

Restorative Justice Programs in Ontario: Views of Offenders

by

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A Thesis Submitted in Partial Fulfillment  
of the Requirements for the Degree of

Master of Arts

in

The Faculty of Social Science and Humanities

Criminology

University of Ontario Institute of Technology

June 2011

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## **Abstract**

Restorative justice has grown within the criminal justice system over the last 30 years. The current academic literature suggests that restorative justice programs provide many positive benefits for the offenders who participate in them; however, there is a lack of research to account for the subjective experiences of program participants. Using qualitative inquiry, the current thesis sought to understand better the meaning, purpose, and impact of restorative justice programs from ten adult offenders participating in one of two restorative justice programs in Southern Ontario: restorative conferencing and victim-offender mediation. Results highlight how offenders report gaining access to the programs, how they describe the programs, significant features of the programs, and long-term impacts of the programs. Recommendations to enhance the meaningfulness for the offenders as well as policy recommendations and areas for future research are discussed.

*Key words:* Restorative justice, offenders, process, outcomes.

## **Acknowledgements**

Firstly, I would like to thank my advisor, Dr. Nawal Ammar, for her assistance over the last two years. Her knowledge and expertise have provided me with the confidence to carry out this research. The time and precision she spent editing my thesis have not gone unnoticed. You encouraged me to work independently and challenge myself throughout this entire process and I have gained invaluable experience as a result. Thank you for being there when I needed advice and reassurance.

As my best friend and mentor, my mom is the one person who has always supported and encouraged me unconditionally. Without the long-distance phone calls and pep-talks I do not know how I would have made it through this program. Her self-confidence, strength, sense of humour, and love inspire me every day to do my best and never take what I have for granted. I want to thank you for being exactly the way you are. I dedicate this thesis to you. I love you mom!

I would like to thank my committee members, Dr. Steven Downing and Dr. Diane Sivasubramaniam. Dr. Steven Downing has not only been a mentor throughout this process but a friend, as well. His expertise in qualitative research has strengthened this thesis and his advice and guidance has helped to keep me positive and motivated throughout this journey. As an expert in the field of restorative justice, Dr. Diane Sivasubramaniam has provided exceptional advice and edits that have made the quality of this thesis much stronger. Her attention to detail and support during the final stages of this process has been invaluable. I appreciate the time and effort you both put into editing this thesis and making my experience at UOIT positive—thank you.

I would like to thank the community organizations that have made this research possible. I have learned so much through the knowledge and expertise shared with me by all the practitioners I have met—thank you Marg, Suzana, Susan, Shelia, Mike, Charmaine, Catherine, and Kam. There are two people in particular that have supported me throughout this process that I would also like to thank: Alice Lewis and Suzette Lewis. Alice Lewis has been a strong mentor in my life over the last few years. As a pioneer of restorative justice she has encouraged me through her own passion to pursue my MA with a focus in restorative justice. I learn from her everyday and value the wisdom and guidance she has shared with me thus far—thank you Alice. Suzette Lewis has also been a mentor to me. As an executive director of a community organization, she truly is an inspiration. She has provided me with invaluable experience as a volunteer and I could not have completed this research without her trust and support—thank you Suzette. To all of the participants, thank you for sharing your stories with me. I have learnt so much simply from listening to your words.

I would also like to thank Ryan Mahy who has encouraged me to follow my dreams and pursue my education. I know you always have my back. Thank you to my best buddy, Ashley Verhaaff, for always making me laugh. One of the most important things I have taken away from this experience is our friendship. To Dr. Brian Cutler, your support and encouragement throughout my time at UOIT has provided me with opportunities and confidence I would not have otherwise had. To my brother, Michael MacDiarmid, you have been a strong influence in my life and, whether you know it or not, you have helped to guide me to where I am today. Finally, I would also like to acknowledge my dad, gone but not forgotten; I know you would be proud of me.

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There has been a rise in the number of adult cases processed in Canadian courts (Statistics Canada, 2007). Statistics show that although the rate of both property and violent crime has dropped significantly, reporting of crimes against persons has increased (Public Safety Canada, 2011). Furthermore, seven offences account for approximately 80% of the volume of all reported crime in Canada. These include theft under \$5000 (25%), mischief (17%), break and enter (10%), common assault (8%), administration of justice offences (8%) motor vehicle theft (6%), and disturbing the peace (5%) (Statistics Canada, 2008). Statistics pertaining to incarceration rates and cost show that a punitive policy based on incarceration is not viable. In Canada, there are approximately 37,000 adult prisoners in custody on any given day with an additional 122,000 adults under supervision in the community (Statistics Canada, 2009). Furthermore, the correctional service expenditures for 2004 to 2005 (the most recent data available) were \$3.9 billion, up 7% from the previous year, costing an average \$323 per federal prisoner a day and \$162 per provincial prisoner a day (Statistics Canada, 2004). Additionally, responses to crime through incarceration alone have proven to be ineffective in reducing recidivism while interventions involving treatment, programming, and reintegration plans have shown success (Cornwell, 2007, John Howard Society, 2002).

