was most positive about the conference, the victims spontaneously emphasized "the chance to express my views" (30%), "the positive attitudes of the other participants" (20%) and "the agreement reached" (12%); with respect to the latter, restitution and apology were highlighted but a number of the victim respondents emphasized also that the conference had made a positive difference for the young offender. As for what they considered most negative about the conference, the majority of respondents said "nothing" (56%), while those citing some negatives mentioned either the attitudes of other participants (12%) or the agreement reached (10%).

The victims reported themselves satisfied with the session's agreement at the time (57% yes much) but there was a modest drop-off in their satisfaction in the follow-up interview six months or so later (49% yes much). A Kentville teen victim of an assault commented that "I had no desire for personal gain. I wanted to help the offender out and that was done. It smartened him up and there was nothing negative about. He complied with all the conditions of the agreement". A school principal related the two experiences she had as "an institutional victim", representing her school; "in the first I walked away with a good feeling and a feeling of accomplishment but in the second I walked away with absolutely no feeling of accomplishment and felt absolutely belittled"; she attributed the difference to the differences in the work of the facilitators. Many victims, whether happy or disappointed with the agreement, considered that it - and the RJ process as a whole - was too lenient on the offender. One Kentville area victim had quite the opposite view. He praised the RJ approach, arguing that the court system would have been "a nerve racking and negative experience from which none of the participants would have gained" but added, "the conference went overboard and to extreme lengths; the youth understood what was being said and accepted responsibility but they [the facilitators and other participants] kept bullying him".

Most victims indicated that they had received a sincere apology from the offending youth (58% yes much) and a large minority (42% total yes) reported that they had obtained at least some restitution. A majority (53% yes much) reported that they were now able to put the incident behind them. Most victims reported that, at the RJ session, they were given "enough opportunity to contribute to how the offence would be

dealt with" (66% yes much). As for the offender, the victims generally held that the offender had been committed to the agreement (52% yes much) and that the RJ option, at least to some degree (78% total yes), had made up for the offense. There was less consensus regarding whether the offender was less likely to re-offend for having had the RJ experience but a majority believed that the chances of recidivism had been at least somewhat reduced (61% total yes).

Overall, the victims generally indicated that the RJ option had many advantages vis-à-vis the court process, such as enabling them to talk directly to the young offender (17%), allowing them to have their say (15%), and providing a fair and friendly milieu (17%); undoubtedly some of these positive factors underscored their chief stated "best thing" about using RJ rather than the court option (20%), namely "avoiding the court process". A Kentville area victim, like many other victims, emphasized the value of the face to face interaction between victims and offenders, adding that the session made quite an impact on the offender and showed him that beyond the court "there's a working system out there". A young Kentville area assault victim, asked what was best about the RJ option, commented that it helped both the offender and himself and added, "it was absolutely perfect; it was a lot better than court. I liked it a lot". Another Kentville assault victim answered the same query by observing, "it [the RJ option] brings everyone together and is a true learning experience, not intimidating like the court"; still another Kentville victim, a school principal victimized by mischief, echoed these comments and added, "restorative justice is an improvement over the ineffective court system".

The majority of the victims (60%) reported that there was nothing "worse" about proceeding in this alternative route to justice. The minority of the respondents who did identify a "worst thing" emphasized time and format issues in RJ, especially the lack of follow-up and monitoring of the session's agreement. For example, one Halifax victim lauded the RJ processes ("the facilitators did a good job and there was a relaxed atmosphere and you could express yourself in a way not bound like in court") but identified "the worse thing" as simply "the results"; in his view the offender simply did not carry out her part and comply with the agreement. Roughly 30% of the victims did indicate that they had had some experience previously with being a victim in criminal court so presumably their comparative views had grounding in both options. Asked

specifically about the differences between the two systems, the respondents cited, in roughly equal proportions, the sentencing, the greater intimidation in the court option, and the likelihood that the court option would have had a quite negative impact on the young offender. The respondents often spontaneously elaborated on the latter factor with comments such as "[the court route] would have made the young fella feel bitter" and "I don't think he would have taken ownership and wouldn't have realized the consequences". A Halifax adult, victimized by serious and potentially life-threatening mischief, observed that restorative justice option made "an impact on the offenders such that they will not commit other criminal acts ... when they had to admit to their parents and face the victims it really opened their eyes". Some respondents combined reference to the negative impact of court with the positive value of their own direct communication to the offender; for example, one victim observed, "I wouldn't have had my say and the youth wouldn't hear me. I needed him to know what he did to me and how it affected my life".

In light of the above, it is not surprising that only 14% of the victims held that, in retrospect, their case should have gone through the court process, and only half of these persons were strongly of that view. Like other session participants, the victims strongly agreed that RJ should be used for similar cases (61% yes much) but, unlike some other participants, a strong majority (60% unequivocally no, 75% total no) contended that RJ generally should not be used in cases involving more serious offending. In some ways this assessment is puzzling since there was a quite pervasive view among victims that for a variety of reasons (e.g., face to face interaction) RJ provided much more of a learning experience than the courts; the reticence about using the RJ option for more serious offending would appear to have more to do with perceived RJ outcomes and its capacity to be a deterrent. A slight majority of the victims concluded their follow-up interview by indicating that there was nothing especial that should be changed in the RJ option as experienced (51%). There were a few suggestions (roughly 10% each) which were advanced, namely have others present (chiefly the police), change the time and format, and have more follow-up.

TABLE C-3**FOLLOW-UP INTERVIEWS: VICTIM RESPONSES PROFILE****N = 225**

| CHARACTERISTIC | DISTRIBUTION |
|--|----------------------------------|
| GENDER | 55% MALES, 45% FEMALES |
| TYPE OF OFFENCE | 54% CATEGORY 1, 46% CATEGORY 2 |
| REFERRED BY | 75% POLICE, 20% CROWN |
| PRIOR AWARENESS OF RJ | 62% NONE |
| TOP REASONS FOR PARTICIPATING | 12% PERSUADED, 44% LIKED RJ IDEA |
| WAS ATTENDANCE VOLUNTARY? | YES MUCH, 68%, TOTAL YES, 93% |
| PERSUADED BY CASEWORKER? | 13% YES, 85% NO |
| CONSULTATION WITH LAWYER? | 5% YES |
| PRE-SESSION AGENCY CONTACT CALLS | 44% FACE-TO-FACE, 32% 2+ |
| CHIEF PRE-SESSION "HOPE" | 28% GET APOLOGY / RESTITUTION |
| SURPRISED AT SESSION? | 67% NO, YES (+) 19%, YES (-) 11% |
| UNDERSTAND AT SESSION? | YES MUCH, 72%, TOTAL YES, 100% |
| TREATED WITH RESPECT THERE? | YES MUCH, 77%, TOTAL YES, 99% |
| ADEQUATE SUPPORT THERE? | YES MUCH, 69%, TOTAL YES, 97% |
| HAD YOUR SAY THERE? | YES MUCH, 75%, TOTAL YES, 99% |
| GET ANSWERS FROM OFF'R? | YES MUCH, 52%, TOTAL YES, 87% |
| WAS CONFERENCE FAIR? | YES MUCH, 64%, TOTAL YES, 97% |
| CONFERENCE SET-UP OK? | YES MUCH, 70%, TOTAL YES, 97% |
| OFF'R TAKE RESPONSIBILITY? | YES MUCH, 52%, TOTAL YES, 86% |
| MOST POSITIVE RE SESSION? PARTICIPANTS | 30% HAD MY SAY, 20% |
| MOST NEGATIVE RE SESSION? | 56% NOTHING, 12% PARTICIPANTS |
| SATISFIED THEN RE AGREEMENT? | YES MUCH, 57%, TOTAL YES, 92% |
| STILL HAPPY WITH AGREEMENT? | YES MUCH, 49%, TOTAL YES, 77% |
| SINCERE APOLOGY RECEIVED? | YES MUCH, 58%, TOTAL YES, 82% |
| ANY RESTITUTION RECEIVED? | YES MUCH, 22%, TOTAL YES, 42% |
| RJ OPTION MAKE UP FOR OFFENCE? | YES MUCH, 43%, TOTAL YES, 78% |
| OFF'R COMMITTED TO TERMS? | YES MUCH, 52%, TOTAL YES, 85% |

| | |
|--|-------------------------------|
| OFF'R LESS LIKELY REOFFEND? | YES MUCH, 33%, TOTAL YES, 61% |
| CAN YOU PUT IT BEHIND NOW? | YES MUCH, 53%, TOTAL YES, 82% |
| CONCERNED NOW IF MET OFF'R? | YES MUCH, 2%, TOTAL YES, 6% |
| ADVANTAGE OF RJ TO COURT? | 20% AVOID COURT, 17% SEE&TALK |
| DISADVANTAGE OF RJ TO COURT? | 60% NONE, 6% TIME & FORMAT |
| SHOULD HAVE GONE TO COURT? | YES MUCH, 8%, TOTAL YES, 14% |
| DIFFERENCE IF WENT TO COURT? SENTENCE | 21% GET A RECORD, 20% |
| ANY COURT EXPERIENCE? | YES MUCH, 9%, TOTAL YES, 29% |
| USE RJ FOR CASES LIKE THIS? | YES MUCH, 61%, TOTAL YES, 90% |
| USE RJ FOR MORE SERIOUS CASES? | 60% NO, 15% NO QUALIFIED |

RESPONSE PROFILE: VICTIM SUPPORTERS:

The sample of victim supporters was well-distributed in terms of agency involvement, the range for the five agencies being from 11% (Truro) to 28% (Halifax). Unlike the victim sample, the clear majority of these respondents were females (63%) and they were participants in sessions largely involved (74%) in category two offences, chiefly assault (a good number of which presumably entailed "bullying"). The incidents had been referred for the most part (84%) by the police and, accordingly, were pre-charge. Most victim supporters (72%) had no previous knowledge of RJ but participated apparently because they liked the idea of RJ (37%) and, in a fifth of the cases, were persuaded or pressured (in their view) by the agency staff. One Sydney victim supporter, for example, who became very positive about the RJ experience, noted that she had participated mainly as a last resort because "there was nothing done to the offender either through school or the law". Not surprisingly, few respondents reported any pre-session consultation beyond their own family and the RJ agencies. They reported much pre-session contact with the agency (60% reported at least one face to face meeting), even slightly more than that reported by offenders and victims. Clearly, that the majority of the respondents reported that the victim would not have attended the session without their own presence, highlights the fact that many were the parents/older siblings of young victims. Their chief articulated hope, pre-session, was that the victim would receive an apology and/or restitution (30%); other commonly expressed hopes were that the victim would be able to put the matter behind him or her (26%) and that the impact of the offence on the victim (i.e., the harm done) was adequately communicated (16%). Many victim supporters clearly indicated that they were seeking changes in the offender's behaviour towards their own youth and, accordingly, looking for some evidence of such an outcome in the offender's demeanour at the session.

The victim supporters held that the two most important features of the session were that all participants had their say (41%) and that the offender had an opportunity to express remorse (28%). The majority were not surprised by what happened at the session (59%) and those who were, were split rather evenly between those reporting positive surprises and those reporting negative ones. The session or conference was appraised

positively in terms of having one's say (56% yes much), the facilitators being fair (52% yes much), the offender taking responsibility (39% yes much) and getting a sense of the victim's concerns (42% yes much), and the victim's needs/wishes being heard (42% yes much). Over 60% of the respondents indicated that they were very much able to speak directly to the offender at the session and 93% reported at least some direct interaction there between offender and victim "sides". Respondents identified the chief positive aspects of the conference or session as "the chance to express my views" (37%), the friendly ambience (10%) and the positive attitudes of the participants (10%). While the session was more likely to be seen in positive terms than negative ones (41% reported "nothing negative" about the session), a significant number did identify negative aspects, usually the attitudes of the offender and/or the offender supporters (26%).

The large majority of the respondents reported themselves at least somewhat satisfied at the time with the agreement that was reached at the session (90%). As for the offender, the victim supporters generally considered that he/she was at least somewhat committed to the agreement (34% yes much) and had appreciated the harm caused by the offence (39% yes much). Interestingly, the victim supporters were roughly evenly split in terms of thinking whether or not the offender was less likely to re-offend for having had the RJ experience. Their views concerning the impact on the victims were similarly positive, though somewhat muted. Overall, they reported that the victim had benefited from the RJ experience (39% yes much), as indeed, apparently, had they themselves (29% yes much); their assessments of the level of positive change for the victim (49% yes) and the extent to which RJ contributed to it (81%), were less enthused than analogous assessments reported on the offenders' side. Results mattered and detracted some from their enthusiasm for the RJ process. Not surprisingly, where the apparent "bullying" had presumably ceased, the victim supporters were more positive about the impact of the RJ option. One such Amherst respondent noting that the bullying has stopped, the victim is no longer afraid to attend school and the offender was given a second chance, found that "RJ was most appropriate". On the other hand, the Halifax area mother of a teen subjected to continued bullying even after the session, was very critical of the RJ option, contending that the attitude of the offender and his supporters at the session was poor and there was a big gap between the required behavioural change on the

offender's part and the RJ reality of "one short meeting".

Victim supporters generally identified the RJ option as having significant advantages vis-à-vis the court path for the kind of offenses dealt with in their own case, but a significant minority also identified disadvantages in taking that option. The "best things" about the RJ option were seen as "the friendly, fair meeting" (27%) and "the opportunity for direct communication across offender-victim lines" (17%), closely followed by simply "avoiding the court scene" (16%). Almost half the sample reported no "worst thing" about exercising the RJ option; among those who cited such disadvantage, there was no dominant response pattern but the most frequent comments (11%) focused on the perceived "unfairness" of the conference (e.g., the disposition was too lenient). There was an evident, minor pattern wherein respondents reported enthusiasm for the RJ process but disappointment at the results. For example, one victim supporter in Halifax, involved in a case of assault with a weapon, highlighted how positive he found the session where "the coming together, the discussions ... it allowed actual sitting down and discussing ... the facilitator was positive", while decrying the fact that there was no follow-through so perhaps "there was a lot of accountability and may not have been realistic".

A strong majority of the victim supporters held that referral to RJ had indeed been the appropriate response, but 22% believed, in retrospect, that the case should have gone to court and another 8% were unsure. A Halifax victim supporter and school principal who championed RJ, noted the advantages of the RJ option as "the ability to speak directly to the offender and her supporters, allowing a much freer communication of the impact of the offence that might otherwise have been possible"; on the other hand, a Sydney area father of an assaulted youth, said that in retrospect he would have preferred the case go to court since he did not think the conference had made a suitably strong impression on the offender - "he did not make much of an effort to speak directly to the victim at the conference, averting his eyes and letting his supporters do the talking when possible". The cross-currents of issues affecting the respondents' assessments were evident in the case of a Halifax respondent who noted the benefit of the RJ option in being able to speak directly to offenders and explain the seriousness of the crime's impact, but, nevertheless, concluded the case should have gone to court since court would

have more effective "at scaring some sense into them". The victim supporters, a third of who reported having witnessed first-hand the court processing of similar cases, typically believed that there would be differences between the RJ and court options. They cited chiefly two differences had this matter been dealt with in court, namely (a) the sentence would have been different and the youth would get a record; (b) there would have been primarily negative implications for both offenders and victims; in the latter instance, it was noted, for example, that "we never would have known why", and "my daughter would not have a resolution of her fear".

Most respondents (52% yes much and 89% total yes) agreed that cases similar to the one with which they were involved should go to RJ, but a majority (70%) also held that RJ was not appropriate for more serious offending. For example, one Halifax parent of an assaulted girl, who emphasized the harm done to her daughter ("the pain of a broken nose and damage to her self-esteem and personal image"), acknowledged that RJ provided a good venue for conveying the impact of the offence but felt that it should not be used for violent crimes, commenting "restorative justice is useful for those who probably would never end up in the offender role anyways". On the other hand, a Sydney parent of an assaulted person, even while noting that the offender had failed to complete the agreement thereby necessitating the scheduling of new conference, held that the RJ option should still be used for more serious offending, though on a case by case basis, depending on the offender's commitment. Most respondents did not identify any needed change for the RJ option but the one clear, minor pattern was the call for more follow-up and monitoring of the conference agreement.