These problems require that we take a serious look at viable alternatives for both prevention and punishment. Due in part to the above-mentioned issues, there is a push from both researchers and practitioners alike to explore alternative programs and paradigms that shift the views and practices of justice (Bazemore & Maruna, 2009; Braithwaite, 1999; Umbreit, Vos, & Coates, 2006; Zehr, 1990). Restorative justice has been suggested as one of these viable alternatives.

The current thesis explores the meaning, purpose, and impact of restorative justice programs from the perspective of offenders. More particularly, data will be collected based on these perspectives from two separate restorative justice programs, and recommendations will be made based on the results to make the programs more meaningful for this group. This research employed in-depth interviews with adult offenders participating in one of two restorative justice programs in Southern Ontario: restorative conferencing and victim-offender mediation. Offenders were interviewed approximately one year after participation in these programs. It was the original intention of this research to interview offenders immediately after the restorative justice process. However, due to difficulties in the recruitment of participants, offenders were interviewed approximately one year after their participation, while others had participated in the program eight months prior or just over one year.

As a general caveat, it should be noted that the purpose of this thesis is not to establish the effect of particular factors on the impact and usefulness of these programs, but instead to provide insight on how offenders report the impact and usefulness of these programs. Likewise, when discussing research in other studies, as I have in the literature review, it is important to be cautious about conclusions that can be drawn from previous interview studies regarding actual versus self-reported effects.

The following section provides a brief discussion of restorative justice in theory and practice to highlight the focus of the current thesis. Finally, an outline of the organization of the remaining thesis is provided.

### **A Birds Eye View of Restorative Justice: Theory and Practice**

Restorative justice is one alternative presented by some researchers and practitioners to the existing system. For many offenders, the current criminal justice system's retributive perspective fails to provide a rehabilitative way to reduce crime and recidivism (Braithwaite, 1989; Marshall, 1985; Umbreit, 1994; Zehr, 1990). The criminal justice system as it operates today is viewed as dealing with a moment of the overall lifetime of the offender and concentrates on establishing guilt (Bazemore & Walgrave, 1999). Additionally, some researchers assert that the present criminal justice system renders the victim invisible and does not allow him/her any significant role in the process of attaining justice (Strang & Sherman, 2003). A number of countries including Australia, Canada, Japan, New Zealand, England, Norway, Scotland, and several other European countries have implemented restorative justice approaches (Hughes & Mossman, 2001).

The first modern restorative justice program was created by Mark Yantzi in Kitchener, Ontario in 1974 (Zehr, 1990). According to Ptacek (2010), Yantzi was working with the Mennonite Central Committee as a probation officer when he suggested that two of the teenage offenders he was working with meet their victims (Peachey, 2003). Based on this case, the Mennonite Central Committee created Victim Reconciliation Programs in Canada and the United States (Zehr, 1990).

Restorative justice focuses on bringing together those most directly involved in the crime (referred to as an injury or wrong) to discuss it, acknowledge it (name it), and identify its impact (harm) in order to come to an agreement on how to repair its impact (restoration) (Umbreit, Vos, & Coates, 2006). There are a number of core programs focusing on restorative justice (e.g., victim-offender mediation, restorative conferencing,

sentencing circles, healing circles, community-assisted hearings, and family group conferencing) (Ptacek, 2010). In an ideal case, those involved include the victim, the offender, member(s) of the community, and a trained facilitator. Van Ness and Strong (2006) note that restorative justice has four “cornerposts”: (a) the encounter, which identifies the harms caused by the crime; (b) making amends, which develops a means of addressing the harms; (c) reintegration, which marshals community resources for the benefit of victims and offenders; and (d) inclusion, which includes victim input and participation in any formal criminal proceedings (p. 163).

Previous research has shown that offenders report positive experiences with restorative justice programs. Participation rates for offenders in these programs are high (Strang, Sherman, Newbury-Birch & Inkpen, 2006; Umbreit, Vos, Coates, & Lightfoot, 2007) and previous literature suggests that reasons provided by offenders for participation are in line with the principles of restorative justice theory (Umbreit, Coates, & Vos, 2007). Satisfaction with the process is another measure that has been well established in the literature. Research has found that offenders who participate in these programs are satisfied upon completion and are more satisfied than offenders who participated in the court system (Beven, Hall, Froyland, Steels & Goulding, 2005; Evje & Cushman, 2000; Latimer, Dowden & Muise, 2005; McGarrel, 2001; Rugge, Bonta & Wallace-Capretta, 2005; Umbreit, 1999; Umbreit, Coates & Vos, 2002). In addition, perceptions of procedural fairness are high in terms of viewing the process as fair, and these rates are generally higher than offenders who are processed in the court system (Coates, Umbreit, & Vos, 2003; Evje & Cushman, 2000; McGarrel, 2001; Poulson, 2003; Strang, Sherman, Newbury-Birch, & Inkpen, 2006; Umbreit, Coates, & Vos, 2001).

The research on re-offending and restorative justice is mixed (Bonta, Wallace-Capretta, Rooney, & Mcanoy, 2002; Hayes, 2007; Umbreit, Vos, & Coates, 2006).

Bonta, Wallace-Capretta, Rooney, and Mcanoy's (2002) analysis of 39 studies shows that: restorative justice programs are associated with small but noteworthy reductions in recidivism; court ordered programs do not reduce recidivism; effects are more significant for low-risk offenders; and for high risk offenders, restorative justice programs do not reduce recidivism (Ptacek, 2010).

Most of the research to date on restorative justice effects is quantitative. This thesis analyzes how offenders assess restorative justice and evaluate restorative justice programs and their usefulness (from offenders' points of view) with a qualitative methodology. Qualitative research adds a unique dimension to the current body of literature on restorative justice by providing a rich, in-depth analysis of offenders' perceptions of particular programs, and examination of the themes inherent in offenders' reports of their restorative justice experiences.

The following questions were derived based on the state of the current literature pertaining to offenders and restorative justice programs. These questions are: how do offenders report gaining access to the restorative justice programs; how do offenders view restorative justice programs in comparison to the court system; what reasons do offenders give for participating in restorative justice programs; do offenders identify any significant features in their restorative justice programs; if they do, what are these features and how do they impact the offenders; what are the outcomes of offender participation in these programs; do the restorative justice programs impact recidivism; do

the offenders recommend future improvements to the programs that could enhance the meaning for offenders; and finally, if they do, what are those improvements.

### **Thesis and Its Organization**

Using qualitative analysis, this thesis examines the experiences of offenders in restorative justice programs. In doing so, the thesis is divided into four sections. In the first section, the theoretical principles of restorative justice are explored and critiqued. More particularly, findings pertaining to offenders in restorative justice programs are examined and the research questions are posed. The second section discusses the methods used to collect the data, a description of the restorative justice programs employed, an overview of the participant sample, and a summary of the measures used to gather the data. The third section presents the results of the interviews from the offenders. The fourth section discusses the findings, their implications, and concludes with future research and policy recommendations.



## **Literature Review**

The following chapter is divided into two sections. Both sections are organized to frame the guiding principles of the research conducted for this thesis. In the first section I explore the literature on the context and definitions of restorative justice from theory to practice. In the second section of this chapter, I present relevant empirical literature on restorative justice.

### **Section One: Restorative Justice in Theory and Practice**

A discussion of practice is essential, given that the more recent history of restorative justice began with practitioners. Specifically, I place restorative justice within the penology perspectives of retributive and rehabilitative models of justice, making restorative justice a third, complementary model. Next, I present two commonly used definitions of restorative justice followed by an analysis of core principles of these definitions. Finally, I describe restorative justice in practice by presenting two of the most common models.

**Retributive and rehabilitative models.** It is essential to trace the modern emergence of restorative justice to provide the impetus for the current conceptualization. What can be called “modern restorative justice” (Menkel-Meadow, 2007, p. 6) in part traces its theoretical beginning to the limitations of retributive and rehabilitative models of justice and punishment. I briefly explore these models of justice to place the emergence of restorative justice as a third model.

***Retributive justice.*** Retribution is complex in its relationship to both crime and justice; however, for the purpose of this thesis I am concerned primarily with establishing its place in the contemporary formal justice system and not with addressing it holistically.

Perhaps most poetically known as “an eye for an eye,” retributive justice is predicated on the belief that punishment must meet the proportionality of the harm caused (Cornwell, 2007). In other words, the notion of retributive justice implies that an offender should be punished, and for justice to be re-established, must be punished in accordance with the severity of the crime (Wenzel, Okimoto, Feather, and Platow, 2008). As such, justice is defined as belonging to the domain of professionals and institutions that represent the state, who then act on behalf of the persons harmed in the dispute (Roberts & Grossman, 2008). Advocates of the retributive model focus on punishment measures to enforce compliance (most commonly prison) which are assigned through a unilateral process (usually a judge) who then determines the appropriate sentence (Gromet & Darley, 2009).

***The rehabilitative model.*** The rehabilitative model surfaced following the Second World War, during a shift from the retributive model (Brunk, 2001). Stemming from the medical model, the rehabilitative approach argues that criminal behaviour in offenders can be cured through appropriate treatment of offenders (Cornwell, 2006). Rehabilitation focuses primarily on offenders in the custodial setting within a context that the treatment and training of offenders can reduce crime by turning them into law-abiding citizens (Cornwell, 2007).

**Assessment of prevailing models.** In part due to shifting political views, it has been argued that the rehabilitative model failed for a number of reasons (Cornwell, 2007). Walgrave (2008) discusses two problems with respect to the rehabilitative model. He argues that the rehabilitative model can pose serious problems by not placing enough focus on the rights of due process and failing to provide evidence for the effectiveness of its approach (Walgrave, 2008).