TABLE C-4**FOLLOW-UP INTERVIEWS: VICTIMS SUPPORTER RESPONSES PROFILE****N = 98**

| CHARACTERISTIC | DISTRIBUTION |
|----------------------------------|----------------------------------|
| GENDER | 37% MALES, 63% FEMALES |
| TYPE OF OFFENCE | 26% CATEGORY 1, 74% CATEGORY 2 |
| REFERRED BY | 84% POLICE, 9% CROWN |
| PRIOR AWARENESS OF RJ | 72% NONE |
| TOP REASONS FOR PARTICIPATING | 37% LIKED RJ IDEA, 14% PERSUADED |
| WAS ATTENDANCE VOLUNTARY? | YES MUCH, 57%, TOTAL YES, 94% |
| PERSUADED BY CASEWORKER? | 19% YES, 79% NO |
| CONSULTATION WITH LAWYER? | 3% YES |
| PRE-SESSION AGENCY CONTACT CALLS | 60% FACE-TO-FACE, 24% 2+ |
| CHIEF PRE-SESSION "HOPE" | 30% GET APOLOGY / RESTITUTION |
| WOULD VICTIM GO WITHOUT YOU? | YES MUCH, 21%, TOTAL YES, 41% |
| TOP TWO ASPECTS OF SESSION | 41% HAD SAY, 28% OFF'R REMORSE |
| SURPRISED AT SESSION? | 59% NO, YES (+) 18%, YES (-) 20% |
| DISCUSSED SPECIAL FACTORS? | YES MUCH, 32%, TOTAL YES, 67% |
| OFF'R TAKE RESPONSIBILITY? | YES MUCH, 39%, TOTAL YES, 78% |
| VICTIMS NEEDS/WISHES HEARD? | YES MUCH, 42%, TOTAL YES, 86% |
| HAD YOUR SAY THERE? | YES MUCH, 56%, TOTAL YES, 95% |
| OFF'R GET SENSE VICTIM VIEW? | YES MUCH, 42%, TOTAL YES, 80% |
| WAS CONFERENCE FAIR? | YES MUCH, 52%, TOTAL YES, 91% |
| MOST POSITIVE RE SESSION? | 37% EXPRESS MY VIEWS, 10% FAIR |
| MOST NEGATIVE RE SESSION? | 41% NOTHING, 26% PARTICIPANTS |
| SATISFIED THEN RE AGREEMENT? | YES MUCH, 44%, TOTAL YES, 90% |
| WAS OFF'R COMMITTED TO IT? | YES MUCH, 34%, TOTAL YES, 72% |
| OFF'R REALIZED HARM DONE? | YES MUCH, 39%, TOTAL YES, 78% |
| OFF'R LESS LIKELY TO OFFEND? | YES MUCH, 24%, TOTAL YES, 51% |
| HAS VICTIM BENEFITTED? | YES MUCH, 39% TOTAL YES, 81% |
| POSITIVE CHANGES FOR V SINCE? | 49% YES, RJ EXP A FACTOR, |

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| 81% | |
| NEGATIVE CHANGES FOR V SINCE? | 2% YES, RJ EXP A FACTOR, 50% |
| RJ EXP HELPED YOU COPE? | YES MUCH, 29%, TOTAL YES, 69% |
| ADVANTAGE OF RJ TO COURT? | 17% DIRECT TALK, 27% AMBIENCE |
| DISADVANTAGE OF RJ TO COURT? | 49% NONE, 11% UNFAIRNESS |
| SHOULD CASE GONE TO COURT? | YES MUCH, 9%, TOTAL YES, 22% |
| DIFFERENCE IF WENT TO COURT? INTIMIDATE | 14% SENTENCE, 19% |
| ANY SIMILAR COURT EXPERIENCE? | YES MUCH, 11%, TOTAL YES, 32% |
| USE RJ FOR CASES LIKE THIS? | YES MUCH, 52%, TOTAL YES, 89% |
| USE RJ FOR MORE SERIOUS CASES? | 54% NO, 15% NO QUALIFIED |

RESPONSE PROFILE: OTHERS/NEUTRALS

The ninety-five others/neutrals interviewed were a diverse grouping made up in almost equal measure of CJS officials (mostly police officers), community representatives and trainees or specialists. Almost 50% of this entire grouping was associated with the Sydney-based RJ agency which attests to two main points, namely the more extensive use of community representatives (additional to offender and victim supporters) by that agency, and the overall, infrequent attendance of the referring agent (e.g., police, crown prosecutor). The others or neutrals were mostly males (64%) participating, basically because they liked the idea of RJ (45%), in sessions where the offence was category one (58%) and the referral source was the police (62%). Only some 29% of the sessions they attended were accountability sessions (i.e., no direct victim presence). Most of these respondents reported themselves very well aware of the RJ approach. Not unexpectedly, they had had much less pre-session contact with the RJ agencies than did the other types of participants; only about one-third reported any face to face meeting with case workers prior to the actual RJ session. Their chief pre-session hopes for the offender were that he/she would appreciate the harm caused (32%) and express genuine remorse (22%), while for the victim, that he/she would get an apology (32%) and have their say (21%). Several officers indicated that they referred conventional 'victimless crime' cases such as Liquor Act violations, to RJ because they hoped that the offender "would receive much needed help"

As for the conference or RJ session itself, these others/neutrals reported, spontaneously, that the two most important features for them were that all parties had their say (38%) and the process was fair and friendly (17%). For the most part, they were not surprised at what happened in the session but those who were, were more likely to report being positively (than negatively) surprised (i.e., 16% to 4%). This grouping was very positive about all aspects of the session - that the process was fair (72% yes much), that the offender took responsibility (60% yes much) and got a good sense of the victim's concerns (75% yes much), that the victim's needs were heard (62% yes much), and that their own participation was meaningful (79% yes much). The others/neutrals, in particular, highlighted the positive features of "all participants having their say", the

friendly, fair ambience and the agreement reached concerning disposition. Only a minority identified any negatives about the session, the most commonly cited being the attitude of some participants (11%) and the absence of any victim presence (6%).

These respondents reported themselves to have been highly satisfied with the agreement reached at the session (63% yes much) and fully 70% considered that their own suggestions had been, at least partially, incorporated into the disposition. They believed that the offender had been committed to the agreement (61% yes much), realized the harm done (69%) and, less strongly, would be less likely to re-offend because of the RJ experience (37% yes much). They also typically held that the victim had benefited (66% yes much). In their view the wrongness had been sufficiently emphasized (73% yes much) and the reintegration of the offender at least somewhat facilitated (83% total yes).

Looking at the broader picture, the others/neutrals stressed the advantages of RJ vis-à-vis the court process, again emphasizing that all can have their say (25%) and that the offender and victim can speak directly to one another (26%). Two-thirds said there was nothing worse about going the RJ rather than court route, and the few who raised such concerns typically cited timing and format issues. The large majority (85%) held that the decision to go the RJ route in the case at hand was indeed quite appropriate. Generally, they considered that if the matter had gone to court, the milieu would have been more intimidating and, in conjunction with yielding a record, would have had negative implications for the young offender; interestingly, not a single respondent specifically, spontaneously, argued that the court option would have yielded more fair results.

The others/neutrals, not surprisingly then, held that the RJ option should generally be used in similar cases of offending (57% yes much). These persons, typically familiar with both the RJ and court options, were also the most likely (48%) of all participant groupings to contend that RJ would be appropriate too in instances of more serious offending. Although it is undoubtedly true that police officers attending RJ sessions were more favourably disposed to the approach than their peers, still it was unexpected that they typically shared these very positive views. They indicated in their comments that more help could be obtained perhaps for the offender through the RJ option or that there was more communication and learning if victims and offenders have direct input, unlike

at court. Even in a specific instance involving assault, where the Sydney area officer expressed disappointment at the indifference of the offender in the session ("he did not show much remorse"), and considered that the case might better have gone to court, he blamed the shortcoming more on the absence of a victim (and hence less learning about the harm caused) than on the RJ approach itself. A few officers however were more critical of the RJ approach; one Halifax officer at a session where the offender was charged with assault with a weapon, acknowledged that the "the two parties were able to reconcile their differences" but argued that the case was too serious for RJ especially because "it didn't address the fact that the accused was a repeat offender and it was only a means to an end". Finally, the respondents offered few suggestions for "changes that should be made in the RJ option", holding typically that "nothing needed to be changed" (54%); in roughly equal measure (i.e., 10%) those advancing suggestions referred to desirable changes in (1) the timing, place and format, (2) better follow-up, and (3) having others - basically police and/or victims - present.

TABLE C-5**FOLLOW-UP INTERVIEWS: "OTHERS" RESPONSES PROFILE****N = 95**

| CHARACTERISTIC | DISTRIBUTION |
|-------------------------------|-----------------------------------|
| GENDER | 64% MALES, 36% FEMALES |
| TYPE OF OFFENCE | 58% CATEGORY 1, 42% CATEGORY 2 |
| REFERRED BY | 62% POLICE, 32% CROWN |
| SESSION TYPE | 29% ACCOUNTABILITY |
| PRIOR AWARENESS OF RJ | 20% NONE |
| TOP REASONS FOR PARTICIPATING | 45% LIKED RJ, 15% ASKED/AGREED |
| PERSUADED BY CASEWORKER? | 13% YES, 82% NO |
| PRE-SESSION AGENCY CONTACT | 29% FACE-TO-FACE, 23% 2+ CALLS |
| CHIEF "HOPE" FOR OFF'R? | 32% SEE HARM DONE, 22% BE SORRY |
| CHIEF "HOPE" FOR VICTIM? | 32% GET APOLOGY, 21% HAVE A SAY |
| TOP TWO ASPECTS OF SESSION | 38% ALL HAD SAY, 17% PROCESS FAIR |
| SURPRISED AT SESSION? | 76% NO, YES (+) 16%, YES (-) 4% |
| OFF'R TAKE RESPONSIBILITY? | YES MUCH, 60%, TOTAL YES, 98% |
| VICTIMS NEEDS/WISHES HEARD? | YES MUCH, 62%, TOTAL YES, 90% |
| HAD YOUR SAY THERE? | YES MUCH, 79%, TOTAL YES, 98% |
| OFF'R SENSE OF VICTIM VIEW? | YES MUCH, 75%, TOTAL YES, 97% |
| WAS CONFERENCE FAIR? | YES MUCH, 72%, TOTAL YES, 97% |
| MOST POSITIVE RE SESSION? | 23% ALL HAD SAY, 17% PEOPLE |
| MOST NEGATIVE RE SESSION? | 57% NOTHING, 11% PARTICIPANTS |
| SATISFIED THEN RE AGREEMENT? | YES MUCH, 63%, TOTAL YES, 96% |
| WAS OFF'R COMMITTED TO IT? | YES MUCH, 61%, TOTAL YES, 94% |
| OFF'R REALIZED HARM DONE? | YES MUCH, 69%, TOTAL YES, 99% |
| OFF'R LESS LIKELY TO OFFEND? | YES MUCH, 37%, TOTAL YES, 71% |
| HAS VICTIM BENEFITTED? | YES MUCH, 76%, TOTAL YES, 88% |
| HAS VICTIM BENEFITTED?*** | YES MUCH, 66%, TOTAL YES, 77% |
| WRONGNESS EMPHASIZED OK? | YES MUCH, 73%, TOTAL YES, 98% |
| RJ HELPED OFF'R REINTEGRATE | YES MUCH, 46%, TOTAL YES, 83% |
| ADVANTAGE OF RJ TO COURT? | 26% O & V INTERACT, 25% ALL SAY |
| DISADVANTAGE OF RJ TO COURT? | 65% NONE, 6% TIME / FORMAT |

| | |
|--------------------------------------|-------------------------------|
| SHOULD HAVE GONE TO COURT? 12% | YES MUCH, 3%, TOTAL YES, |
| DIFFERENCE IF WENT TO COURT? | 28% AMBIENCE, 20% SENTENCE |
| ANY SIMILAR COURT EXPERIENCE? 63% | YES MUCH, 52%, TOTAL YES, |
| USE RJ FOR CASES LIKE THIS? | YES MUCH, 57%, TOTAL YES, 98% |
| USE RJ FOR MORE SERIOUS CASES? | 27% NO, 25% NO QUALIFIED |

EXPLORING RELATIONSHIPS

It was expected that session participants' views would be partly contingent on gender, the type of session in which they participated (i.e., whether an accountability session or one where the victim and/or victim supporter were present), the referral source (i.e., whether from police or from subsequent levels of the CJS), and the type of offence involved (for research convenience offenses were divided into two categories, namely (a) minor property crime, mischief and provincial/municipal statutes, and (b) assaults and more serious property crime). It was also considered that perhaps urban areas would differ from more rural and small town areas with respect to how participants assessed their RJ experience, so that variable was also included and measured by the location of the local RJ agencies. In the analyses below, referral type usually has been dropped since it failed to yield any significant differences.

VICTIMS' VIEWS:

Table C-6 indicates that offence type did impact on the assessments by the victims. The division of offenses into two categories did entail differences in the views held. The pattern is quite clear even while the differences in impact between offence categories would have to be described as "modest though significant". Victims of more serious offenses were less positive about the applicability of RJ and its impact either on the offender's recidivism or on their view of the criminal justice system itself. Such victims were also likely to consider that the offender had significantly atoned for the offence. Referral source, not shown as noted, produced one significant difference – victims in police referred cases were more likely to think that the offender would be less at risk of re-offending. Session type for definitional reasons was not applicable. The impact of agency type was largely linked to victims' satisfactions with the session's agreement, both at the time and when interviewed in the follow-up; here satisfaction was less among victims in the rural and small town areas. The latter category's victims were also less likely to report themselves more positive about the CJS as a result of their RJ experience, and less disposed to recommend the RJ option to their friends in similar

circumstances.

Gender appears to have been an important contextual variable for the themes examined. Consistently, female victims, compared to male victims, were less satisfied with the RJ agreement, less likely to hold that the RJ option enabled the young offender to make up for the offence or that the youth would not re-offend, and less likely to recommend the use of the RJ option. Two possible explanations for this gender pattern could be different exposure to different kinds of offences and different relationships to the offenders. The latter could not be effectively examined in the follow-up data but the former hypothesis appears to be valid. Females were more like than males to be victims of assault and, when just assaults are examined, the differences between males and females vanish; accordingly, it appears that gender and offence type - the two most important contextual variables are interconnected. It is less clear, on the other hand, why there would be differences between urban and rural areas but perhaps the relationships between offender and victim might be more substantial in the latter context, something which could impact on their satisfaction with the agreement attained in the RJ session. Cross tabulations between agency and offence category indicated that they are quite independent of one another in these analyses.

TABLE C-6**VICTIMS' VIEWS IN CONTEXT**

| Theme | Agency Type* | Offence Type** | Gender*** |
|------------------------------------|---------------------|-----------------------|------------------|
| Yes RJ for Similar Cases | Not Significant | 71% to 50% | 66% to 54% |
| Yes RJ for More Serious Cases | Not Significant | 40% to 26% | 38% to 28% |
| Would Recommend RJ | 68% to 54% | 66% to 53% | 64% to 55% |
| Offender Atoned | Not Significant | 46% to 39% | 49% to 35% |
| More Positive re: CJS | 38% to 28% | 36% to 25% | Not Significant |
| Offender Less Likely to Re-Offend | Not Significant | 40% to 25% | 40% to 25% |
| Satisfied Initially with Agreement | 70% to 47% | Not Significant | 60% to 52% |
| Still Happy re: Agreement | 57% to 43% | Not Significant | 53% to 44% |

* Agency type is operationalized as Halifax and Sydney area being 1, more urban, and Amherst, Kentville and Truro-based agencies being 2, less urban.

** Offence type is operationalized as minor property offences, mischief and provincial/municipal statute violations being 1, less serious, and assault and other property crimes being 2, more serious.

*** Gender is male and female.

VICTIM SUPPORTERS' VIEWS:

Table C-7 explores the impact of contextual variables on victim supporters' views. Again session type was not included in the table because all sessions with victim supporters were similarly categorized. Gender affected only two themes, namely whether the respondent perceived the offender as understanding the harm and consequences of his/her actions, and whether the RJ option would be appropriate in cases of more serious offending; here females were less likely to answer those questions in the affirmative. Offence type impacted on those issues and also on the respondent's satisfaction with the session's agreement, sense of whether the offender was less likely to re-offend as a result of his/her RJ experience, whether RJ should be used for more serious offending, how committed the offender was to the agreement, and whether the victim benefited much from the RJ experience; in all six instances, victim supporters involved in the more serious offence category were less positive. Agency type also impacted on several themes. Victim supporters in the more urban contexts were more satisfied with the RJ agreement and of the view that they had benefited from the RJ experience, but their counterparts in the more rural/small town areas were more positive about using the RJ option for similar cases and also about thinking that the offender was be less likely to re-offend. Referral type did matter for this group of participants. Where the referral was pre-charge (police), the victim supporters were more positive about the RJ option, especially seeing the victim as benefiting from it.

Again, then, offence type was an important contextual variable as was agency type. The former factor operated in a consistent fashion and as it did for victims. Agency type produced more varied patterns, than was true for victims. Cross tabulations between agency type and offence type indicated the factors were independent of one another. Referral type was an important contextual factor only for this group of participants.

TABLE C-7**VICTIM SUPPORTERS' VIEWS IN CONTEXT**

| Theme | Agency Type* | Offence Type** | Gender*** | Referral Source |
|-----------------------------------|---------------------|-----------------------|------------------|------------------------|
| Yes RJ for Similar Cases | 40% to 63% | Not Significant | Not Significant | 56% to 46% |
| Yes RJ for More Sessions | Not Significant | 44% to 32% | 41% to 31% | 36% to 23% |
| Offender Understood Impact | Not Significant | 44% to 37% | 47% to 33% | 39% to 31% |
| Satisfied with Agreement | 52% to 34% | 56% to 40% | Not Significant | Not Significant |
| Offender Less Likely to Re-Offend | 39% to 63% | 56% to 49% | Not Significant | Not Significant |
| Has Victim Benefited | 45% to 33% | 48% to 36% | Not Significant | 42% to 15% |
| Offender Committed to Agreement | Not Significant | 48% to 29% | Not Significant | 35% to 23% |

* Agency type is operationalized as Halifax and Sydney area being 1, more urban, and Amherst, Kentville and Truro-based agencies being 2, less urban.

** Offence type is operationalized as minor property offences, mischief and provincial/municipal statute violations being 1, less serious, and assault and other property crimes being 2, more serious.

*** Gender is male and female.

OFFENDERS' VIEWS:

In table C-8 session type assumes some importance, along with the other control variables of agency type, offence type and gender. In terms of advocating the use of the RJ option, the young offenders' views were impacted most by agency type where those from rural/small town areas were more positive than their urban counterparts. Gender also impacted on offenders' views about extending the RJ option to more serious offending; here, consistent with the contextual effects on victims and victim supporters, females were less positive. When the issue of possibly recommending the RJ option to a friend in similar circumstances was raised, there was something of a flip on the agency variable as here the urban youth were more positive. The only other contextual variable that had an impact was session type and here youth in accountability sessions were more likely than others to recommend the RJ option to a friend.

On the remaining themes referred to in the table, agency type, offence type and session type appeared to have a significant impact while gender was limited to acknowledged recidivism. Youths in more urban contexts, those involved in accountability sessions and those accused of category one offenses were significantly more likely than their counterparts to have been satisfied with the agreement reached both at the time and when interviewed at follow-up; also they were more of the view that the RJ conference, and what they did in the agreement, helped them make up for the offence. Overall, as noted in the offender role profile, 9% of the youth reported that they had committed new offenses since their RJ experience. Table C-8 indicates the contextual variation in re-offending; while the absolute numbers are small, the patterns appear to have been for females, youth involved in category one offenses and those participating in accountability sessions to have less recidivism. It can be noted that referral type appeared to have minimal impact. Not shown in table, there was a modest difference on two themes as those with pre-charge (i.e., police-level) referrals were somewhat more likely than those referred by the crown prosecutors to hold that they had atoned for their offence and to indicate that would recommend the RJ option to a friend in similar circumstances.

The contextual effects for offenders were generally consistent with those for victims and victim supporters. Offence category and gender have impact in that offence

category two and females are linked with less positive assessments of central RJ themes. Agency impacts too and generally respondents in small towns and rural areas are less positively impacted by RJ than their urban counterparts. Cross tabulations indicate that the contextual variables are quite independent of each other for these analyses.

TABLE C-8**OFFENDERS' VIEWS IN CONTEXT**

| Theme | Agency Type* | Offence Type** | Gender*** | Session Type **** |
|--|---------------------|-----------------------|------------------|--------------------------|
| Yes RJ for Similar Cases | 66% to 82% | Not Significant | Not Significant | Not Significant |
| Yes RJ for More Serious | 24% to 34% | Not Significant | 33% to 25% | Not Significant |
| Would Recommend RJ to a Friend for Similar Circumstances | 75% to 63% | Not Significant | Not Significant | 75% to 60% |
| Satisfied Agreement & at Conference | 72% to 61% | 67% to 60% | Not Significant | 73% to 55% |
| Still Happy re: Agreement | 77% to 61% | 70% to 60% | Not Significant | 74% to 58% |
| RJ Help You Atone | 65% to 54% | 60% to 53% | Not Significant | 63% to 52% |
| Committed New Offences | Not Significant | 6% to 14% | 11% to 6% | 6% to 12% |

* Agency type is operationalized as Halifax and Sydney area being 1, more urban, and Amherst, Kentville and Truro-based agencies being 2, less urban.