The most influential reason for the argued “failure” of the rehabilitative model and subsequent shift back to the retributive model was largely political. The rehabilitative model was, and still is to a large extent, viewed as being “soft on crime” in the eyes of conservative politicians and the public, for not being able to achieve the primary concern of reducing recidivism rates and ensuring punishment (Cornwell, 2006). In addition, critics of restorative justice also equate these programs with being “soft on crime” or “an easy way to avoid prison” (Canadian Resource Center for Victims of Crime, 2011); however, research indicates that many offenders who participate in restorative justice say it was tougher than the punishment they would normally receive (Umbreit, 1999).

Political agendas play a pivotal role in the criminal justice system and the subsequent creation of policy and legislation (Walgrave, 2008). Cornwell (2007) calls attention to what he defines as the politics of “punitive instrumentalism” as a reason for the return of the retributive justice model (p. 25). He notes that the politics of punitive instrumentalism refer to politicians’ need to appear to listen to public concerns of increasing crime rates and to respond with punitive “tough on crime” approaches (Cornwell, 2007, p. 25). Above all else, however, Cornwell (2007) argues that there is an urgent need to free the thinking of politicians, penal policy makers, and those concerned with criminal administration from the shackles of the past, and in particular from the inevitability of punishment.

In addition, the retributive model has created a great many, and well-known societal problems. For example, the lack of rehabilitation for offenders, the solidifying of prison inmates’ criminal identities, and the exclusion of victims from their own justice processes (Gromet & Darley, 2009).

**Restorative justice as a third model.** The previous description of justice models is by no means exhaustive. The point of the review is to provide a context for restorative justice as a third model that emerged in modern discourse, in part, as a reaction to the shortcomings of these previous philosophies (Ammar, 2004). The emergence of restorative justice is not solely based on the shortcomings of the previously discussed models. As discussed, there were and still are, strong political and social forces underpinning shifts in justice models.

The term “syncretism” is used to describe a blending of different beliefs to create a type of rebirth, something new, but containing aspects of what was before (Stewart & Shaw, 1994, p.2). Restorative justice re-conceptualizes the purpose of justice by focusing on the process of taking responsibility, repairing harm, and reintegrating into the community, while at the same time including victims, offenders, and the community (Zehr, 2002). As a result, restorative justice is, in many ways, a syncretic approach to the shortcomings of past theories and is often regarded as a more “holistic approach” to justice (Ammar, 2004; McCold, 2000, p. 358). In the following section, the definition of restorative justice will be explored by examining its theoretical conceptualization in the current academic literature to frame the key principles of restorative justice employed in this thesis.

**Defining restorative justice.** Kuo, Longmire, and Cuvelier (2010) argue that generally, it is much easier to identify a non-restorative approach than it is to provide a precise definition of what constitutes restorative justice. As such, restorative justice is often defined in opposition to retributive justice.

Zehr's (1990) seminal book *Changing Lenses*, among many things, draws attention to the polarization of restorative and retributive justice paradigms. Zehr (1990) argues that retributive justice focuses on individual rights, views crime as an offence against the state, views the offender as a passive participant, assesses blame, provides little support, and ensues high costs and long processes to the criminal justice system. To view justice in a restorative lens, argues Zehr (1990), requires one to shift the paradigm to focus on mutuality through community, crime as hurting people, the offender and victim as active participants, the fostering of responsibility, and providing community support.

Marshall's (1998) definition of restorative justice is often cited as the most inclusive and has driven much of the empirical research to date (Hayes & Daly, 2004). Marshall (1999) defines restorative justice as "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (p. 5).

Zehr's (2002) definition of restorative justice is also cited frequently. Zehr (2002) defines restorative justice as "a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (p. 4). Umbreit, Coates, and Vos (2007) argue that Zehr's (2002) definition of restorative justice underscores the importance of understanding restorative justice as a process rather than a particular program or model. It also emphasizes the importance of involving all stakeholders "to the extent possible" and highlights the notion of making things "as right as possible" (p. 25).

Most importantly, the above discussion concerning varied definitions of restorative justice shows that a single clear and established meaning of restorative justice does not exist (Johnstone & Van Ness, 2007). In fact, Stahlkopf (2009) found that a review of the literature demonstrates that there are more definitions of restorative justice than there are programs (p. 234).

While a universally agreed upon definition is important, Cameron (2005) argues that a single definition of restorative justice may seem inadequate, or even counterproductive, given the diversity of ideas in restorative justice theory and practice. Rather, Kuo, Longmire and Cuvelier (2010) note that restorative justice is an “open concept,” still in the stage of development and hence a unified definition is not possible at this point in time (p. 319).

This lack of an agreed upon definition poses a challenge when studying restorative justice empirically. To provide greater conceptual clarity, I explore the core theoretical principles of restorative justice, focusing primarily on Marshall’s (1998) and Zehr’s (2002) definitions. The following section expounds on such definitions and principles.