** Offence type is operationalized as minor property offences, mischief and provincial/municipal statute violations being 1, less serious, and assault and other property crimes being 2, more serious.

*** Gender is male and female.

**** Session type is operationalized as accountability sessions being 1 and all types of sessions involving a victim presence being 2.

OFFENDER SUPPORTERS' VIEWS:

Table C-9 examines contextual impact for several themes among offender supporters. In terms of advocating the use of the RJ option in cases similar to the one they were involved with, it can be noted that none of the contextual variables (including referral type not cited in the table) produced an impact. This was basically because, across all categories and sub-categories within them, approximately 60% of the respondents stated "yes much" when asked about the advisability of using RJ under such circumstances; there was virtually no variation. In terms of using RJ in instances of more serious offending, there was variation, and here - consistent with the impact for all the other participant groupings, females and those supporters involved with the small town / rural agencies were less positive about using the RJ option.

Urban agency and category one offence involvement produced significant positive impact regarding offender supporters' views on whether their youths had taken responsibility for their actions, on whether the youths were committed to the session's agreement and on whether they were less likely to re-offend because of the RJ experience. These results again were generally consistent with the contextual impacts for other participant groupings. Session type also was significant on the latter theme as participation in accountability sessions was associated with more optimistic views. Referral type - pre-charge or post-charge -had no apparent impact on any of the themes. Overall, then, the major contextual impact was yielded by agency type and offence type.

TABLE C-9**OFFENDER SUPPORTERS' VIEWS IN CONTEXT**

| Theme | Agency Type* | Offence Type** | Gender**** | Session Type*** |
|-----------------------------------|---------------------|-----------------------|-------------------|------------------------|
| Yes RJ For Similar Cases | Not Significant | Not Significant | Not Significant | Not Significant |
| Yes RJ for More Serious | 45% to 28% | Not Significant | 44% to 33% | Not Significant |
| Offender Take Responsibility | 81% to 55% | 71% to 64% | Not Significant | Not Significant |
| Satisfied re: Agreement | 81% to 50% | Not Significant | Not Significant | Not Significant |
| Offender Committed | 80% to 56% | 71% to 65% | Not Significant | Not Significant |
| Offender Less Likely to Re-Offend | 60% to 48% | 58% to 48% | Not Significant | 61% to 49% |

* Agency type is operationalized as Halifax and Sydney area being 1, more urban, and Amherst, Kentville and Truro-based agencies being 2, less urban.

** Offence type is operationalized as minor property offences, mischief and provincial/municipal statute violations being 1, less serious, and assault and other property crimes being 2, more serious.

*** Gender is male and female.

**** Session type is operationalized as accountability sessions being 1 and all types of sessions involving a victim presence being 2.

SUMMARY

This modest exploration of contextual factors impacting on selected participant views did produce consistent, clear patterns. Among all four participant groupings, those involved with the more serious offending (offence category two versus category one), females, and residents of less urban communities generally had less positive views of various restorative justice concerns. The differences were modest but apparently significant and quite consistent. Offence category was usually a relevant consistent context for all participants' assessments. Gender made a less profound though similarly consistent impact. These two variables were also significantly correlated for several subgroupings of participants. Session type as operationalized could only be considered for the offender and offender supporter groupings but there was a clear indication that involvement in non-accountability sessions was associated with more critical assessments of restorative justice concerns. Even more than gender, session type was correlated with offence category, again, then, indicating that offence category was the dominant contextual variable. Agency type unexpectedly emerged as a usually important contextual variable with some twists and turns in its impact. Referral type was limited as a contextual factor influencing participants' assessments, basically just impacting on the views of victim supporters. The chief implication of this modest exploration of relationships in context appears to be that as RJ referrals increasingly involve category two offenses (as was suggested earlier in discussions of agency workload and the impact of the YCJA), there will be more challenges for the RJ program, namely issues of participant satisfaction and perhaps "incompletes" (i.e., a higher proportion of referral cases aborted either pre-session or afterwards). To maintain existing high levels of success in these and other regards, it will be necessary to do more pre-session preparation and post-session follow-up and to enhance the efforts of the facilitators through general training and case debriefing.

PARTICIPANTS AND RJ PHASES

In this section there is a comparison of how the different types of participants viewed the different phases of their RJ experience and their overall assessment of the RJ option.

PRE-CONFERENCE SESSION ISSUES

As indicated in table C-10, the large majority of respondents in four sub-groupings reported that they had had no knowledge of restorative justice prior to their involvement under consideration. The distribution of responses (i.e., much, some, none) was quite similar for participants on both the offender and victim 'sides'; there was little difference among the supporters though victims, most of whom were adults, were significantly more aware than the young offenders. The 'other/neutral' participants, who included police officers, community representatives, and specialists/trainees not surprisingly, were quite different as here the majority reported having much previous knowledge of RJ. The reasons advanced for participation varied significantly. A slight majority of the young offenders (51%) reported that avoiding court and/or a criminal record - a push factor - was the chief reason for their participation while for the other sub-groupings the chief factor apparently was a pull factor (or at least reasons articulated in positive terminology), namely their liking or appreciation of the restorative justice approach. Victims, victims supporters and other/neutrals were more likely (roughly by a two to one ratio, 22% to 9%) than offenders or offenders supporters to indicate that they participated because they were pressured, persuaded or simply curious. A significant percentage of the supporters indicated that they participated in order to support either the offender or the victim (e.g., "my son was the offender", "it was my place", "family").

As seen in table C-10, at least 90% of the respondents in each role category reported that their participation was voluntary at least in measure, with the young offenders being the least likely at 56% to report their participation as unqualifiedly voluntary. When asked specifically whether they considered that the RJ agency case workers had persuaded them to participate, the large majority responded "no", underlining their voluntary collaboration; consistently, the young offenders were most

likely to report that persuasion by the case workers had been a significant factor in their participation.

Only a small number of participants whether on the offender or victim side consulted with lawyers prior to attending the RJ conference or session. 12% of the offenders and 9% of the offenders' supporters reported such consultation while the corresponding figures on the victim side were 5% and 3% respectively. The young offenders chiefly consulted just with family members (51%) but 31% claimed to have consulted with no one at all. Almost three quarters of the offenders' supporters (virtually always adults) reported that they had consulted with no one. About two-thirds of the victims and their supporters - usually adults - reported that they consulted with no one prior to their RJ involvement. Of course the majority of all role players reported that they had pre-session contact with the local RJ agency. As shown in table C-10, between 70% and 80% of the participants on both the offender and victim side reported that they had had, at the least, multiple phone calls, and the majority of these respondents reported at least one face-to-face meeting as well. Some respondents, at least 10% in all role categories, indicated that they had but one telephone call with the RJ agency staff and others reported no direct contact (coded as "other"); in these latter cases, in particular, it appears that a family member had been contacted. There is little doubt, given the number of "don't know" and the 'other' responses, that the percentages understate the level of pre-session contact that offenders, victims and supporters had with the local agencies. There also appears to have been significant variation among the RJ agencies in terms of having face-to-face with the offenders and victims. The 'others/neutrals', not surprisingly, reported the least amount of pre-session contact with the local RJ agencies; perhaps more importantly for them is the fact that 95% also indicated that they were clear about their role in the RJ session, perceiving it as chiefly representing the community at large.

As the participants were assembling for the RJ session, what were their hopes and anxieties? About a quarter of the young offenders reported that they had some concerns about encountering the victim and victim's supporters, and since only roughly half of their sessions involved a person victim, it seems reasonable to assume that encountering the victim side was generally a source of some anxiety. At the same time, offenders' supporters gave mixed responses as to the necessity of their being at the session in

support of the youth; only roughly 25% opined that the offender would not have attended without their own presence while some 36% were adamant that the offender would have attended with or without them. The young offenders reported a variety of hopes prior to attending the RJ session but the two principal, spontaneously expressed hopes were "that I could put it (the incident) behind me" (24%) and avoiding court/a record (23%). Offender supporters, on the other hand, largely reported (68%) their pre-session hope to be that the youth "learn a lesson".

While there was no simple direct measure of anxiety on the victims' part in the follow-up interview, it can be noted that victims' supporters were much more likely than offenders' supporters (47% to 24%) to claim that their presence was crucial if the supported person was to attend the session; this suggests much anxiety on the victims' part. The pre-session hopes were different on the victim side too. The victims' top two spontaneously expressed pre-session hopes were "get an apology or some restitution" (28%) and "give my side" (15%). Victim supporters reported that their pre-session hopes for the victim were chiefly "get an apology or some restitution" (29%), "enable the victim to put the incident behind" (26%) and "ensure the offender appreciates the harm caused" (15%); this latter is recorded in the table under "have a say" but could just as well be under "offender learn a lesson". The 'neutral' participants generally echoed the pre-session hopes of the supporting sub-groups; for the offenders they hoped there would be an appreciation of the harm caused (32%) and a show of remorse (22%), while, for the victims, they hoped there would be an apology and restitution if possible (30%) as well as an opportunity to have a say in the process (20%).

Overall, then, apart from the 'neutrals', most participants reported little prior knowledge of the RJ option and processes. On the offender side, the chief reasons for participating, especially for the offender, focused on push or avoidance considerations, while, on the victims' side, the dominant motivation focused on pull factors or attraction to the RJ option as they understood it. The large majority of all role players indicated that their participation was voluntary and not due to pressure or persuasion from the RJ case workers. At the same time, there were some minority patterns where young offenders were least likely to report that their participation was unqualifiedly voluntary while victims and victims' supporters were more likely to explicitly report being pressured or

persuaded. Few participants consulted lawyers prior to attending the RJ session and most adults indicated that they had consulted with no one. The majority of young offenders reported consulting only with family members but about a third surprisingly claimed to have discussed the incident and pending RJ conference with no one. Of course, the majority of all participants, save the neutrals, did have significant contact with the local RJ agencies and the contact, probably understated by the participants, often entailed both telephone calls and at least one face-to-face meeting. There was some evidence that offenders and victims experienced significant anxiety with respect to the pending RJ conference and directly facing one another. Certainly their hopes for the RJ option, on the surface, were quite different with the offenders wanting to put the incident behind them and avoid the formal court system while the victims hoped for apology/restitution and having their say. The victim supporters' hopes were more similar to the victims' than the offender supporters' hopes were to those of the offenders' but the supporters on either side were more oriented to the larger picture of showing the harm that was caused and effecting behavioural change.

TABLE C-10**PRE-CONFERENCE ISSUES****RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS, 2003**

| FACET | OFFENDERS (N=359) | OFFENDER SUPPORTERS (N=564) | VICTIMS (N=225) | VICTIM SUPPORTERS (N=98) | OTHERS/ NEUTRALS (N=95) |
|-------------------------------------|----------------------|-----------------------------------|--------------------|---------------------------------|-------------------------------|
| | % | % | % | % | % |
| Previous Knowledge of RJ: | | | | | |
| Yes, Much | 5 | 6 | 12 | 6 | 51 |
| Yes, Some | 18 | 18 | 26 | 21 | 30 |
| No | 77 | 75 | 62 | 72 | 20 |
| Don't Know / NA | 1 | 1 | 1 | - | - |
| Why Participate: | | | | | |
| To Avoid Court / Record | 51 | 20 | 9 | 11 | 5* |
| Liked the Idea | 20 | 46 | 44 | 37 | 45 |
| Persuaded | 4 | 5 | 12 | 13 | 13 |
| Pressured | 4 | 4 | 6 | 6 | 7 |
| Curiosity | 1 | 2 | 4 | 6 | 3 |
| To Have A Say | 3 | 1 | 7 | 5 | 5 |
| Family Obligation | - | 18 | - | 9* | - |
| Other | 7 | 3 | 13 | 9* | 20 |
| Don't Know / NA | 11 | 1 | 6 | 3 | 1 |
| Was Participation Voluntary: | | | | | Not Applicable |
| Yes, Much | 56 | 69 | 68 | 57 | |
| Yes, Some | 34 | 25 | 26 | 37 | |
| No | 9 | 6 | 7 | 5 | |

| | | | | | |
|---|----|----|----|----|----|
| Don't Know / NA | 1 | 1 | - | - | |
| Persuaded by Caseworker to Attend: | | | | | |
| Yes, Much | 13 | 7 | 4 | 5 | 4 |
| Yes, Some | 14 | 9 | 9 | 14 | 8 |
| No | 71 | 81 | 85 | 79 | 82 |
| Don't Know / NA | 2 | 2 | 2 | 2 | 5. |

| FACET | OFFENDERS (N=359) | OFFENDER SUPPORTERS (N=564) | VICTIMS (N=225) | VICTIM SUPPORTERS (N=98) | OTHERS/ NEUTRALS (N=95) | |
|---|----------------------|-----------------------------------|--------------------|---------------------------------|-------------------------------|------------|
| | % | % | % | % | | |
| Amount of Pre-Session Contact With Agency: | | | | | | |
| Telephone Calls and In-Person Meeting | 40 | 50 | 44 | 59 | 29 | |
| Just Telephone Calls | 29 | 27 | 32 | 24 | 23 | |
| One Telephone Call | 13 | 13 | 17 | 10 | 21 | |
| One Mailed Information | - | 1 | 1 | 1 | 2 | |
| Other | 10 | 9 | 3 | 7 | 19 | |
| Don't Know / NA | 8 | 5 | 2 | 3 | 6 | |
| Hopes for the Session By Participant | | | | | For Offender | For Victim |
| Avoid Court/Record | 23% | 9% | 3% | - | - | - |
| Offender Show Remorse/ Apologize | 12 | - | 28 | 29 | 22 | 31 |
| Offender Show Change | 5 | - | - | - | 17* | - |
| Get Fairness/Justice | 4 | 3 | 7 | 5 | 6 | 8 |
| Put it Behind Him/Her | 24 | 4 | 12 | 26 | - | 17 |
| Have a Say | 4 | 5 | 15 | 15 | 2 | 21* |
| Offender Learn Lesson | - | 68 | - | - | 32* | - |
| Show Forgiveness | - | - | 5 | 4 | - | 2 |

| | | | | | | |
|-----------------|----|---|----|----|----|----|
| Other | 6 | 6 | 20 | 14 | 15 | 8 |
| Don't Know/N.A. | 23 | 4 | 10 | 7 | 6 | 13 |

* There are some nuances evident in these spontaneous responses. While parents/supporters more or less explicitly stated “that the offender learn a lesson”, comparable neutrals’ hopes for offenders were that they change their behavior and that they understand the harm that they caused (recorded here as ‘learn a lesson’). With respect to “neutrals,” their hopes that the victims would have their say is coded here under “have a say.”

THE RJ SESSION

The actual RJ session attended was generally assessed in very positive terms by all participants. The positive "balance" achieved by the agencies and facilitators is attested to by the fact that victims and offenders in virtually identical proportions considered that they had adequate support there (69% yes much and 97% total yes for offenders and 68% and 97% respectively for victims), that they were treated with respect (77% yes much and 99% total yes for offenders compared to 70% and 98% for victims) and that the conference set-up was fine (66% yes much and 98% total yes for offenders versus 70% and 97% for the victims). Most victims (52% yes much and 87% total yes) reported that they received the answers they were seeking from the offenders and others. And while a few young offenders indicated they had trouble understanding "the big words" sometimes used there, most said they understood very well what was transpiring in the session.

While the supporters of both victims and offenders shared the positive assessments, there was some reservation on their part as to the depth of the exchange at the session. Only one-third of each group held that special circumstances bearing on either the offender's actions or the victim's harm were examined/considered much. A majority of both types (58% and 68% respectively) of supporters did report that such special circumstances were at least somewhat discussed but 37% of the offender supporters and 29% of the victim supporters denied any such consideration. The others/neutrals believed that there was a frank and in-depth exchange among victims, offenders, and their supporters; 58% reported "yes, much" while 85% indicated at least somewhat.

Table C-11 provides additional information on the participants' assessments of the RJ session. It can be noted that most participants, across the board, held that there were no surprises for them at the session. Where surprises were reported, positive surprises (especially the "attitude of some participants on the other side" and the friendly, helpful tenor of the session) were more common than negative ones. The ratio of positive to negative surprises was greater among offenders (34% to 3%) and their supporters (21% to 9%) than among victims (19% to 10%) and victim supporters (18% to 19%). Asked what was most important about the session, the spontaneous responses varied but were

generally consistent with reported pre-session hopes. Offenders emphasized avoiding court and reaching a good resolution of the issue (33%), followed by giving their side on the matter (23%) and showing remorse and apologizing (16%). Their supporters put more emphasis on "talking about the offence" and the offender exhibiting remorse and apologizing; also common (roughly 20% of the responses coded as "other") was their sense that the offender had learned a lesson there. Victim supporters emphasized expressing their concerns and discussing the harm (41%) and having the offender express remorse and apologize/restitute (28%). The others/neutrals emphasized discussing the issues (38%) and reaching a good solution (30%).

Turning to what the participants considered most positive and most negative about the RJ session, again the most obvious pattern was the positive assessment by all participants. The young offenders were quite varied in their views on what was most positive, with almost equal proportions referring to the agreement obtained, the friendly milieu, expressing their view, other idiosyncratic responses (many around the theme of avoiding court) and "don't know". Offender supporters shared these divergent views but more often (20% to 6%) they highlighted the positive attitudes at the session of their youth and other participants; a good number of the "other" responses focused on their youth having learned a lesson and keeping out of trouble since the session. Victims and victim supporters emphasized, as the positives, expressing their views and the friendly, fair ambience of the session; a small but significant minority (i.e., 5% to 10%) highlighted the help given to the offending youth. Most participants were reluctant to identify anything negative about the session. There was no dominant negative theme at all articulated by the offending youth nor by their supporters, though a minority did identify a wide range of specific concerns, perhaps 10% of the youths' centred around their embarrassment having to face victims and their own parents at the session, and a similar proportion of their supporters referring to analogous embarrassment. On the victim side, there was more concentration of the minority negative views on the agreement reached (10%) and the attitudes of offenders and/or their supporters (12%) while among the clearly more critical victim supporters grouping, there was a common complaint about the attitudes of the offender and/or offender supporters. About 11% of the typically positive others/neutrals also complained about the attitudes of some

participants.

The table also shows that participants of all types held that they had had their say at the session (i.e., 95% or more said, at the least, "yes somewhat"). Victim, victim supporters and other/neutrals also reported that they generally spoke directly to the offenders and their supporters while on the offender side, the percentages are much lower largely because roughly half of their sessions were accountability sessions where there was no direct victim presence. The majority of all participants - in particular the others/neutrals - also held that the offender did get an adequate sense of the victim's concerns and issues. Clearly though, victims and their supporters were more likely than the offenders and offender supporters to deny that outcome. Similar consensus and variation was evident in views on whether the offender took responsibility for his/her actions. The majority certainly held that opinion, at least to some extent, but clearly offender supporters were more likely than victims and much more likely than victim supporters to believe that that was the case.

Overall, then, among all types of participants the RJ session was deemed to have been conducted in a fair and balanced fashion, in the context of a fair and friendly ambience, and its dynamics and features were seen as very positive. There was significant variation too. Offenders and offender supporters were more positive on all themes than their counterparts on the victim side. Offenders and their supporters generally provided very similar assessments but victim supporters tended to be less positive than the victims themselves.

TABLE C-11
THE RJ SESSION ASSESSMENTS BY ROLE
(%’S)

| Feature | Role | | | | |
|---|---------------------|----------------------------------|-------------------|-------------------------------|-------------------------|
| | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N=98) | Other/Neutral (N=95) |
| | % | % | % | % | % |
| Any Surprises | | | | | |
| Yes, Victim/Off Positive | 4% | 2% | 9% | 9% | 8% |
| Yes, Victim/Off Negative | 1 | 3 | 5 | 8 | 4 |
| Yes, Agreement Positive | 8 | 3 | 1 | 1 | - |
| Yes, Agreement Negative | 1 | 3 | 1 | 1 | - |
| Yes, Session Positive | 22 | 16 | 9 | 8 | 7 |
| Yes, Session Negative | 1 | 3 | 4 | 10 | - |
| No Surprises | 59 | 66 | 67 | 59 | 76 |
| DK/NA | 4 | 5 | 3 | 3 | 4 |
| Have Your Say | | | | | |
| Yes Much | 67 | 72 | 75 | 56 | 79 |
| Yes Some | 31 | 25 | 23 | 39 | 19 |
| No | 1 | 2 | 1 | 2 | 2 |
| Directly Speak to Off/Victim | | | | | |
| Yes Much | 25 | 39 | 68 | 61 | 72 |
| Yes Some | 15 | 16 | 27 | 32 | 24 |
| No | 29 | 19 | 5 | 6 | 1 |
| N/A | 30 | 26 | - | - | 3 |

TABLE C-11 CONTINUED
THE RJ SESSION ASSESSMENTS BY ROLE
(%’S)

| Feature | Role | | | | |
|--|---------------------|----------------------------------|-------------------|-------------------------------|-------------------------|
| | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N=98) | Other/Neutral (N=95) |
| | % | % | % | % | % |
| Offender Gets Victim’s Issues | | | | | |
| Yes Much | 58 | 61 | 58 | 42 | 75 |
| Yes Some | 30 | 25 | 24 | 38 | 22 |
| No | 7 | 6 | 14 | 16 | 1 |
| Don’t Know | 6 | 8 | 3 | 4 | 2 |
| Conference Fair to All | | | | | |
| Yes Much | 68 | 70 | 64 | 52 | 72 |
| Yes Some | 29 | 27 | 33 | 39 | 25 |
| No | 1 | 3 | 3 | 8 | 2 |
| Most Positive | | | | | |
| Fair/Friendly | 13 | 16 | 8 | 9 | 15 |
| Attitudes | 6 | 20 | 20 | 9 | 17 |
| Agreement | 17 | 9 | 11 | 8 | 15 |
| Facilitator | 2 | 3 | 1 | 1 | 1 |
| Could Express Say | 19 | 12 | 30 | 37 | 22 |
| Other | 19 | 32 | 18 | 30 | 26 |
| Nothing | 2 | 3 | 4 | 4 | 2 |
| DK/NA | 22 | 5 | 10 | 1 | 2 |
| Most Negative | | | | | |
| The Agreement | 5 | 6 | 10 | 5 | 1 |
| Attitudes | 3 | 7 | 12 | 26 | 11 |
| Police/Victim Absent | 1 | 4 | 1 | 1 | 2 |
| Couldn’t Express* | 1 | 1 | 2 | 2 | 1 |
| Other | 24 | 20 | - | 9 | 24 |
| Nothing | 52 | 59 | 56 | 41 | 57 |
| DK/NA | 14 | 2 | 16 | 10 | 2 |

TABLE C-11 CONTINUED
THE RJ SESSION ASSESSMENTS BY ROLE
(%’S)

| Feature | Role | | | | |
|---|---------------------|----------------------------------|-------------------|--------------------------------|-------------------------|
| | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N= 98) | Other/Neutral (N=95) |
| | % | | % | | % |
| Offender Took Responsibility | | | | | |
| Yes Much | - | 68 | 52 | 39 | 60 |
| Yes Some | - | 25 | 34 | 40 | 38 |
| No | - | 5 | 14 | 16 | 2 |
| Don’t Know | - | 1 | 1 | 5 | - |
| Most Important Thing | | | | | |
| Avoid Court | 7% | 4% | - | 3% | - |
| Could Express Views | 23 | 29 | - | 41 | 38 |
| Opportunity For Offender to Show Remorse or Apologize | 16 | 28 | - | 28 | - |
| Opportunity For a Good Solution | 26 | 22 | - | 8 | 30 |
| Something Positive by Offender or Victim | 4 | 2 | - | 9 | 11 |
| Something Negative by Offender or Victim | 1 | - | - | 3 | - |
| Other | 1 | 13 | - | - | 19 |
| Nothing | - | 1 | - | 3 | 1 |
| DK/N/A | 21 | 1 | - | 5 | 1 |

THE SESSION AGREEMENT

It is clear from the table C-12 that the large majority of all role players were at least moderately pleased with the agreement reached at the session. The enthusiasm for the agreement was greatest among offenders and their supporters (where about two thirds expressed themselves very satisfied and 95% at least somewhat satisfied) but it was only slightly less so among victims and others/neutrals. There was decidedly less enthusiasm among the victim supporters, where only 44% reported themselves much satisfied, though, all told, even 90% of them said they were at least somewhat satisfied. Offenders and victims, in virtually identical proportions, reported that they had had ample opportunity to contribute to the terms of the agreement (i.e., how the offending would be dealt with). The table also shows that their supporters, mostly and almost equally, reported that generally they had made suggestions concerning the disposition and these suggestions had usually been incorporated into the agreement. Community representatives and police officers - the largest portion of the others/neutrals - were even more likely to report having such influence at the RJ session. Respondents in all role categories indicated that the facilitators were fair to all parties; here again, the victim supporters were notably less enthusiastic in their responses. Actual details of the RJ agreement were discussed earlier in the report but here it can be noted that about 80% of the victims reported that they had received a modest apology and a slight majority reported themselves recipients of effusive or quite sincere ones. About one quarter of the victims indicated that they had received significant restitution (whether in cash or kind).

The large majority of respondents did not think that there were any especial shortcomings in the agreements reached, from their standpoints. Only 16% of the offenders reported that the specifics of the disposition were "difficult requirements to meet", and a similarly small proportion of victims reported that "there were things that should have been but were not included". Offender supporters, who had generally entered the RJ path hoping that the offender would learn a lesson, overwhelmingly (82%) reported no shortcomings. Among victim supporters and the others/neutrals strong majorities considered that the agreements did not have any shortcomings either for the offender learning a lesson or for the victim dealing with the harm caused by the incident. Nevertheless, about a third of the victim supporters did have reservations about the

agreement from the perspective of impacting positively on the offender and, surprisingly, about 20% of the usually very positive others/neutrals shared such concerns.

Most participants (73% or more) also believed that the offenders were at least moderately committed to the agreements forged at the sessions. There was, however, much variation in the strength of the positive views held. Offender supporters held that view strongly (60% yes much) while only half as many victim supporters (34%) shared that level of enthusiasm. Victims themselves were also much less inclined than offender supporters to have believed that the offender was committed to compliance. Interestingly, while only 16% of the offender supporters reported that they had an explicit, written-into-the-agreement role in assisting the young offender in completing the agreement, some 40% indicated that they did indeed provide such assistance to the offender; another 40% claimed to have neither an "official" collaborative requirement nor to have actually assisted the youth.

TABLE C-12

THE RJ SESSION AGREEMENTS: VIEWS BY PARTICIPANT ROLE

(%’s)

| Aspects | Role | | | | | | |
|--|---------------------|----------------------------------|-------------------|----------------------------|-------------------------|----------|--------|
| | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N=98) | Other/Neutral (N=95) | | |
| Satisfied with Agreement Then | | | | | | | |
| Yes Much | 65% | 66% | 57% | 44% | 63% | | |
| Yes Some | 32 | 28 | 35 | 46 | 32 | | |
| No | 2 | 5 | 8 | 7 | 3 | | |
| Don’t Know/ N/A | 1 | 1 | 1 | 3 | 1 | | |
| Opportunity to Contribute to Agreement | | | | | | | |
| Yes Much | 65 | - | 65 | - | - | | |
| Yes Some | 31 | - | 27 | - | - | | |
| No | 2 | - | 5 | - | - | | |
| DK/N/A | 2 | - | 3 | - | - | | |
| Facilitator Fair to All | | | | | | | |
| Yes Much | 67 | 70 | 74 | 52 | 72 | | |
| Yes Some | 30 | 27 | 25 | 39 | 25 | | |
| No | 1 | 3 | 1 | 8 | 2 | | |
| DK/N/A | 2 | 1 | - | 1 | 1 | | |
| Thought Off’r Committed to Agreement | | | | | | | |
| Yes Much | - | 68 | 52 | 34 | 61 | | |
| Yes Some | - | 24 | 32 | 39 | 33 | | |
| No | - | 6 | 11 | 18 | 3 | | |
| DK/N/A | | 1 | 4 | 9 | 3 | | |
| Shortcomings in Agreement Re Effectiveness* | | | | | | | |
| | | | | Offender | Victim | Offender | Victim |
| Yes Much | 16 | 6 | 15 | 5 | 4 | 3 | 3 |
| Yes Some | - | 8 | - | 18 | 13 | 14 | 6 |
| No | 81 | 82 | 84 | 67 | 77 | 80 | 86 |
| DK/NA | 3 | 4 | 1 | 9 | 5 | 3 | 4 |

TABLE (...continued)

| Aspects | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N=98) | Other/Neutral (N=95) |
|--|-----------------------------|---|---------------------------|--|---------------------------------|
| Suggestions & Incorporated in Agreement | | | | | |
| Yes and Yes | - | 54 | - | 60 | 70 |
| Yes but No | - | 6 | - | 5 | 3 |
| No Suggestions** | - | 37 | - | 30 | 20 |
| DK/N/A | - | 4 | - | 4 | 7 |

* For the offender and the victim, the responses dealt with “difficult requirements to meet” and “things that should have been but were not included” respectively. Offender supporters were asked of shortfalls from the perspective of the offender learning a lesson, while for victim supporters and neutrals, they were asked regarding the effectiveness for both the offender learning a lesson and the victim dealing with any harm caused by the incident.

** Some of these parents/supporters may not have attended the RJ session and so the percentage overstates this response category. It is more probable that no more than 25% at the most considered that they did not make a suggestion regarding the possible terms of the agreement.

REINTEGRATION AND CLOSURE

Two central themes in RJ philosophy have been the reintegration of the offender and achieving closure for all parties, especially the victims. Here these and other themes are examined. Table C-13 provides the basic data. It can be seen that the majority of both offenders and victims remained at least somewhat satisfied with their session agreement months after it had been agreed to. The young offenders' satisfaction remained quite high (66% yes much and 96% total yes) while satisfaction declined modestly among victims (from 57% yes much and 92% total yes to 49% and 77%); those reporting not being satisfied or don't know included roughly 25% of the victim subgroup. There was little difference between offenders and victims in terms of the extent to which they were able to put the incident (harm) behind them. In both groupings a small majority of respondents held that they had been able to do so quite well (59% and 53% respectively) and another large minority (roughly one-third) claimed at least some such closure. Still, victims were twice as likely as offenders to deny such closure (18% to 9%).

Victim supporters and others/neutrals generally expressed the view that the RJ experience had helped the victims put the matter behind them and achieve some closure. As indicated in table C-13, roughly 80% in each grouping expressed that view and at least 40% held it strongly. Relatedly, the table also shows that victims, victim supporters and others/neutrals held that the victims benefited significantly from the RJ experience. Others/neutrals were especially likely to advance that claim (66% yes much) but 80% of the victims and victim supporters shared that perspective, albeit much fewer with the same firmness of conviction (43% and 39%). Although not shown in the table, it can be reported that both offender and victim supporters also indicated that the RJ experience had helped themselves cope with the offence and its implications; not surprisingly, offenders supporters were most likely to report such "closure" (44% yes much and 75% total yes compared to 28% yes much and 68% total yes for victim supporters).

Most other role players at the RJ sessions considered that the young offenders had been positively impacted by their RJ experience though clearly there was much variation in how strongly they held such views. Offender supporters, mostly parents, held that the youths had gained much appreciation of the harm caused by their actions (69%) and were

much less likely to re-offend (54%). Victims and others/neutrals largely also agreed that the offenders had gained such appreciation (58% and 69%, yes much, respectively) but they were decidedly less likely to presume that the RJ experience would have a dramatic impact on recidivism (i.e., only 33% and 37% yes much, respectively). Victim supporters were the most likely to doubt the impacts of RJ on the offending youths; here only 39% strongly agreed that the offender gained appreciation of the harm he/she caused and only 24% held that the RJ experience would have much impact on the youth's likelihood of re-offending. Interestingly, victims and others/neutrals were only modestly less likely than the offenders themselves, to report that the RJ option had helped the offenders make up for their offence. Others/neutrals however did quite strongly believe (73% yes much) that the RJ conference had sufficiently emphasized the wrongness and harm of the offence. Apart from the young offenders, and to a lesser extent their supporters, there appears to be among the participants an appreciation of the value of RJ for a lot of reasons without necessarily a concomitant, strong conviction that it may have a major impact on recidivism.

The table C-13 shows that offenders and their supporters expressed very similar views concerning the impact of the RJ experience on their own relationship. Roughly a quarter of the respondents in each grouping held that their relationship had been much improved and another quarter reported some improvement; the rest reported either no change or were uncertain but almost no one claimed that going through RJ had worsened their relationship. Finally, the table also shows that offenders and their supporters were quite similar in claiming that positive changes occurred in the offender's life since the RJ experience (66% plus) and attributing such change largely to that experience (83% plus). For their part, victim supporters less frequently reported such positive change in the victim's life (49%) but almost as many (80% plus) attributed the change that did occur to the RJ experience. Negative changes subsequent to the RJ experience were considerably less frequently cited and even less attributed to the RJ experience.

Overall, then, there is much evidence that significant reintegration and closure occurred for both offender and victims, and indeed even for their supporters. Offenders considered that they had made up for the offence, were able to put it behind them and, for a significant minority, had improved relationships with their supporters (usually their

parents). Roughly ten percent reported that they had re-offended. Victims considered that RJ had helped the offender appreciate the harm caused, that they themselves had benefited from the RJ experience, and that they were able to put the incident behind them. Offender supporters typically considered that the offender gained appreciation of the harm caused and had achieved significant closure and reintegration since then. Others/neutrals shared these positive views about reintegration and closure. There were nevertheless significant variations among the participants. Offenders were slightly more positive on these issues than their supporters were and victims and victim supporters were clearly less positive in all respects than their counterparts on the offending side. While positive about the RJ process and the changes wrought, there was a more guarded optimism, among all participants apart from the offenders, with respect to the impact of the RJ experience on the offender's likelihood of re-offending.

TABLE C-13

**REINTEGRATION AND CLOSURE ISSUES BY RJ PARTICIPANT ROLE
(%’S)**

| Aspects | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N=98) | Other/Neutral (N=95) |
|---|-----------------------------|---|---------------------------|--|---------------------------------|
| Still Satisfied Re: Agreement | | | | | |
| Yes Much | 66 | - | 49 | - | - |
| Yes Some | 30 | - | 28 | - | - |
| No | 2 | - | 18 | - | - |
| DK/NA | 1 | | 5 | - | - |
| Put it Behind* | | | | | |
| Yes Much | 59 | 44 | 53 | 40 | 47 |
| Yes Some | 33 | 32 | 29 | 41 | 29 |
| No | 7 | 21 | 12 | 11 | 6 |
| DK/NA | 2 | 3 | 6 | 8 | 18 |
| Think Off’r Less Likely to Re-Offend | | | | | |
| Yes Much | - | 54 | 33 | 24 | 37 |
| Yes Some | - | 28 | 28 | 26 | 34 |
| No | - | 12 | 27 | 26 | 13 |
| DK/NA | - | 5 | 11 | 23 | 16 |
| RJ Helped Off’r Appreciate Harm Caused | | | | | |
| Yes Much | - | 69 | 58 | 39 | 69 |
| Yes Some | - | 23 | 24 | 39 | 30 |
| No | - | 7 | 14 | 12 | 1 |
| DK/NA | - | 1 | 3 | 10 | - |
| RJ Option Helped Off’r Make Up | | | | | |
| Yes Much | 58 | - | 43 | - | 46 |
| Yes Some | 36 | - | 35 | - | 37 |
| No | 3 | - | 17 | - | 5 |
| DK/NA | 3 | - | 5 | - | 12 |

Table C-13 Continued

| Aspects | Offender (N=359) | Offender Supporter (N=564) | Victim (N=225) | Victim Supporter (N=98) | Other/Neutral (N=95) |
|---|---------------------|----------------------------------|-------------------|-------------------------------|-------------------------|
| O and OS Relationship Improved | | | | | |
| Yes Much | 26 | 28 | - | - | - |
| Yes Some | 25 | 25 | - | - | - |
| No Change/No | 32 | 40 | - | - | - |
| DK/NA | 17 | 7 | - | - | - |
| Positive Changes for Offender/Victim and RJ Impact** | | | | | |
| Yes and Yes | 58 | 59 | - | 40 | - |
| Yes and No | 8 | 12 | - | 9 | - |
| No Change | 28 | 21 | - | 36 | - |
| DK/NA | 5 | 7 | - | 15 | - |
| Victim Benefited | | | | | |
| Yes Much | | | 43 | 39 | 66 |
| Yes Some | | | 36 | 42 | 10 |
| No | | | 12 | 9 | 6 |
| DK/NA | | | 9 | 10 | 16 |

* In the case of victim supporters and other neutral respondents, these data refer to their views on whether the victim got some closure and was able to put the incident behind them.

** The wording of the question for victim supporters was slightly different than that for the offenders and offender supporters.