**Essential concepts.** Despite the absence of a cohesive definition of restorative justice, most academics and advocates agree that there are core principles that underpin the concept (Stahlkopf, 2009). The proceeding discussion explores the core principles of restorative justice using the academic literature on the concept. This discussion aims to frame the definitional issues used in developing the research questions, the methodology, and analysis of data in this thesis.

Zehr (2002) notes that restorative justice rests on four pillars, which include: (a) crime as harm and needs; (b) stakeholder involvement; (c) reparation of harm; and (d)

future behaviour. These pillars guide the discussion that follows regarding restorative justice principles and definitions. It is important to acknowledge that these pillars represent ideal types and are by no means always realized in practice.

***Crime as harm and injury.*** The terms “harm” and “injury” are utilized in the restorative justice literature in place of the term “crime” (Zehr, 2002; Umbreit, 2001; McCold, 2000; Van Ness, 1997). The most common is the term “harm” which I use throughout this paper. Here, crime is viewed as harm to people and relationships rather than simply a violation of law (Kuo, Longmire & Cuvelier, 2010). More specifically, harms refer to those suffered by the victims of a particular incident, by an offender, and those suffered within the communities (Wheeldon, 2009).

***Stakeholder involvement.*** As described in both definitions of restorative justice provided by Marshall (1998) and Zehr (2002), a stakeholder’s involvement is a crucial component in restorative justice (Bazemore and Maruna, 2009). Stakeholders refer to those individuals who have a stake in the particular offence. These include the offender, the victim, and the community (Marshall, 1998; Zehr, 2002). Restorative justice is often referred to as a three-legged-stool (Zehr, 1990). This means that the process cannot be fully restorative unless it encompasses all three of the stakeholders (Zehr, 1990).

More specifically, theoretical writings about restorative justice assert that victims are those affected by the crime and, along with the community, should be the centre of attention when reacting to the harm (Kuo, Longmire, & Cuvelier, 2010). For example, victims should be given the opportunity to meet with offenders and to let the offender learn about the impact of the harm on them, their family, and/or community (Umbreit, Vos, Coates, & Lightfoot, 2006). The important role of the offender is to hold him/herself

accountable for his/her actions by taking responsibility for the harm and making amends (Umbreit & Bradshaw, 1999).

The community, in the restorative justice process, is considered the third stakeholder. Wheeldon (2009) argues that the community plays an important role in both the commission of and the prevention of crime. Thus, the community is a crucial element in the restorative justice approach (Wheeldon, 2009). The inclusion of community members allows local citizens to reflect their neighborhood's values and norms, recommend how the harm can be repaired, and help identify the skills offenders need to successfully reintegrate into their communities (Rodriguez, 2007; Umbreit, Coates & Vos, 2007).

***Reparation of harm.*** Reparation of harm is another principle of restorative justice. As Calhoun and Pelech (2010) argue, precisely what needs to be repaired depends upon the circumstances surrounding the specific harm (e.g., whatever dimensions matter to the victims, offenders, and communities affected by the harm). For example, Rugge and Scott (2009) maintain that restoration may occur in the areas of “personal injury, property loss, [and] re-establishing peaceful relationships” (p. 1). Finally, as Umbreit, Coates, and Vos (2007) assert, it is very important to keep in mind that phrases such as “repairing the harm” and “making things right” do not mean that situations are restored to where they were before the crime (p. 36). Instead, it is argued that through the process of dialogue, offender responsibility, and acknowledgment and redress of harm, “actions may be taken to recognize the harm and offer some form of recompense” (Umbreit, Coates, & Vos, 2007, p. 36).



***Impact on future behaviour.*** Although reductions in recidivism are not a specific aim of restorative justice, it has often been reported in the academic literature as an outcome of the process (Rodriguez, 2007). Most current definitions of restorative justice often fail to account for outcomes such as recidivism, but Braithwaite's (1989) theory of reintegrative shaming is often used as a theoretical explanation in determining outcomes of restorative justice such as reintegration into the community and reductions in recidivism.

The theory of reintegrative shaming asserts that stigmatization or disrespectful shaming of offenders through retributive justice can make crime worse. This is because it outcasts the offenders from communities rather than reintegrating them back into communities. Braithwaite (1989) defines reintegrative shaming as "all social processes of expressing disapproval which have the intention or effect of invoking remorse in the person being shamed" (p. 100). Shaming, according to Braithwaite (1989) becomes reintegrative only when a distinction is made between shaming an offence and shaming an individual. Braithwaite (1989) argues that reintegrative shaming then becomes a respectful process where disapproval of the criminal act is expressed, but the offender is given a chance to repent and is then welcomed back into the community (Braithwaite (1989). As such, restorative justice can increase social bonds, leading to increased informal social control which can ultimately lower crime rates.

In sum, the theory of restorative justice is based on key principles which have informed the basis of the current research. These include: stakeholder involvement, the interpretation of crime as harm, the need to repair and reduce future harm, and community reintegration. In the following section I provide a description of two

restorative justice models: victim offender mediation and restorative conferencing. I have chosen to provide an overview of these two models specifically as they provide the framework for the programs that were examined in the current thesis.

**Types of restorative justice programs.** There are various programs in practice which are founded on the principles and theory of restorative justice (Bazemore & Umbreit, 1999), but there are two programs in particular which have gained the most attention and provide the focus of the current research: restorative conferencing and victim-offender mediation (VOM) (Cameron, 2005; Bazemore & Umbreit, 2001; Umbreit, 2001; Walgrave, 2008).

***Restorative conferencing.*** Restorative conferencing practices are often considered to be the most restorative practice as this model encompasses all key stakeholders (McCold, 2000; Walgrave, 2008). The main component that distinguishes restorative conferencing from VOM is that restorative conferencing includes a wider range of participants, including the community, and often, family members, in resolving harm (Cornwell, 2007; Cameron, 2005; Umbreit, Vos, & Coates, 2006). The original version of restorative conferencing originated in New Zealand with the Maori culture, and is also sometimes referred to as “family group conferencing” (FGC) (Cameron, 2005). FGCs generally consist of a meeting of the victim, the offender and their immediate families or guardians in the presence of a trained facilitator (Cameron, 2005).

The success of this model has expanded conferencing practices all over the world, with different versions and with varying scope (Umbreit, 2001; Walgrave, 2008). Such variations fall under the diverse set of names such as “diversionary conferences,” “youth justice conferences,” “real justice conferences,” and “community conferences,” which are

all grouped under the common denomination of “restorative conferences” (Walgrave, 2008, p. 35).

***Victim-offender mediation.*** Victim-offender mediation is the most commonly practiced, well established, and popularly acknowledged model of restorative justice (Umbreit, 2001). The first documented VOM session occurred in Kitchener, Ontario in 1974 and since then, VOM programs have grown tremendously (Umbreit, 2001).

Umbreit (2001) defines VOM as a “process that gives victims of crimes the opportunity to meet the perpetrators of these crimes in a safe, structured setting, with the goal of holding the offenders accountable while providing important assistance and compensation to the victim” (p.xxvi). Moreover, VOM programs involve the use of a trained, impartial mediator who brings together both victim and offender in the aftermath of a crime with the goal being to find an appropriate restitution, compensation, or reparation for the harm caused by crime (Walgrave, 2008).

In sum, the purpose of this review is to frame the guiding principles for the research conducted for this thesis. In doing so, I have placed restorative justice within the penology perspectives of retributive and rehabilitative models of justice. I have argued that restorative justice can be viewed as a third complementary model to our existing models of justice. Although a single, clear, and established definition of restorative justice does not currently exist, I have presented two of the most common definitions in the empirical research to date. To provide greater conceptual clarity of these definitions, I have described the key principles inherent in both definitions: (a) crime as harm and needs; (b) stakeholder involvement; (c) reparation of harm; and (d) future behaviour.

Finally, I have outlined two models of restorative justice which provide the basis for the programs examined in the current research: restorative conferencing and VOM.

The above review is essential to the formulation of the key research questions in this thesis. It provides a focus on definitions and programs and thus facilitates the operationalization of both restorative justice as a theory and as a practice. It also situates this operationalization within the programs through which it is delivered. In the remaining section I explore the empirical literature on restorative justice as it pertains to offenders to further support the research questions and methodology for the current thesis.

## **Section Two: The Empirical Literature**

The following section is divided into three parts pertaining to research on offenders in restorative justice programs: (1) research findings on reasons for participation in restorative justice programs, perception of fairness and satisfaction; (2) research findings on offenders' recidivism; and (3) research findings on offenders' behavioural and personal change. This review provides a better understanding of the formulation of the research questions, methodology, and results reported in this thesis.

### **Research findings on offenders' participation in restorative justice, perception of satisfaction, and fairness rates and reasons.**

*Participation in restorative justice.* Participation rates for victims and offenders in restorative justice programs are high (Umbreit, Vos, Coates & Lightfoot, 2007). It is a widely held notion that this participation in restorative justice programs should be a voluntary process for both victims and offenders; however, previous studies report

conflicting reasons for why offenders choose to participate in restorative justice programs.

More in line with the voluntary nature of restorative justice, Coates, Burns, and Umbreit (2002) and Umbreit, Coates, and Vos (2001) found that offenders who choose to participate often reported wanting to take direct responsibility for their own actions, pay back the victim, apologize for the harm they caused and get the whole experience behind them. Similarly, Umbreit, Coates, and Vos (2007) found that offenders explained that they chose to participate because they wanted to pay the victim back, get the whole experience behind them, and/or apologize to the victim.