OVERALL ASSESSMENT

Table C-14 provides the data patterns in overall assessment for the 1341 follow-up interviews. Turning first to the perceived comparative advantages of the RJ and court options, among offenders and offenders' supporters, the "best thing about the RJ option" was that it avoided the court system and the offender getting a criminal record; 44% of the offenders and 41% of their supporters held that view. The second most commonly cited "best thing", from both standpoints, was the friendly and fair ambience of the RJ process and session; here the respective percentages were 18% and 25%. Among victims, three features were highlighted in their spontaneous responses, namely avoiding the court (20%), talking directly to the offender about the harm done (17%) and the friendly and fair milieu (17%). Victim supporters highlighted the friendly and fair ambience of RJ (26%) and being able to talk directly to the offender (17%) while for others/neutrals, everyone having their say (25%) and direct talking among the parties (26%) were cited as the comparative advantages of the RJ option. Overall, then, about the same percentage in all groupings highlighted the friendly and fair character of the RJ option (between 18% and 26%) and, in a much smaller proportion (i.e., between 3% and 7%), the better outcomes achieved with RJ. There were sharp differences otherwise, with the offender "side" stressing the "avoidance of court and record" while the other types of participants stressed participants having their say and talking directly to one another. Such patterns highlight the RJ option in terms of what it avoids and how it is done.

There was little variation among the different role players concerning the perceived disadvantages of the RJ option. The majority in each grouping (albeit borderline in the case of the victims' supporters) reported that there was nothing worse about the matter going to RJ rather than following the court route. A score of offenders (7% plus since some of the responses coded as 'other' could also fall in this category) held that "having to face people" was a worse aspect of RJ, while 11% of the victims supporters cited more "unfairness" in the RJ option, and about 5% of the offender supporters suggested the RJ option was too lenient for the offender; otherwise, no particular disadvantage of RJ was cited by more than a few respondents in any grouping. Indeed, for each grouping, idiosyncratic responses (coded as 'other') were the most

common alternative to "nothing worse".

A huge majority of respondents in each role category, on average six months or more after their RJ experience, held that the RJ option was indeed appropriate and the matter should not have been referred to court. There was little difference in this respect among offenders, offenders' supporters, victims and the neutral others; in each instance, roughly 85% of the respondents held that view. Among victims' supporters, the majority fell to roughly 70%.

The young offenders identified the chief differences, had the case went to court, as being their obtaining "a criminal record" (26%) or "a different sentence or disposition" (22%) or encountering "a more intimidating atmosphere" (10%). Offenders' supporters identified the same three factors (each accounting for roughly 13% of their view) but their chief stated difference (33%) was that the court experience would have had a negative impact (i.e., generated more problematic behaviour by the youths) on their youth. The responses were fairly similar among the other role players save that victims, victims supporters and neutrals were more likely, proportionately, to cite the more intimidating character of the court process as the chief difference that would have impacted the matter. In all three of the latter groupings between 8% and 12% of the respondents also suggested that the court process would have had a negative impact on the offender, and a few believed that there would have been a negative impact for the victims as well. It should be noted that, with the exception of the neutrals, many of whom were police officers, the large majority of the respondents in each sub-grouping reported that they had no first-hand experience with court processes, whether as offenders, victims or otherwise. Not surprisingly, the young offenders were least likely (i.e., only 11%) to have had any direct experience with the court process and the others/neutrals, the most likely (63%).

The follow-up respondents were clearly of the view that RJ should be utilized in cases involving similar offenses. Most held the position quite emphatically, especially the young offenders, almost 80% of whom strongly stated that opinion and only a handful of whom disagreed. The same pattern held for each role category. Victims' supporters were most likely to disagree - and presumably think court would be preferable - but that latter position was held by only 9% at most. When offenders and victims were further

questioned on whether, in similar offence situations, they would recommend the RJ option to their friends, the positive assessments were very evident. Only 1% of the offenders and 5% of the victims would not make such a recommendation. The respondents, however, were much more cautious about using the RJ option where more serious offenses were committed. The large majority of victims and victims supporters either disagreed completely (60% and 54% respectively) or indicated that there would have to be very strict restrictions (15% each). Offenders and offenders' supporters (in combination, 64% and 53% respectively) also expressed the need for strict limits on the applicability of the RJ option as they understood it. The others/neutrals, the most informed about both RJ and the court process, were also the most willing (roughly 50%) to see the RJ option used even in more serious offending; interestingly, this positive slant was also the basic position of the police participants, some 60% of whom held that RJ could be effective in responding to more serious offending.

All respondents were asked whether there were any changes they would recommend for RJ processing, based on their recent experience. The majority response for all subgroups was "nothing" and there were many idiosyncratic responses as well. The two most common specific recommendations, each made by about 10% of the respondents, cited the value of having police and/or victims involved in the sessions, and the need for more follow-up activity by RJ agency staff. Regarding the former theme, victims and victims' supporters cited the value of police presence, while offenders, offenders' supporters and neutrals mostly cited the value of having victims present. Almost the same percentage of the respondents - more among the victim, victim supporters and others/neutrals - raised concerns about the time and place of the RJ session (e.g., too long a delay in scheduling the session such that, as some said, "it no longer seemed real", facilities inadequate or too public). A small number of respondents (mostly youth) thought the session was too long, while an equally small number (mostly supporters) thought that more session time was required to deal with the issues raised.

Overall, it is clear that the RJ experience was a very positive one for all categories of participants and it was an experience that they would recommend to others involved in similar cases of offending. There was a slight tendency for victims and victims

supporters, especially the latter, to be more critical but such a position was evident for only a small minority of these respondents. Most respondents, across categories, held that RJ would not be appropriate in cases of more serious offending, certainly not without strict conditions; but such views were not necessarily incompatible with current RJ protocols (e.g., some offenses can only be referred to RJ post-conviction). While it is true that most respondents had no direct court experience with which to compare their RJ experience, it is interesting that those who mostly did - the others/neutrals - were in many respects the most positive in their assessments of RJ and most enthusiastic about its extension to more serious offending. Finally, victims alone were asked whether the RJ experience had changed their feelings about the justice system and their responses were roughly evenly split between 'yes' and 'no'; of those responding 'yes', roughly 75% reported that the RJ experience had made them feel more positive about the justice system (as one said, "we learned that things can be resolved without having to go through the court process").

TABLE C-14

OVERALL ASSESSMENT
RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS
2003

| FACET | OFFENDERS (N=359) | OFFENDER SUPPORTERS (N=564) | VICTIMS * (N=225) | VICTIM SUPPORTERS (N=98) | NEUTRALS* (N=95) |
|----------------------------------|------------------------------|--|----------------------------------|---|-----------------------------|
| | % | % | % | % | % |
| Best About RJ Route: | | | | | |
| Avoid Court / Record | 44 | 41 | 20 | 13 | 15 |
| Support There | 2 | 4 | 1 | 3 | 2 |
| Friendly and Fair | 18 | 25 | 17 | 26 | 17 |
| Had A Say | 8 | 5 | 15 | 11 | 25 |
| Better Outcome | 6 | 3 | 8 | 6 | 6 |
| Talk Directly | 5 | 7 | 17 | 17 | 26 |
| Other/Nothing Positive** | 7 | 12 | 11 | 12 | 2 |
| Don't Know / NA | 11 | 3 | 11 | 10 | 7 |
| | | | | | |
| Worst About RJ Route: | | | | | |
| Facing People | 7 | 4 | 2 | 3 | 2 |
| Unfairness | 1 | 3 | 4 | 11 | 1 |
| Intimidation | 3 | 2 | 3 | 3 | - |
| Time, Format | 5 | 3 | 6 | 6 | 6 |
| Other | 7 | 15 | 16 | 14 | 20 |
| Nothing | 61 | 69 | 60 | 49 | 65 |
| Don't Know / NA | 15 | 5 | 9 | 13 | 4 |
| | | | | | |
| Court Preferable: | | | | | |
| Yes, Much | 2. | 4 | 8 | 9 | 3 |
| Yes, Some | 6 | 4 | 5 | 12 | 8 |
| No | 86 | 88 | 83 | 70 | 85 |
| Don't Know / NA | 6 | 3 | 3 | 8 | 3 |

| FACET | OFFENDERS (N=359) % | OFFENDER SUPPORTERS (N=564) % | VICTIMS * (N=225) % | VICTIM SUPPORTERS (N=98) % | NEUTRALS* (N=95) % |
|----------------------------------|-----------------------------------|---|---------------------------------------|--|----------------------------------|
| The Court Difference: | | | | | |
| Disposition | 22 | 14 | 20 | 14 | 19 |
| More Intimidation | 10 | 13 | 15 | 19 | 28 |
| More Sanctions (A Record) | 26 | 13 | 15 | 13 | 8 |
| Fairer | - | 1 | 3 | 6 | - |
| Negative Impact re Off'r | 3 | 33 | 10 | 8 | 12 |
| Other | 9 | 8 | 11 | 17 | 24 |
| No Difference | 6 | 5 | 0 | 6 | 3 |
| Don't Know /NA | 23 | 12 | 13 | 15 | 3 |
| | | | | | |

TABLE (...continued)

OVERALL ASSESSMENT - RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS

| FACET | OFFENDERS (N=359) | OFFENDER SUPPORTERS (N=564) | VICTIMS* (N=225) | VICTIM SUPPORTERS (N=98) | NEUTRALS** (N=95) |
|--|------------------------------|--|-----------------------------|---|------------------------------|
| | % | % | % | % | % |
| Experience Re. Court: | | | | | |
| Yes | 11 | 29 | 29 | 32 | 63 |
| No | 87 | 67 | 68 | 66 | 35 |
| Don't Know / NA | 2 | 3 | 2 | 2 | 2 |
| | | | | | |
| Use RJ for Such Offences: | | | | | |
| Yes, Much | 77 | 61 | 61 | 52 | 57 |
| Yes, Some | 19 | 35 | 29 | 37 | 40 |
| No | 1 | 4 | 7 | 9 | 1 |
| Don't Know / NA | 3 | 1 | 4 | 2 | 1 |
| | | | | | |
| Use RJ for More Serious Offences: | | | | | |
| Yes | 9 | 5 | 3 | 6 | 8 |
| Yes Qualified | 22 | 32 | 14 | 13 | 41 |
| No, Only If Very Strict Limits | 22 | 21 | 15 | 15 | 24 |
| No | 42 | 32 | 60 | 54 | 27 |
| Don't Know / NA | 6 | 10 | 8 | 11 | - |

TABLE (...continued)

| FACET | OFFENDERS (N=359) | OFFENDER SUPPORTERS (N=564) | VICTIMS* (N=225) | VICTIM SUPPORTERS (N=98) | NEUTRALS** (N=95) |
|--|----------------------|-----------------------------------|---------------------|--------------------------------|----------------------|
| | % | % | % | % | % |
| Change Anything Re. Conferencing: | | | | | |
| Time / Place | 6 | 6 | 9 | 9 | 8 |
| Have Other People Involved | 7 | 13 | 8 | 7 | 14 |
| Different Outcomes | 4 | 5 | 9 | 7 | 2 |
| More Follow- up/Monitoring | - | 5 | 9 | 9 | 9 |
| Nothing | 64 | 60 | 51 | 49 | 54 |
| Other | 9 | 8 | 9 | 10 | 10 |
| Don't Know / NA | 10 | 3 | 5 | 8 | 2 |
| | | | | | |

* Neutrals included Police and Community Representatives. In some instances the wording / phrasing of the questions asked of these participants did not precisely match the questions asked of Offenders and Victims. These nuances will be referred to in the text.

** Very few respondents in any role said that there was “nothing best or positive” about the RJ option so most of this category ‘Other/Nothing Positive’ refers to other positive comments.

SUMMARY

The description and analyses of the much larger follow-up sample now available remain consistent with the earlier reports. Concerning the pre-session phase, most patterns were similar. The key difference was that both victims and their supporters reported persuasion by the RJ case worker as more salient to their participation in the 2002-2004 period (from 8% to roughly 20%). Also, respondents in both groupings reported a much higher frequency of face to face contact with RJ agency staff prior to the session or conference (i.e., an increase of roughly twenty percentage points to 60%). Since there was no comparable change among offenders and their supporters, it would appear two factors probably accounted for these differences, namely the increase in the number of referrals involving person-victims and a greater effort by agencies to incorporate the victim side in the conferences.

With respect to the session itself and the agreement reached there, the similarities in respondents' assessments were evident and reflect well on the RJ program in that the level of satisfaction and consensus across participant roles remained high even while the agencies were responding to more complex referrals (e.g., more post-charge referrals). Certainly on process issues, such as having their say and the fairness of the facilitators, all parties assessed the conferences very positively. Again the differences that were found focused around the victims and their supporters; for example, a higher percentage - though still a minority - of victim supporters indicated that they were disappointed by the attitudes expressed by the offenders and, sometimes, the offender supporters. As for the agreement, retrospective assessments remained very favourable across the roles and the most notable change was an increase on the victim side in respondents' claiming to have contributed to the terms of the agreement reached at the conference (from 50% to 65%).

Previous reports were very limited in dealing with what has been labelled the "reintegration and closure" and "overall assessment" phases. The larger numbers now available in each role category have permitted more detailed accounts but remain congruent with the positive assessments reported earlier. It has been possible to disaggregate the responses on the victim side, an important advance since there were occasionally sharp differences between the victims and their supporters in assessing the

results of the RJ experience. Victims generally were more positive; interestingly, in that regard, one difference in this report was the increase in the percentage of victims (from 49% to 61%) who would recommend the RJ path for similar type offenses.

The participant profiles yielded some key points. In the case of the victims it was noted that they reported that they usually entered the conference stage hoping for an apology and some restitution and that they largely realized those hopes in the session and its agreement. Victims reported themselves very positive about the process features of the RJ experience, considered that they got the answers they were seeking and largely believed they had contributed to the agreement reached. They reported significant levels of closure. The face to face encounter and the closure aspect were highlighted in their stated reasons for preferring RJ to the court option. At the same time, there was some caution or wariness expressed regarding the impact of the RJ experience on the young offender and about the efficacy of the alternative in the case of more serious offending. Most of these views also emerged from the victim supporters' profile. They often considered their own presence crucial to the victim's attendance at the conference and in their advocacy role appeared at points to be more demanding of the RJ option. Prior to the session their hopes were that there would be some closure for the victim and some evidence of remorse and changed behaviour on the part of the offender. Generally they considered that the former had occurred (i.e., the victim did benefit) but a large minority expressed scepticism about the latter. Overall, the victim supporters were the most critical of the results of the RJ option even while most of them gave positive, if less enthused, assessments.

The others/neutrals were a diverse grouping of police officers, community representatives and specialists / trainees. While there were differences within these sub-groupings (the community representatives and trainees gave the most positive assessments of all participant roles) they shared a very positive assessment of the RJ experience, considered that their hopes for the victims and offenders were largely attained, effecting both closure and reintegration, and were the most positive about extending the RJ option to more serious offending.

The youths' profile was interesting for establishing that their participation in the RJ process was largely driven by push factors (e.g., avoid court and a record) but that

many were surprised at the positive nature of the conference as well as the leniency of obligations placed upon them in the agreement reached. They evaluated both the process and outcomes aspects quite positively and reported that, in their view, they had made up for the offence and were able to put the incident behind them. Most youths reporting changes, either in their relationship with their parents/guardians or in their life more generally, reported positive changes, and attributed such changes in large measure to their RJ experience. The offender supporters generally shared the views of the offenders about all phases of the RJ experience. Their chief hope entering the RJ path was that their youth would learn a lesson and avoid what they deemed to be the negative impact of the court option on the youth's attitude, behaviour and life chances. Generally, they considered that that had been achieved. They considered that the session went well, that their youths usually made them proud by their remorse and apology and that the victim impact was quite positive. For a small but significant minority, the conference reportedly gave them insight into their youth's mind-set. And like the youths, the offender supporters held that their post-session relationship with the youths and the youths' life in general had improved and the RJ experience was the key factor. There was for a significant minority some concern expressed about the long-term nature of such effects and wish for more follow-up.

There was an examination of how contextual factors such as agency type, referral source, session type, offence category and gender, impacted on these profile patterns. There was a clear, consistent impact of gender, offence category, and, to a less powerful extent, of session type and referral source, namely that more positive assessments were made by males, where the offence involved was more minor, by those in accountability sessions, and where the referral source was police (pre-charge). The impact of agency type was more complex, though usually the small town and rural respondents were less positive. The most important contextual variable was found to be offence type. These results occur themselves in a very positive context as far as participants' assessments of RJ is concerned, but, as the RJ program is evolving away from accountability sessions and pre-charge referrals and as the offending dealt with becomes increasing complex, they point to challenges for the program if the high level of positive assessment is to be maintained.

OVERALL SUMMATION AND FUTURE DIRECTIONS

Analyses of the exit surveys and the follow-up interviews demonstrate a considerable continuity in participants' assessments of their RJ experiences and its broader implications. Clearly, there was much consensus, across the different role players, that a valuable justice initiative has been implemented in Nova Scotia. The very positive views characteristic of the exit responses held up quite well in the follow-up interviews conducted later in a totally different context. And these assessments apparently have stability even as the RJ program has evolved in terms of more post-charge referrals and a caseload of more serious offending, modest though these developments may have been to date.

The above analyses have shown, too, that there is interesting variation in the participants' assessments and have identified some factors controlling that variation. The distinction between process and outcome seems important. The RJ process as implemented received much enthusiasm from all sides. The face to face contact among participants, communication of concerns and circumstances, and the sharing of information and suggestions were generally celebrated and compared very favourably to the alleged court processing of similar cases. Interestingly, a good many of the suggested changes made by participants simply called for more thorough implementation of the RJ approach (e.g., have the victim present, more pre-session work, more discussion of the underlying problems, follow-up contact). The immediate outcomes of the RJ experience such as the agreement collectively reached and the diverse closure and reintegration implications of the conferencing (e.g., 'putting the incident behind me", better relationships with supporters) were also celebrated, though sometimes less enthusiastically certainly by the victims and victim supporters. The more long-term outcomes were deemed more problematic especially, but not only, on the victim side. There was indication of concern about the efficacy of the RJ path in resolving problematic behaviour. This theme was reflected, for example, in reservations concerning future offending by the youths and restrictions on the more expansive use of the RJ approach in justice matters. It may well be that some of these wary thoughts and feelings reflected an inaccurate knowledge of the efficacy of court processing (remember that

most police officers interviewed were less reluctant to see RJ take on more serious offending) and likely an inaccurate understanding of NSRJ protocols (e.g., the specification of the levels of the CJS at which different offenses may be referred to RJ).