Other researchers argue that despite the widely held notion that restorative justice is voluntary, actual practice would suggest otherwise (Umbreit, 1999). Karp, Sweet, Kirhenbaum, and Bazemore (2004) argue that most often, offenders are sanctioned to participate in such programs, with the alternative being a return to court where more severe sanctions may be imposed. Thus, fear of the alternative has been cited as a motivation for offender participation in restorative justice programs (Umbreit, 1999; Zernova, 2006; Abrams, 2006). More particularly, Zernova (2006) found that approximately one quarter of juvenile offenders in a conferencing program were motivated by fear of being taken back to the court. Additional research shows that although some offenders may choose to participate in a restorative justice program for reasons such as taking responsibility, paying back the victim, or to apologize to the victim (Coates, Burns & Umbreit, 2002; Umbreit, Coates & Vos, 2001; White, 2001), other offenders may not view it as entirely voluntary, and instead may be motivated to participate based on fear and/or self-interest (Zernova, 2006; Choi, Green & Kapp, 2010;

Shapland et al., 2007). Similarly, other studies have found that offenders are motivated to participate for reasons centered on their legal interests, such as keeping their records clear as opposed to helping the victim (Choi, Green, & Kapp, 2010; Shapland et al., 2007).

***Satisfaction Measures.*** Studies have found that both offenders and victims report high levels of satisfaction after completing a restorative justice program (Beven, Hall, Froyland, Steels, & Goulding, 2005; Evje & Cushman, 2000; Latimer, Dowden, & Muise, 2005; McGarrel, 2001; Rugge, Bonta, & Wallace-Capretta, 2005; Shapland et al., 2005; Strang, 2002; Umbreit, 1999; Umbreit, Coates, & Vos, 2002). In a meta-analysis conducted by Latimer, Dowden, and Muise (2005) on restorative justice programs, it was found that offenders who participated in a restorative justice program were significantly more satisfied than offenders who participated in the traditional court system. Likewise, in a study of 33 cases of young male offenders in a restorative justice program, Stahlkopf (2009) found that young offenders' overall satisfaction with the process was very positive, indicating that the program was a good idea and very helpful.

Regarding the questions of *why* offenders are satisfied with the program or why/how they believed it was helpful, there is a paucity in research. Choi (2008) notes that findings from several studies indicate that factors such as attitude toward the mediator, fairness of the restitution agreement, and mediator skills were important in terms of accounting for overall satisfaction for offenders. Moreover, few studies account for reasons why offenders may be dissatisfied with the process. Studies that do account for reasons of offender dissatisfaction with restorative justice programs show that the dissatisfaction usually results from problems of communication and/or a disagreement

between the victim and offender as to what happened during the commission of the harm (Abrams, Umbreit, & Gordon, 2006; Shapland et al., 2007).

***Perceptions of fairness.*** Research suggests that offenders who participate in restorative justice view the process as fair and are more likely to view the process as fair when compared to offenders who participate in the traditional system (Coates, Umbreit, & Vos, 2003; Evje & Cushman, 2000; Latimer, Dowden, & Muise, 2005; McGarrel, 2001; Poulson, 2003; Shapland et al., 2007; Strang, Sherman, Newbury-Birch, & Inkpen, 2006; Umbreit, Coates, & Vos, 2001). Poulson (2003) combined data collected from seven studies which looked at restorative justice and court programs and found that restorative justice outperformed court procedures on almost every variable including: the perception that the criminal justice system was fair, the offender had the opportunity to tell his or her story, the offender's opinion was adequately considered, and the mediator was fair. Furthermore, in a review of 63 empirical studies, Umbreit, Coates, and Vos (2002) found that the majority of offenders (typically over 80%) across settings, cultures, and types of offence reported believing that the process was fair to both sides and that the resulting agreement was fair, which in turn led to feeling that the overall criminal justice system was fair. Likewise, Beven, Hall, and Steels (2006) compared 166 juvenile offenders and found that those who participated in a restorative justice program were significantly more likely to have their belief in a just and fair system restored as compared to those who participated in conventional court.

**Research findings on offenders' recidivism.** One of The most commonly measured outcomes of restorative justice is offender recidivism (Rossner, 2011). Although a reduction in recidivism is only one potential benefit of restorative justice, re-

offending is a key concern when it comes to policymaking and implementing restorative justice programs as an enhancement to the criminal justice system (Bergseth & Bouffard, 2007); however, findings are mixed on restorative justice programs and subsequent re-offending. As stated previously, a meta-analysis on restorative justice programs found that court ordered programs do not reduce recidivism, effects are more significant for low-risk offenders, and for high risk offenders these programs do not reduce recidivism (Bonta, Wallace-Capretta, Rooney, & Mcanoy, 2002).