Aside from variation by participant role, evident more in the follow-up data, it was clear that contextual factors such as offence type, session type, referral source, agency type and gender controlled certain variation, sometimes for specific roles only (e.g., referral source impacting on victim supporters' assessments) Generally, the variation controlled was modest but consistent between exit surveys and follow-up interviews and across the different roles. One interesting exception involved gender where females were more positive about process and outcome aspects in the exit surveys but consistently less positive than males in the follow-up analyses. It was suggested that this unexpected flip-flop might well be explained by the females' greater contribution to the conference harmony being less of a factor in their follow-up assessments. The variation controlled by the contextual variables indicates that the anticipated continuing evolution of the RJ program will bring significant challenges since its most positive participant appraisals were linked to accountability sessions, pre-charge referrals, and category one offenses, presumably areas of decline in its workload and focus. This, in turn, means that the program will have to "work harder" in the future to maintain its high level of positive participant assessment.

Working harder would seem to require more pre-session activity and more follow-up. But the sharing of experience and insights, by staff and facilitators via regular briefings and de-briefings, seems crucial to the effective handling of more complex causes even if the program does not expand to adults nor lift the moratorium on sexual offenses and spousal/partner violence, either one of which could have profound implications on the facilitation task. This may well be more of a necessity in agencies where the facilitation is done mostly by volunteers. There are several areas of such thrust suggested by the patterns noted in this report. The most obvious one concerns how youth and adult subcultures and styles interact. Many adults, among victims, victim supporters and others/neutrals, and even some offender supporters, emphasized that their assessment of the conference depended a lot on the presentation and behaviour of the young offenders. The data show that they were looking for signs from the youth that he/she

understood the harm caused and was sorry about it. Their comments and that of the youths - as well as the researcher's occasional observation at sessions - suggested that adults often perceived a lack of remorse and indifference where the youth may have been largely projecting a protective presentation of self that masked considerable anxiety and frustration in expressing himself or herself (e.g., wearing a baseball cap, slouching etc). Offender participants did occasionally allude to this issue when discussing their session experience. Perhaps pre-session preparation, especially for offenses such as assault and serious mischief or property crime, might involve discussion of such different subcultural styles and expectations with the different parties with a view to minimizing the avoidable misinterpretations of one another that limit the value of the conferencing.

Another related thrust might well be to consider the protocols and strategies regarding the encouragement of probing, getting past the superficial to the underlying issues. This theme was raised as frequently by offender supporters as by those on the victim side (as noted in the text, in a significant number of cases this very distinction between offender supporter and victim side is almost meaningless). Some others/neutrals, such as police officers, while very supportive of the RJ program, also raised this concern that the style or format of facilitation (e.g., limiting discussion to the incident at hand as done in court) as well as the constraints of time at the conference, limited greatly the long-term impact of RJ and conferencing for the offenders and others.

It is interesting that some agencies have developed interventionist strategies or conference styles that appear to have value for efficacious responding in more complex offending but these do not seem to have been thoroughly aired by the RJ community as a whole. The MCLP (nee MYOP)'s former use of a mentoring system and the Island agency's use of community representatives would merit explicit discussion, especially as the Halifax agency has considered such initiatives to be central in its engagement with the Afro-Canadian communities in metropolitan Halifax. These issues and the others mentioned above would largely be building on the proactive, co-coordinative work (e.g. the gold standard project, the regional and inter-board meetings) that has characterized the NSRJ and made alternative justice in Nova Scotia much more sophisticated and far-reaching than the former Alternative Measures programming and indeed somewhat unique in Canada.

PATTERNS OF RECIDIVISM

The emphasis in this RJ evaluation has first to be on process and implementation issues in order for one to properly assess what RJ intervention outcomes, including recidivism, will be important to examine. Has RJ been implemented with sufficient thoroughness and depth that examining outcomes will be heuristic either for policy or for science? Is it a quite limited initiative, just “alternative measures on steroids” as one local critic claimed, dealing more thoroughly with low-end offending, and basically responding to a different and more amenable type of offender than those processed in court (what is referred to often as "creaming" in the evaluation literature)? Even if the answers to these questions were largely in the affirmative, the program could still have much value in producing better options and outcomes for many offenders, victims and their supporters than might otherwise be available to them, and in freeing up CJS officials and court processes for the more serious cases. The central issues would then be whether vis-à-vis such objectives the RJ intervention was effective, efficient and implemented with equity. Of course, restorative justice as a social movement has had much broader objectives and its advocates typically advance it as a major alternative or supplement to the conventional CJS processing and as an approach which can positively impact on serious offending and effect significant benefits for offenders and victims (e.g., reintegration and closure) involved in such action. The earlier versions of the restorative justice movement in the 1960s and 1970s were generally criticized for "creaming" and other kinds of selectivity, and not measuring up well against these more demanding criteria of impacting on recidivism and serious youth offending.

There is certainly in Nova Scotia a major challenge for the restorative justice movement to meet the more demanding standards. According to official CCJS sources, the province has long had an average level of youth offending compared to other similar Canadian jurisdictions, but, while the other provinces and territories have witnessed a major decline in such "stats" over the past five years, Nova Scotia has not (see the graphs 1 to 8 in the section on Process). This may be due, in part perhaps, because of 'net-

widening' (possibly beneficial net-widening) associated with the RJ initiative since RJ referrals are captured in official CCJS statistics (i.e., "youth accused rate").

Until the implementation of the YCJA, Nova Scotia had a comparatively high rate of youths in supervised probation though, like other provinces, it had been declining significantly since the peak year of 1997-98 (see the graphs noted in the section on Process). The province also had a level of incarceration for young offenders, that, while average by Canadian standards, was comparatively high vis-à-vis other Western societies. And incarceration had not been an effective, efficient or equitable strategy to reduce youth re-offending. A Department of Justice study (Policy, Planning and Research, Nova Scotia, 2004) of all incarcerated young offenders in Nova Scotia in the year 2000 (n=228) has indicated that, not unexpectedly, 95% had a previous conviction. But it is startling to discover that fully 79% received at least one subsequent conviction by the end of 2003 and approximately 66% of those youths did so within one year of receiving their incarceration sentence of 2000. Almost 60% of the youths incarcerated in the year 2000 sample were re-incarcerated at least one more time by the end of 2003. And these data of course were limited to simply officially recorded offenses and also did not include offenses with respect to provincial and municipal statutes or any cases, if any, that might have been referred to restorative justice agencies.

This evaluation thus far has shown that the NSRJ initiative has continued to evolve over the years since its inception in late 1999, an evolution characterized, proportionately, by more victim involvement, fewer accountability sessions (the basic feature of previous alternative measures programming), more post-charge referrals, and responding to more serious offending (e.g., fewer minor property offenses such as shoplifting). It would appear, too, that the YCJA implementation in April 2003 has further reinforced such evolution, encouraging police services to deal with very low-end youth offending through informal actions and formal cautions while encouraging all levels of the CJS to consider restorative justice referrals for other offenses (see the section on Process). Accordingly, it is quite appropriate to ask whether the NSRJ initiative is increasingly impacting on more serious offending and recidivism.

In the 2002 Outcomes Report (Clairmont, 2002) various analyses of recidivism were undertaken. Examination of court-processed cases, accessed through the provincial

court data (JOIS), indicated that 39% of the youths had faced distinct charges in court on more than one occasion over the twenty-six month period between November 1, 1999 and December 31, 2001. It was shown that gender (i.e., males much more than females), and seriousness of the first case's offenses contributed significantly to having repeat court cases. The data underestimated recidivism since no criminal record prior to November 1, 1999 was considered, and the data dealt with youth court only, so presumably would not take into consideration possible adult court appearances by those becoming adult during the time period in question. Also, pre-charge referrals to RJ agencies are not recorded in the JOIS system. Still, these data suggested quite high levels of recidivism among youths processed through the criminal court.

The 2002 report also examined the separate NSRJ data system (RJIS) for the same twenty-six month period. Looking first only at referrals to restorative justice, not formal police cautions nor prosecutions, a recidivism percentage of 11% was found; that is, over that period, 11% of the 1941 youths referred to RJ agencies, had at least one subsequent RJ referral. It was also found that, unlike the JOIS patterns, gender, age at first referral, and seriousness of the offence at first referral, did not apparently impact on the likelihood of RJ recidivism. The RJIS data were very limited as a source for court experience since many, if not most, police filings ("laying an information") in court, despite NSRJ protocol and hopes, were not recorded in this system. Still, the RJIS data also were analyzed taking into account any recording of formal cautions and court prosecution. The analyses suggested that, if a youth's first case in the data set was processed via RJ rather than through the courts, recidivism, whether involving police cautions, RJ referrals or court prosecutions, was much less (23% to 51%). Despite the data limitations and the fact that court-processed cases involved a different mix of offenses, and despite the evident screening of persons directed to RJ by police discretion, this finding was interesting and promising for the RJ challenge noted above. It was made even more so by the fact that whether the first case RJ processing came about as a result of a pre-charge or a post-charge referral, the level of recidivism remained at roughly the comparatively same low level. Since the offending in post-charge referrals more closely matched up with that of court processed cases, this finding suggested that the RJ alternative might well be effective across a broad range of offending.

There are five central issues concerning RJ recidivism, namely (1) what is the amount of recidivism?; (2) how quickly does re-offending occur?; (3) is there an escalation in the offending?; (4) what are the factors associated with recidivism in these respects?; (5) how do the recidivism patterns compare to patterns associated with conventional court processing? In this follow-up to the 2002 report, recidivism is being considered from several vantage points. First, there is self-reported recidivism. Young offenders processed through RJ and interviewed in the follow-up period between six months, and a year after their RJ session, were asked whether they had committed any subsequent offenses. The views of recidivists will be compared with those of the non-recidivists. Secondly, the RJIS data from the beginning of the program (November 1, 1999) to the end of 2004 (December 30, 2004) were examined, re-coded where new variables needed to be created, and analysed. These data can address issues of recidivism within the RJ system, such as the extent of RJ recidivism, characteristics of youths who receive multiple referrals, and whether there is an escalation of offence seriousness on the part of recidivists. These data are valuable but also limited in that court experience, as noted above, is rarely recorded in the RJIS, and of course the adult court (and adult diversion if any) experiences of those youths turning 18 years of age during that time period are also not included. There is no way to link the RJIS data to the court data system (JOIS) save by checking individual names – thousands of names - against each data system.

A third data set is also being used for recidivism analyses. This data set just deals with metropolitan Halifax, and basically constitutes the records of the Halifax Regional Police Service (HRPS) for the period November 1, 1999 to December 31, 2003 inclusive. The HRPS did a good job of honouring the NSRJ request to submit recording sheets for all formal cautions, RJ referrals, and charges laid. This Halifax sample offers the best data set for tracing linkages among these alternative police responses to youth offending and thus getting a more accurate and in-depth account of recidivism. Still, there are limitations, namely there was not a complete recording for charges laid, especially among youths aged 16 and 17, who until recently were processed at provincial criminal court while 12 to 15 year olds were processed through family court located in a different area of the city. NSRJ protocols also did not require that police services submit checklist

information on certain serious and infrequent offences; these were categorized as “level three” offences such as murder as well as sexual assault and spousal/partner violence (e.g., in the whole of the four year period only one Halifax checklist referred to a sexual assault). Additionally, this data set does not include the adult experiences of those youths who reached that status during the years in question. And of course it is only for metropolitan Halifax.

A fourth data set is the JOIS system maintained by the Department of Justice. It records data on all court-processed cases. This data set tracks individual offenders through distinct IDs and thus enables the researcher to consider recidivism patterns extending over all age periods. It, too, has limitations, most notably, for the purposes at hand, that it is isolated from the RJIS system and, secondly, its data, even for court-processed cases, have to be supplemented by other data systems (e.g., corrections) in order to facilitate meaningful analyses of socio- demographic correlates of recidivism. The JOIS data were examined for patterns of youth recidivism strictly within the court process.

While tracing all RJ-processed offenders (RJIS records) against the court-processed JOIS records, and vice versa, is well beyond the resources available to this evaluation, it was decided to take a more manageable sub-sample from each and examine linkages across the two systems. This would facilitate exploring recidivism more fully by considering both RJ and court experiences. The subset of youths convicted in court of criminal code and federal offenses for the first time in 2002 (i.e., first time court offenders) were compared with the corresponding subset of RJ-processed youths, that is the population of youths referred, for the first time, to RJ in 2002. By name and birth date, youths in each data system were checked against the other system thereby enabling the evaluator to draw a more complete assessment of recidivism over several years.

SELF-REPORTED RE-OFFENDING IN THE FOLLOW-UP INTERVIEWS

There were 359 young offenders among the follow-up interview respondents. These follow-up interviews were conducted at least six months after the RJ session. The

youths were asked whether they had committed any new offenses since the session and, in this section, those who answered yes are compared with those who answered no. The "window of opportunity" for recidivism is clearly narrow but the objective here is modest, namely ascertaining through interview data, insights into the differences between recidivists and non-recidivists. Some 9% of the youth sub-sample did report re-offending, a figure which is understandably below the 11% of RJ repeat referrals reported earlier for the twenty-six month period November 1 1999 to December 31, 2001. The figure is also well below the 23% of those, in that earlier time period, whose first case was processed as an RJ referral and who re-appeared in the RJIS data set whether for a police caution, an RJ referral or a prosecution. Given the different time frames, it is difficult to know whether the 9% figure indicates that the follow-up youth sample was biased in favour of non-recidivists but that well might be the case. The reader will recall that the follow-up sample was least representative of the RJ session participants in the instance of the young offenders attending RJ sessions; only 52% of the latter (compared with 75% of the mostly adult victims) signed the exit form agreeing to a follow-up interview. However, it should also be recalled that there was little obvious difference between those signing on to be interviewed and those who did not; in fact, the non-signers - presumably those more likely to recidivate - were slightly more likely than the signers to be involved in minor property offenses.

Table R-1 compares the views of the self-reported recidivists and non-recidivists. It shows that, while the majority of both groups spoke positively of their RJ experience, the non-recidivists were consistently more positive. They were more satisfied with the RJ agreement both at the time of the session and when interviewed than the recidivists were. They were also more likely to report that they found it fairly easy to meet the terms of the agreement, that they have experienced positive life changes since the RJ session, and that RJ should be used for offenses similar to their own. The two sub-groupings of respondents differed little in terms of reporting that they had been able to "put the incident behind", that they were getting along better with their parents/guardians or that they would recommend the RJ option to friends who were in similar straits, but, even in these regards, the non-recidivists were consistently more positive. Interestingly, the only item where the recidivists were more positive about the RJ approach than their

counterparts was with reference to whether they thought the RJ option should be used in cases of more serious offending; here the recidivists were modestly less likely to say 'no, the RJ option should not be used'.

Table R-2 explores the factors associated with self-reported recidivism. The modest level of such recidivism limits analyses but the patterns found at least were consistent with those discussed elsewhere in this report. Self-reported recidivism was associated more with males (11% males to 6% females), with the more serious offenses referred to RJ (14% where the offence was more serious to 6% where the offence was less serious), with post-charge referrals (14% to 9% among pre-charge referrals), and with non-accountability sessions (11% where RJ session to 6% where accountability session). The most important factor was clearly the seriousness of the offence referred to RJ. Not only did it yield the largest spread, 14% to 6%, but two other impacting factors (referral source and session type) were significantly correlated with it.

It appears then that recidivists were more likely than non-recidivists to have been referred to RJ for somewhat more serious offenses and that they were less positive about their RJ experience. Such a pattern suggests challenges for NSRJ as it evolves towards dealing with more serious offending. At the same time, it is important to underline the modest level of recidivism among the youth and the fact that even the recidivists typically were quite pleased with their RJ experience and thought they had benefited from it.

Table R-1

Views of Recidivists

and Non-Recidivists (Self-Reported) in the Follow-Up Interviews

| Views | Recidivists N=32 % | Non-Recidivists N= 327 % |
|---|-----------------------------------|---|
| Satisfied with Agreement at the Time? Yes, Much. | 53% | 66% |
| Still Happy About Agreement? Yes, Much. | 56 | 68 |
| Easy to Go Along with Agreement? Yes, Much. | 50 | 62 |
| Getting Along Better with Supporters? Yes, Much. | 22 | 27 |
| Able to Put it Behind You? Yes, Much. | 56 | 59 |
| Positive Life Changes Since RJ Session? Yes.* | 56 | 68 |
| Use RJ for Similar Charges? Yes, Much. | 66 | 78 |
| Use RJ for More Serious Offences? No. * | 59 | 64 |
| Recommend RJ to Friend in the Same Position? Yes, Much. | 62 | 68 |

- In these questions, the response category includes either all yes answers or all no answers. Otherwise, only “yes much” answered are considered in this table.

Table R-2

Factors* Associated with Self-Reported Recidivism, Follow-Up Interviews

| % Recidivists | Agency Type | Offence Type | Gender | Session Type | Referral Source |
|--------------------------|--------------------|-----------------------------|-----------------------------|--------------------------------------|------------------------------------|
| LIKELIHOOD OF RECIDIVISM | NO IMPACT | IF MINOR, LESS 6% to 14% | IF MALES, MORE 11% to 6% | IF ACCOUNTABILITY, LESS 6% to 11% | IF POLICE LEVEL, LESS 9% to 14% |

* These factors are operationalized as in Tables A and C sections.

COURT-RESTORATIVE JUSTICE LINKAGES, JOIS 2002 FIRST-TIME OFFENDERS

As noted above, a sample was drawn from provincial court records (JOIS) of all youth in Nova Scotia who were convicted of an offence for the first time in their lives in 2002. This yielded a sample of 432 persons. Table R-3 provides some descriptive detail on this sub-grouping. There, comparisons are drawn among the province-wide grouping, the first-time offenders in metropolitan Halifax (n=120), and the first time offenders in the highlighted RJ agencies (n=269); in addition, there is a comparison on a province-wide basis with those youths who were subsequently convicted of another offence.

Table R-3 indicates that the modal educational attainment of the youths – junior high school or better - ranged from 62% in the province-wide grouping to 68% in either metropolitan Halifax or the jurisdiction of the highlighted RJ agencies. Higher percentages reflected slightly higher underlying educational standing. The large majority of the convicted youths were male, with the highest proportion – 80%- found among the recidivists province-wide. Slightly over 40% of the youths were either 15 or 16 years of age, save in metropolitan Halifax where only 31% were. In the latter area, a much higher proportion of convicted youth were aged 17 or 18 at the time of sentencing, namely 46% compared to 31% for the province-wide grouping and 33% for those in highlighted jurisdictions. The proportion of youths who were Afro- Nova Scotian was basically 8% save in the metropolitan Halifax category where it was 15%. Major crimes or offenses were defined as including robbery, sexual assault, break and enter, major assault, weapon offenses, drug trafficking, and fraud. The metropolitan grouping had the highest proportion of youths convicted for major crimes, namely 41%.

Table R-3 indicates that the recidivism rate (here referring to the most stringent indicator, namely re-conviction) across the three milieus was 50% or more. Fully 85% of the youths recidivating did so within one year of their first time sentencing in 2002; more than half recidivated within four months, with the metropolitan grouping having the highest proportion here, namely 53%. In determining the detail of the subsequent offence, a simple classification of criminal code/drug offences versus YOA breaches, provincial and municipal statutes was used. The last item featured in table R-3 shows that the

majority of recidivists were convicted of criminal code or drug offenses (by far mostly criminal code), especially in the metropolitan grouping where the proportion was 65%. Overall, then, the patterns associated with first time convictions and subsequent re-offending were not profoundly dissimilar across the different milieus of province, metropolitan Halifax and jurisdiction of the highlighted RJ agencies, but in metropolitan Halifax the youths were older, had committed more major crimes, were more likely to be Afro-Nova Scotians, and had been re-convicted a little sooner than their counterparts elsewhere.

Table R-3 indicates that the characteristics of the JOIS sub-sample for the jurisdiction of the highlighted RJ agencies were very similar to that of the province-wide grouping. That is significant since, in tracing the linkages between court convictions and RJ experience, we are limited by time and resources to focusing just on the youths in the jurisdictions of those four agencies (which of course include metropolitan Halifax). Table R-4 indicates that of the 269 young offenders who were convicted for the first time in provincial court in 2002, and who were within the jurisdiction of the four RJ agencies highlighted in this evaluation, a slight majority, 143 or 53% had a subsequent court conviction prior to mid-2004. They also had significant RJ linkage as approximately 46% had had an RJ experience between November 1999 and December 2004. The court recidivists were also slightly more likely (37% to 34%) to have had an RJ referral prior to their 2002 court conviction (i.e., between November 1, 1999 and their 2002 sentencing) and also to have had an RJ referral (23% to 17%) subsequent to their 2002 court conviction (i.e., subsequent to their 2002 sentencing and up to December 31, 2004).

The analyses of linkages are on-going. It will be important to examine the offenses entailed in order to assess whether or not there was a pattern of escalation in offence seriousness. It will also be heuristic to control for age since some youths convicted in 2002 may have been ineligible for RJ referral at points between 1999 and 2004 either because there were under 12 years of age prior to their 2002 court conviction or were adults prior to the end of 2004; because of this ineligibility the court-RJ linkage would be understated. By targeting the age at first court experience between 14 and 16 years of age, one can effectively control for that factor. And, of course reciprocal comparisons

need to drawn with the sample grouping from RJIS records who were referred to RJ for the first time in 2002, assessing what experience, if any, they had with provincial court either before or after their initial RJ experience.

Table R-3**Youths Convicted in Provincial Court, 1st Time Offenders, 2002**

| Feature | Province-Wide (N=432) | Recidivist ¹¹ Province-Wide (N=232) | Metro Halifax (N=120) | Highlighted ¹² Jurisdictions (N=269) |
|-----------------------------------|--------------------------|--|--------------------------|---|
| Modal Education | JRH 62% | JRH 65% | JRH 68% | JRH 68% |
| Gender | 75% Male | 80% Male | 73% Male | 77% Male |
| Major ¹³ Offences | 36% | 34% | 41% | 39% |
| Age 15-16 | 41% | 43% | 31% | 42% |
| Afro-Nova Scotia | 8% | 9% | 15% | 8% |
| Recidivated | 54% | - | 50% | 53% |
| Recidivism Time | | | | |
| < 4 months | - | 50% | 53% | 48% |
| < 1 Year | - | 85% | 85% | 84% |
| Subsequent Offence: CC/Drug | - | 55% | 65% | 54% |

¹¹ Recidivists are persons convicted of an offence subsequent to their first conviction in 2002

¹² This refers to all the first time offenders convicted in provincial courts in the jurisdictions served by the four highlighted RJ agencies

¹³ Major offences include robbery, sexual assault, sexual abuse, kidnapping, break and enter, major assaults, weapons, drug trafficking and fraud.

Table R-4

Restorative Justice – Court Linkages, Pre and Post 2002 RJ, Youths First Entering the Court System in 2002, Selected RJ Agencies

| RJ Experience | Court Non-Recidivist | | Court Recidivists | |
|----------------------------------|----------------------|----|-------------------|----|
| | # | % | # | % |
| Any RJ, 1999 to 2004 | | | | |
| Yes | 56 | 44 | 69 | 48 |
| No | 70 | 56 | 74 | 52 |
| Pre-Court - 2002, RJ Experience | | | | |
| Yes | 43 | 34 | 53 | 37 |
| No | 83 | 66 | 90 | 63 |
| Post-Court - 2002, RJ Experience | | | | |
| Yes | 21 | 17 | 32 | 23 |
| No | 105 | 83 | 111 | 77 |

*Only cases in the jurisdiction of the four highlighted RJ agencies are considered. In this JOIS sub-sample there were 126 non-recidivists and 143 recidivists.

RESTORATIVE JUSTICE-COURT LINKAGES, RJIS FIRST TIME REFERRALS, 2002

In this RJIS sample of youths processed by the highlighted RJ agencies for the first time ever in 2002, there were 854 young offenders who accounted for 1114 incidents. There were approximately 40 “bouncers”, youths whose RJ file for a particular incident had initially been closed as unsuccessful for one reason or another, but was re-opened usually due to a subsequent crown-level referral. The “bouncers” were not included, as such, as recidivists, because the constituent sub-file was ordered by offender and police file number (i.e., for any offender, all charges related to the same police file number constituted one incident). Using distinct police file numbers as a constituent operationalization of recidivism – rather than say unique RJ acceptance dates – proved to be heuristic, save in the cases of recidivism scores of three or more; here it was found that in a small number of instances crown referrals packaged together a number of distinct incidents so there was not a one-to-one match between acceptance and checklist cases (in these instances the evaluator made corrections manually). Just considering the RJ system, it can be noted that 177 or 21% of the 2002 first-timers became recidivists, that is, they had another RJ experience by the end of 2004. Approximately 4% (n=38) had two subsequent RJ experiences and 1% (n=11) had three or more.

Table R-5 presents the basic patterns for these youths, comparing the overall incidents with the sub-grouping of RJ recidivists. Police referrals accounted for the majority of incidents and of referrals for recidivists but it can be noted that while crown referrals accounted for only 28% of the incidents initially referred to RJ, they accounted for 45% of the subsequent referrals (more precisely, crown referrals accounted for 45% of the last subsequent offense recorded for the youth). This is a predictable outcome given previous analyses of the discretionary patterns characterizing police and crown referral practices. The Halifax-based RJ agency dealt with the most incidents and recidivists, followed by Sydney, Kentville and Amherst. The Halifax agency’s proportional shares increased slightly (from 51% to 54%) as the focus changed from all incidents to incidents involving recidivism; on the other hand, Sydney’s declined by the same absolute percentage. There was virtually no difference associated with the offence patterns at first and last RJ experience (i.e., no evidence of any obvious offence-

escalation). Males and Afro-Nova Scotians were represented more among the recidivistic incidents referred to RJ than among all incidents, males going from 63% to 69% and Afro-Nova Scotians, 10% to 13%.

Analyses are incomplete concerning the linkages between these first-time RJ referrals and the court system. At this point it can be noted that a name by name search of the 854 youths yielded 474 “hits” in the JOIS system (now replaced by a data system with the acronym JEIN). The “hits” data indicate that 56% or 474 of the 854 youths “show up” in court records, though “show up” means only that they have a JEIN ID and not that they have received a conviction or sentence. In some instances the charges may have been dismissed or withdrawn or their resolution may be pending; it may be, too, that in some of these instances the matter has been referred to restorative justice.

As indicated in table R-6, it is clear that court convictions were recorded for 31% of those youths who were first time RJ users in 2002. Table R-6 presents the court conviction experience of those 2002 RJ youth who were recidivists within the RJ system and those who were not, analogously to the presentation of the JOIS/JEIN data above. Roughly half (49%) the RJ recidivists had been convicted in criminal court since their initial RJ experience while about a quarter (23%) of the RJ non-recidivists had been. Only a small proportion in either grouping had had a pre-RJ 2002 conviction, predictable enough since the selection criteria for the entire 2002 included not having a criminal record according to the RJ checklist information. Interestingly, the RJ recidivists, compared to their non-recidivist RJ counterparts, not only had double the level of subsequent court conviction but their conviction was three times as likely to be for a criminal code or drug offence as for a violation of a provincial statute. The RJ non-recidivists, on the other hand, had an equal split between these two types of offenses.

There is clearly then a significant problem with the recidivism of some youth. If anything these data underestimate this problem since a higher proportion of the RJ recidivists remain to be accounted for. An additional 33% of them had a JEIN ID but it is unknown at this time whether their court case remains pending or whether it has been dismissed or withdrawn; the corresponding figure for the RJ non-recidivists is 20%. Finally, the reader should note that not all offenses were recorded. The search for recidivism ended with the first subsequent criminal code conviction found and

convictions under provincial statutes were only recorded if there was no criminal code or drug conviction.

Assessing the significance of this level of recidivism is problematic for a variety of reasons but it can be noted that the “court first timers” in 2002 had a recidivism rate of 53% and that was based on a shorter “opportunity window” (the JOIS/JEIN sample ended in the spring of 2004 while the RJ-JEIN sample ended in the spring of 2005). Comparing the two systems for recidivism runs afoul of the comparability of the inputs and perhaps the central standard for recidivism under the circumstances would be to examine RJ-related recidivism (whether within RJ or in criminal court) over time. The data do suggest a significant recidivism problem with a minority of the youth and also that there are significant linkages between court experience and RJ experience. The main outstanding tasks are to measure offence escalation with a more elaborate operationalization of offence seriousness, and to refine analyses of the correlates of recidivism.

Table R-5

First Time RJ Referrals 2002, By Incident and Also By Subsequent RJ Referral¹⁴

| 2002 RJ Features | Incident (N=1114) | | Subsequent RJ Referral (N=177) | |
|-------------------------------|----------------------|-----|-----------------------------------|-----|
| Referral Source | # | % | # | % |
| Police | 769 | 69% | 90 | 51% |
| Crown | 308 | 28% | 79 | 45% |
| Court | 41 | 4% | 8 | 4% |
| RJ Agency | | | | |
| Halifax | 580 | 51% | 96 | 54% |
| Sydney | 259 | 24% | 37 | 21% |
| Amherst | 117 | 11% | 21 | 11% |
| Kentville | 158 | 14% | 23 | 13% |
| Offence Type | | | | |
| CC/Drugs | 1032 | 93% | 163 | 92% |
| Provincial/Municipal Statutes | 82 | 7% | 14 | 8% |
| Gender (Male) | 692 | 62% | 122 | 69% |
| Afro-Nova Scotian | 108 | 10% | 23 | 13% |

¹ These first time RJ referrals in 2002 are for the four highlighted RJ agencies only.

Table R-6
Restorative Justice – Court Linkages, Pre and Post 2002 RJ, Youths First Entering the RJ System in 2002, Selected RJ Agencies

| Court Experience | RJ Non-Recidivist | | RJ Recidivists | |
|---------------------------------|-------------------|-----|----------------|-----|
| | # | % | # | % |
| Any Court, 1999 to 2004 | | | | |
| Yes | 179 | 26% | 89 | 50% |
| No | 498 | 74% | 88 | 50% |
| Pre-RJ -2002, Court Experience | | | | |
| Yes | 40 | 5% | 7 | 4% |
| No | 637 | 95% | 170 | 96% |
| Post-RJ -2002, Court Experience | | | | |
| Yes | 158 | 23% | 86 | 49% |
| No | 519 | 77% | 91 | 51% |

*Only cases in the jurisdiction of the four highlighted RJ agencies are considered. In this RJIS sub-sample there were 677 non-recidivists and 177 recidivists.

RJ REFERRALS, FROM PROGRAM ONSET TO END OF 2004, HIGHLIGHTED AGENCIES

In this large data set there were 7916 charges referred to the four highlighted RJ agencies between November 1999 and the end of 2004 (a handful of referrals were accepted in early January 2005). Technically, the phrase “reported offences” might be preferable to “charges” since most of the referrals were made at the pre-charge level but for convenience the term charges is used here. Since the program operated for only two months in 1999, that year accounted for but 3% of all the charges. The peak year for workload in this sense was 2003 when 23% of all the 7916 charges were dealt with, but charge-wise the distribution was 2000 (16%), 2001 (17%), 2002 (21%), 2003 (23%) and 2004 (20%). The 7916 charges, in turn, made up 5062 incidents so clearly multiple charges were frequent; indeed, 12% of the incidents entailed three or more charges. Additionally, multiples of offences are under-reported and indeed even the multiple offences in an incident are under-reported. The 5062 incidents involved 3978 young offenders and 3225 or 81% of these did not recidivate within the RJ system; 14% recidivated once while 6% of the 3978 youth were referred to the highlighted RJ agencies on three or more occasions (i.e., had a recidivism score of 2 or more).

Table R-7 provides a few of the basic patterns found so far in this RJIS data set. Police accounted for the roughly two-thirds of the incidents and actual offenders referred but, interestingly, crown referrals become increasingly significant where there were multiple charges. The Halifax-based agency handled a majority of the incidents, especially where there were multiple charges (again the reader is reminded that this may be partly an artifact of police charging policy there). The offence entailed at any of the three levels (charges, incidents, persons) was typically a criminal code/drug offence – the policy of recording in the RJIS system has been to record the most serious offence first so this finding is not unexpected. Males accounted for roughly two-thirds of the charges, incidents and offenders while Afro-Canadians accounted for roughly 10%.

Table R-7B compares those who have recidivated within the RJ system and those who have not. The significance of crown-level referrals is demonstrated by the sharp rise in the proportion referred to RJ by crown prosecutors as one passes from non-recidivists to recidivists (i.e., from 25% to 42%). Similarly, there is significant increase in the % of

males (i.e., from 65% to 72%), Afro-Nova Scotians (8% to 14%) and Halifax-area jurisdiction cases (52% to 57%). Perhaps for the recording reason noted above, offence type as measured here does not vary between these two sub-groupings. Another way of looking at recidivism would be to calculate the proportion of different groupings recidivating within the RJ system; if that is done, the recidivism rate would be 15% for females, 21% for males, 18% for Caucasians and 29% for Afro-Nova Scotian youth.

Preliminary analyses of offence escalation (i.e., whether there is an increase in the seriousness of recidivists' re-offending) is indicated in table R-7C. The offence patterns are not without ambiguity but two patterns are clear, namely that recidivists' first and last offence in this data set were less likely (increasingly so) than non-recidivists to involve shoplifting and minor property theft; secondly, that the recidivists' last offence was more likely than in the other groupings to involve an administration of justice violation (e.g., cc145). Escalation analyses based on such broad classification are limited but the escalation pattern is evident.

Future analyses could focus on the time elapsed till re-offending and other concerns. It will be desirable as well to select different age groups for comparison since the RJIS only contains youth records which means that not all youths have the same "opportunity to recidivate" (e.g., 17 year olds have one year while 15 year olds have three years). It would be valuable to link this full RJIS data set to the court data set and obtain a more complete appreciation of repeat offending but that is a major undertaking beyond the resources of this evaluation.

Table R-7

**RJ Referrals November 1, 1999 to December 31, 2004, Highlighted Agencies,
Selective Features by Charges, Incidents and Offenders**

| Features | Charges (N=7916) | | Incidents (N=5062) | | Offenders (N=3978) | |
|-----------------------------------|-----------------------------|-----|-------------------------------|-----|-------------------------------|-----|
| Referral Type | | | | | | |
| Police | 4793 | 60% | 3364 | 66% | 2731 | 69% |
| Crown | 2811 | 36% | 1532 | 30% | 1120 | 28% |
| Court/Corrections | 310 | 4% | 166 | 3% | 127 | 3% |
| Gender | | | | | | |
| Males | 5170 | 65% | 3359 | 66% | 2554 | 64% |
| Afro-Nova Scotian | 877 | 12% | 484 | 10% | 334 | 9% |
| RJ Agency Jurisdiction | | | | | | |
| Halifax | 4751 | 62% | 2702 | 53% | 417 | 57% |
| Sydney | 1442 | 19% | 1119 | 22% | 153 | 20% |
| Amherst | 607 | 8% | 476 | 10% | 82 | 11% |
| Kentville | 996 | 13% | 763 | 15% | 101 | 12% |
| Offence Type* | | | | | | |
| CC/Drugs | 7137 | 90% | 4546 | 89% | 3568 | 90% |
| Provincial/Municipal | 779 | 10% | 516 | 11% | 410 | 10% |
| Statutes/Other | | | | | | |

G:\recidivism\Table R-6 RJ Referrals 1999 to 2004

¹ There were 3978 youths who accounted for the 5062 incidents and 7916 charges. The repeat users noted here were 753 or 19% of the youths.

*As in the JOIS system, inputs into the RJIS system were done in such a manner that the most serious offence recorded for the incident was entered first. A handful of referrals were disregarded because of ambiguity concerning their RJ jurisdiction.

Table R-7B

**RJ Referrals November 1, 1999 to December 31, 2004, Highlighted Agencies,
Selective Features by Non-Recidivists and Recidivists**

| Features | Non-Recidivists (N=3225) | | Repeat RJ Users (N=753) | |
|-----------------------------------|-------------------------------------|-----|------------------------------------|-----|
| Referral Type | | | | |
| Police | 2333 | 72% | 398 | 53% |
| Crown | 802 | 25% | 316 | 42% |
| Court/Corrections | 90 | 3% | 37 | 5% |
| Gender | | | | |
| Males | 2010 | 65% | 544 | 72% |
| Afro-Nova Scotians | 238 | 8% | 101 | 14% |
| RJ Agency Jurisdiction | | | | |
| Halifax | 1661 | 52% | 417 | 57% |
| Sydney | 776 | 23% | 153 | 20% |
| Amherst | 281 | 9% | 82 | 11% |
| Kentville | 507 | 16% | 101 | 13% |
| Offence Type* | | | | |
| CC/Drugs | 2897 | 90% | 671 | 89% |
| Provincial/Municipal | 328 | 10% | 82 | 11% |
| Statutes/Other | | | | |

G:\recidivism\Table R-6 RJ Referrals 1999 to 2004

¹ There were 3978 youths who accounted for the 5062 incidents and 7916 charges. The repeat users noted here were 753 or 19% of the youths.

*As in the JOIS system, inputs into the RJIS system were done in such a manner that the most serious offence recorded for the incident was entered first. A handful of referrals were disregarded because of ambiguity concerning their RJ jurisdiction.

Table R-7C

**OFFENCE PATTERNS, NON-RECIDIVISTS AND RECIDIVISTS, RJ
REFERRALS, 1999-2005***

| Types of Offences | Non-Recidivists (N=3225) | | Recidivists' First Offence (N=751) | | Recidivists' Last Offence (N=751) | |
|------------------------------|-----------------------------|-----|--|-----|---|-----|
| | # | % | # | % | # | % |
| C.C. Offences | 2726 | 84% | 657 | 87% | 642 | 85% |
| CDSA Offences | 171 | 5% | 14 | 2% | 29 | 4% |
| Theft/Possession Under | 1330 | 41% | 251 | 33% | 236 | 31% |
| Minor Assault | 411 | 13% | 137 | 18% | 124 | 17% |
| Major Assault | 87 | 3% | 21 | 3% | 25 | 3% |
| Robbery & Burglary | 254 | 8% | 79 | 11% | 64 | 9% |
| Mischief | 357 | 12% | 105 | 14% | 88 | 12% |
| Causing Disturbance | 34 | 1% | 10 | 1% | 15 | 2% |
| Administration of Justice | 3 | - | 2 | - | 17 | 2% |

* Referrals only for the highlighted RJ agencies.

METRO HALIFAX PATTERNS

This data set includes all cases reported to the RJIS where the investigative agency was identified as the Halifax Regional Police Service. The time period dealt with was November 1999 to the end of 2003. Table R-8 provides some basic descriptive patterns for this data set. It can be noted that 2400 youths generated 4403 incidents which entailed 10,477 offences. The proportion of repeat offenders was 646/2400 or 27%. Clearly, too, many incidents involved multiple offences; here the practice or standard operating procedure of the police force is a significant consideration since, unlike some other Nova Scotia police services, HRPS typically records two offences or lays two charges for shoplifting, namely 'theft under' and 'possession under'.

The table shows that in the majority of incidents (57%) charges were laid and, where the youths had recidivated, police laid charges 73% of the time. At the general incident level, police issued formal cautions as frequently as they referred cases to the RJ agency (19%) but, for repeat offenders, referrals were more than twice as common (15% to 6%). Crown prosecutors accounted for 5% of all incidents referred to RJ, and a similar proportion of recidivist referrals. The vast majority of the offences/charges and incidents, even in the case of the repeat offenders, were in the category designated 'less serious criminal code and drug offenses'; these offences included theft and possession under (the biggest contributor), minor assault, administration of justice offenses and so on. Among repeat offenders, victim type was most commonly a person rather than a business or public institution. Youths aged 14 and 15 accounted for the most incidents while those aged 16 and 17 accounted for the most recidivists (50%). Perhaps most startling, youths aged 13 and under accounted for roughly one fifth of the all criminal incidents. Males accounted for 61% of all incidents but 65% of all recidivists. Afro-Nova Scotian youths were over-represented in terms of accounting for incidents (22%) and even more so in accounting for repeat offenders (26%). Another way of expressing the latter difference is noting that among Caucasian youths 22% were recidivists, whereas among Afro-Nova Scotians, the corresponding proportion was almost double, namely 39%.

The reader should note that recidivism here refers to separate incidents or cases

of offending, not court conviction, and that either formal charges or RJ referrals could be involved. Table R-9 describes the cross-tabulations between recidivism scores and various potential causal factors, all associated with the youth's last incident in this Metro Halifax data set. The following patterns are tentative findings and could be subject to some modest change since some programming problems have been identified in the determination of "last incident" from police file numbers. Also, as in the case of the other data sets, future analyses will compare first and last offence incident and thereby yield some patterns concerning offence escalation. Table R-9 shows, not surprisingly, that where the last incident disposition involved the police laying charges, the majority of youths were recidivists and indeed 34% had recidivated at least twice. Consistent with a theme frequently emphasized in this report, the hierarchy of alternative dispositions, in terms of approximation to court processing, was also evident. Few youths whose last incident disposition involved a formal police caution were recidivists (i.e., 6%); on the other hand, 15% of those receiving a police referral and almost a quarter (23%) of the crown referred youths were. In terms of the seriousness of the last incident offence, the differences were surprisingly modest as those facing more serious CC/CDSA charges in their last recorded incident exhibited roughly the same pattern of recidivism (slightly more) as those who were reported for offenses against provincial statutes. Similarly, age at last incident – at least the three category differentiation used here - was not profoundly discriminating as regards recidivism scores though older youths were more likely to be recidivists. The relatively high level of recidivism among youths aged 13 or younger suggests that recidivism may get established early for some youths. Males were more likely to have higher recidivism scores than females and Afro-Nova Scotian youth had higher scores than their Caucasian counterparts.

Table R-8

Metro Halifax's Disposition of Youth Cases, November 1, 1999 to December 31, 2003, Action Taken and Selective Features By Recorded Offences, Incidents and Repeat Accuseds

| Features | Recorded Offences (N=10,477) | | Incidents (N=4403) | | Repeat Offenders* (N=646) | |
|---------------------------------|---------------------------------|------|-----------------------|-----|------------------------------|-----|
| | # | % | # | % | # | % |
| Disposition Type | | | | | | |
| Police Caution | 1591 | 15 % | 850 | 19% | 42 | 6% |
| Police Referral | 1833 | 18% | 828 | 19% | 94 | 15% |
| Crown Referral | 1703 | 16% | 207 | 5% | 33 | 5% |
| Court/Corrections | 80 | 1% | 19 | 1% | 3 | 1% |
| Police Charges | 5270 | 50% | 2499 | 57% | 474 | 73% |
| Gender | | | | | | |
| Males | 6549 | 62% | 2701 | 61% | 422 | 65% |
| Females | 3928 | 38% | 1702 | 39% | 224 | 35% |
| Ethnicity** | | | | | | |
| Afro-Nova Scotian | 2091 | 22% | 923 | 22% | 154 | 26% |
| Caucasian | 7322 | 75% | 3022 | 74% | 436 | 72% |
| Other | 272 | 3% | 121 | 4% | 11 | 2% |
| Authority*** | | | | | | |
| Halifax Police | 8689 | 83% | 4168 | 95% | 610 | 94% |
| Crown Prosecution | 1703 | 16% | 205 | 5% | 31 | 5% |
| Offence Type**** | | | | | | |
| Most Serious CC/Drugs | 1174 | 12% | 436 | 10% | 77 | 12% |
| Less Serious CC/Drugs | 8927 | 84% | 3746 | 85% | 541 | 84% |
| Provincial/Municipal Statute | 376 | 4% | 221 | 5% | 28 | 4% |
| Age | | | | | | |
| 13 and under | 1940 | 18% | 854 | 19% | 73 | 11% |
| 14 and 15 | 5094 | 49% | 2075 | 47% | 246 | 38% |
| 16 and 17 | 3443 | 33% | 1474 | 33% | 321 | 50% |
| VictimType | | | | | | |
| Business | 4109 | 42% | 1845 | 47% | 226 | 36% |
| Person | 5261 | 54% | 1834 | 47% | 360 | 56% |
| Public ***** | 383 | 4% | 219 | 6% | 55 | 8% |

*For all repeat offenders, the data on all selected variables pertain to the last incident with which the youth was involved.

**A small number of youth were not identified by ethnicity/race and these are excluded in this table. The “other” category included 28 aboriginal youths.

***There were a handful of cases referred by court or corrections.

****The most serious category was restricted to robbery, sexual assault, kidnapping, break and enter, weapons, fraud , major assault and drug trafficking.

*****The “Public” victim included schools.

**Table R-9
Metro Halifax Patterns, Recidivism Scores by Selected Variables**

Last Incident Disposition

| Recidivism Scores | Crown Referral N=148 | | Police Referral N= 637 | | Police Formal Caution N=728 | | Police Charge N=881 | |
|-------------------|-------------------------|-----|---------------------------|-----|-----------------------------------|-----|------------------------|-----|
| | # | % | # | % | # | % | # | % |
| None | 115 | 78% | 543 | 85% | 686 | 94% | 407 | 46% |
| One | 14 | 10% | 65 | 10% | 34 | 5% | 180 | 20% |
| Two or more | 19 | 13% | 29 | 5% | 8 | 1% | 294 | 34% |

Last Incident Offence Type

| Recidivism Scores | Most Serious CC/CDSA N=208 | | Less Serious* CC/CDSA N= 2101 | | Provincial/Municipal Statutes** N=91 | |
|-------------------|----------------------------------|-----|-------------------------------------|-----|--|-----|
| | # | % | # | % | # | % |
| None | 131 | 63% | 1560 | 74% | 63 | 69% |
| One | 36 | 17% | 245 | 12% | 12 | 13% |
| Two or more | 41 | 20% | 296 | 14% | 16 | 18% |

*"Stolen property" accounted for 71% of the zero recidivism scores, 44% of the recidivism one scores, and 21% of those with scores of 2 (i.e., three or more incidents).

** Virtually all these repeat offenders were faced with violations of provincial statutes.

Age at Last Incident

| Recidivism Scores | 13 and Under N=425 | | 14 and 15 N= 917 | | 16 and 17 N=1058 | |
|-------------------|-----------------------|-----|---------------------|-----|---------------------|-----|
| | # | % | # | % | # | % |
| None | 352 | 83% | 671 | 73% | 731 | 70% |
| One | 36 | 8% | 107 | 12% | 150 | 14% |
| Two or more | 37 | 9% | 139 | 15% | 177 | 16% |

Gender and Race/Ethnicity at Last Incident

| Recidivism Scores | Males N=1271 | | Females N= 1129 | | Caucasian N=1682 | | Afro-Nova Scotians N=397 | |
|-------------------|-----------------|-----|--------------------|-----|---------------------|-----|--------------------------------|-----|
| | # | % | # | % | # | % | # | % |
| None | 849 | 67% | 905 | 80% | 1240 | 74% | 243 | 61% |
| One | 174 | 14% | 119 | 10% | 203 | 12% | 69 | 17% |
| Two or more | 248 | 20% | 105 | 9% | 238 | 14% | 85 | 22% |

SUMMARY

The recidivism analyses are on-going but several summary points can be made here. In the case of self-reported re-offending, the data show that only a modest amount had occurred in the narrow “window of opportunity” presented by the follow-up interviews. Both recidivists and non-recidivists generally reported positive benefits and favourable assessments of the RJ option but there were consistent differences, too, as the recidivists were more likely to have committed serious offenses in the first place, and, also, less likely than the non-recidivists to have depicted their RJ experiences in positive terms.

The JOIS patterns on youths convicted for the first-time in provincial court in 2002 were that there was much commonality across the comparison milieus (i.e., province, highlighted RJ agencies’ area, metropolitan Halifax) but that the metropolitan Halifax area differed in that the young offenders were older there, had committed more serious offenses and Afro-Nova Scotian offenders constituted a higher percentage of the offenders there. The JOIS data pointed to high levels of recidivism and seemingly quick re-convictions. There was also indication of a significant linkage between court processing and RJ processing. Approximately 46% of the JOIS youths had had at least one RJ experience (36% prior to their first court appearance), and court-recidivists were modestly more likely than non-recidivists to have had either or both a pre- and post-court RJ experience.

The comparable data on first-time RJ offenders in 2002 indicate that there were fewer subsequent court convictions even though there was an eleven month larger window of opportunity for re-offending in the RJ sample. Still almost one-third did subsequently have a court conviction while about a fifth had a subsequent RJ referral. Perhaps the most important pattern may be that crown prosecutors’ referrals become much more significant proportionately among the sub-sample of recidivists. Metro Halifax accounted for the largest proportion of referral incidents and its proportion increased modestly when only recidivist incidents were considered. A similar pattern was found for male youths. Afro-Nova Scotians accounted for 10% of all incidents and 13% of recidivist incidents.

The data analysed thus far, for the subset of checklists where the HRPS was the investigative agency, were provided in two tables and yielded several notable patterns.

There clearly were both a pattern of multiple offences reported per incident and a high level of repeat offending. Where repeat offenders were involved, charges were usually laid. Well over 80% of the incidents and repeat offending involved less serious CC/CDSA offenses (e.g., minor assault rather than major assault, simple drug possession rather than drug trafficking). Not surprisingly, older youths accounted for most incidents and most repeat offenders, but, still, youths aged 13 or younger accounted for roughly one-fifth of all incidents. Males, as usual, accounted for most incidents and even more repeat offenders, while Afro-Nova Scotian youths were much over-represented, especially among repeat offenders. There was significant recidivism (54%) among youths whose last, checklist-recorded incident entailed police laying charges, and, as the alternative dispositions approximated the court docket in terms of offender and offending features, the level of recidivism increased among them; in the case of the most similar, namely the crown RJ referrals, the level of recidivism was almost a quarter of the youths. Age and offence type, at last recorded incident, did not deeply differentiate recidivism scores but gender and race/ethnicity did so, especially the latter. There remain a few problems with the Halifax data but they are resolvable and the preliminary indication is that the corrected data reinforce the patterns already noted.

The large data set containing all RJIS records for the four highlighted agencies from the beginning of the program in 1999 to the end of 2004 provides a rich source of information for determining patterns of recidivism within the RJ system itself. These data are not linked to court data so there is no indication of re-offending that has been processed for these youths in the provincial criminal court. Within the RJ system, 81% of the youths had not recidivated while 6% did so at least twice. Males and Afro-Canadians were substantially more likely to have had multiple RJ referrals than females and Caucasians. Crown referrals were especially significant where the accused youth faced multiple charges in connection with an incident and where the youth was a repeat referral (i.e., had already been through the RJ process at least once on a different offence). There was some modest indication of offence escalation between non-recidivists and recidivists and between recidivists' first offence and their last recorded offence. Future analyses of this data set will focus on issues elapsed time for re-offending and honing the analyses by age groupings.

A summary table of the results to date is presented below. Overall, this recidivism analysis has indicated that there is indeed a significant amount of recidivism occurring and that recidivists in one system – whether JOIS/JEIN or NSRJ – are likely to show up in the other system. There is indication too that recidivism may be established early in the teenage years. Recidivism appears to happen fairly quickly and appears, modestly at the least, to entail some escalation in offence seriousness. There are common factors associated with recidivism across the different systems. Clearly the recidivism associated with the RJ option is less than that associated with court processing but the comparison is of questionable value since the offenders and the offending are also different too. As the NSRJ looks beyond its achieved institutionalization, at a level and depth which have made it quite unique in Canada, it may well want to take up the challenge of equity and recidivism in restorative justice aimed at youth rather than expend limited resources in expanding to adults or transcending the current moratorium on spousal/partner violence and sexual assault. This is an issue to which the evaluator will return in the overview chapter.

TABLE R-10

SUMMARY TABLE, RECIDIVISM FILES

| Variables | Follow-Up Interviews | JOIS 1st Timers | RJ 1st Timers | Full RJ File | Halifax File |
|------------------------------|---|---|---|---|---|
| Sample Size | 359 | 432 | 854 | 3978 | 2400 |
| Time Period Covered | 6 to 12 months | 27 months | 38 months | 62 months | 38 months |
| % Reported Recidivism | 9% | N/A | N/A | N/A | 27% *Recorded Repeat Offenders |
| % Previous Conviction | N/A | N/A | N/A | N/A | N/A |
| % Subsequent Conviction | N/A | 53% | 31% | N/A | N/A |
| % Previous RJ Referral | 100% | 36% | N/A | N/A | N/A |
| % Subsequent RJ Referral | N/A | 20% | 21% | 20% | N/A |
| Key Correlates of Recidivism | <ol style="list-style-type: none"> 1. Offence Type 2. Males 3. Less Positive RJ views 4. Post-Charge Referral | <ol style="list-style-type: none"> 1. Male 2. Afro-Nova Scotian | <ol style="list-style-type: none"> 1. Halifax 2. Males 3. Afro-Nova Scotian 4. Crown Referral | <ol style="list-style-type: none"> 1. Halifax 2. Males 3. Afro-Nova Scotian 4. Crown Referral | <ol style="list-style-type: none"> 1. Age 2. Males 3. Afro-Nova Scotian 4. Crown Referral |

*27% here refers to the proportion of the sample that re-offended, not simply to the proportion of recidivists within the RJ stream.

CONCLUDING REMARKS

The Overview to this final report discusses succinctly the development of the restorative justice program in Nova Scotia and potential future directions that present themselves; as well, key recommendations are detailed there and in the summary section for each chapter. The NSRJ program began after two years of planning, featuring extensive discussions among the CJS role players at the four levels (police, crowns, judges, probation officials), provincial Justice administration managers, and the non-profit societies delivering alternative measures for youth in different parts of Nova Scotia. It had “a big vision”, namely RJ for all offenders and victims throughout Nova Scotia where referrals to the former alternative measures service providers (funded more significantly by the provincial government) could come from all key levels of the CJS. It was expected that the particular character of RJ interventionism would differ depending on the nature of the offence, the offender’s situation and so forth. The initial plan was to start with youth then extend the program to adults. The objectives included benefits for the offenders, the victims and the community at large through the permeation of the CJS with a philosophy or approach that could more effectively get at the underlying issues, engage the parties (offenders, victims, supporters and the community at large) and better respond to the needs and concerns of the parties directly impacted by the offending. Other benefits anticipated included freeing up the formal court processing for more serious cases and enhancing the public stature of the justice system. It should be noted that the RJ initiative did not just suddenly appear. There were comparable social movements seeking similar goals in the 1960s and 1970s. Moreover, other kindred social movements were happening simultaneously, namely the problem-solving court (e.g., domestic violence courts, drug treatment courts), aboriginal justice innovations, community-based policing and of course the YOA followed by the YCJA.

This extensive evaluation has generally found that the NSRJ program has been well implemented and consequently its assessment can be heuristic. The objectives of the program have been achieved to a significant degree. The program has been well received by its “clients”, namely the young offenders, the victims, the supporters of either party and it has reduced court workload. Virtually all CJS officials and community members who participated in the RJ sessions also spoke highly of the RJ alternative. Perhaps the most significant accomplishment of the NSRJ has been that it has become a regular part of the Nova Scotia Justice. It has, in other words, become institutionalized which means that it has a place at the Justice table, that its leaders and advocates can engage in planning and respond to major challenges without worrying overly about year to year renewal. The NSRJ is unique in Canada in its scale, its engagement of the entire CJS (i.e., all levels) and its institutionalization. Certainly the program represents a major commitment, financially and otherwise, on the part of the Nova Scotia governments.

There are, as noted in the Overview, several major challenges facing the NSRJ program. It remains at the youth level and still abides by a moratorium on certain offences. In these respects it has not achieved the “big vision” initially laid out by its advocates. Even if it remained at the youth level, there could be major challenges, especially related to recidivism and to equity. If the NSRJ can impact more successfully

on recidivism and if it can demonstrate better whether it provides equal value for those of diverse race and ethnic and socio-economic backgrounds – as well as the intellectually challenged or special problem youths – then, even were it to remain focused on youths, its accomplishments would be even more noteworthy. Still, the “big vision” remains the ultimate prize since a youth-centered program has a dwindling population base in Nova Scotia and perhaps limits the elaboration of the RJ approach to justice.