Nugent, Williams, and Umbreit (2004) found in their meta-analysis study of VOM with juveniles that offenders may be as much as 30% less likely to re-offend in comparison to offenders who did not participate in a VOM program. Likewise, Bradshaw, Rosebrough, and Umbreit (2006) also conducted a meta-analysis in which 15 studies including 9,172 juvenile offenders were analyzed. Results indicated a 34% reduction in juvenile recidivism (Bradshaw, Rosenbrough & Umbreit, 2006). Finally, Latimer, Dowden, and Muise (2001) found in their meta-analysis that restorative justice interventions resulted in an a 7% average reduction in recidivism compared to court; however, results were as high as 38% in some studies, and other programs actually showed an increase in recidivism of up to 23%.

The extent to which the impact of restorative justice programming has on offenders over a period of time is also open to debate. Some research has found that program effects disappear or diminish over time (McCold & Wachtel, 1998; McGarrell, 2001). Bergseth and Buuffard's (2007) analysis of long-term outcomes of youth referred to restorative justice and traditional juvenile court found evidence to suggest the impact of restorative justice programming wears off after more than three years.



Studies have begun to look deeper at the question of recidivism by examining specific programs and offender characteristics which may predict a reduction in recidivism (Abrams, Umbreit, & Gordon, 2006; Hayes & Daly, 2003; Karp, Sweet, Kirhenbaum, & Bazemore, 2004; Maxwell & Morris, 2001). Calhoun and Pelech (2010) argue that while further investigation is clearly needed, “reasonable theory and some empirical evidence supports the argument that young people who are held accountable for misbehaviour, who repair damaged relationships, and who achieve closure may be at a decreased risk for re-offending” (p. 302). Likewise, studies have examined the offenders’ level of involvement as it relates to recidivism rates. Hayes and Daly (2003) found that recidivism was lower for juveniles who were observed to be remorseful and who were in conferences in which outcomes were achieved by genuine consensus. Similarly, Abrams, Umbreit, and Gordon (2006) suggest that based on findings from qualitative inquiry, the process of developing empathy, seeing the victim in a new way, and of being seen in a different way may provide some pathway to change in terms of future behaviour. In contrast, Tyler, Sherman, Strang, Barnes, and Woods (2007) found, using longitudinal data from the drinking-and-driving study in the Australian Reintegrative Shaming Experiments (RISE), that both traditional court-based prosecution and restorative conferences increase support for the law and lower the rate of future re-offending when they engage the social psychological mechanisms of reintegrative shaming and procedural justice, thereby increasing the legitimacy of the law.

Debeus and Rodriguez (2007) examined the interactive relationship between poverty level and program completion for juvenile offenders in a restorative justice program over the course of two years. Results found that juveniles residing in

disenfranchised communities were less likely to successfully complete the program than juveniles residing in more economically advantaged neighborhoods, thus showing that community factors may also play a role in the restorative justice process (Debeus and Rodriguez, 2007).

Finally, studies have found a relationship between gender and recidivism (Hayes & Daly, 2004; Rodriguez, 2005) suggesting that girls are less likely to recidivate after program completion than boys. Hayes and Daly (2004), in a study of 200 young offenders, found that “re-offending is more likely among male offenders, offenders moving into adolescence (13 to 16 years) at the time of the conference, offenders who begin offending at an early age, and offenders with a prior history of offending” (p. 177).

**Research on offenders’ reported behavioural and personal change.** Research shows that restorative justice programs have a positive impact on changing offenders’ reported attitudes and behaviours (Abrams, Umbreit, & Gordon, 2006; Choi, Green and Kapp, 2010; Grey, 2005). Most of this research has used qualitative and in-depth interviews.

Abrams, Umbreit, and Gordon’s (2006) research found that young offenders reported that confronting their victims made the biggest impact on them. Although this was reported as being the hardest part of the process for the offenders, it was also reported as the most meaningful (Abrams, Umbreit, & Gordon, 2006). Furthermore, Abrams, Umbreit, and Gordon (2006) found that offenders felt the VOM sessions were one part of a meaningful process of reform and personal growth which, for example, helped them to reinforce new behaviours and provided them with incentives to keep moving forward. Finally, many of the offenders reported that the change in the victims’

perception of them through the restorative process evoked a sense of relief and hopefulness for the future.

Choi, Green and Kapp (2010) completed interviews with eight young offenders who were participants in a VOM program. The authors found that the offenders often went through changes in their perceptions (Choi, Green, & Kapp, 2010). Although many of the offenders mentioned that they thought their acts were “cool” and “fun,” upon completing the VOM most offenders indicated that the “fun thing” was no longer fun and cool (Choi, Green, & Kapp, 2010, p. 869). Furthermore, the authors found that the juvenile offenders became empathetic towards the victims by having the opportunity to put a human face on the crime which, in turn, led them to change their mind and future behaviour in significant ways (Choi, Green, & Kapp, 2010).

Grey (2005) obtained qualitative data from 41 young offenders regarding their perceptions of the process and outcome of a restorative justice program in which they participated. Here, results focused on the importance of the “responsibilising” effect restorative justice had on the offenders (Grey, 2005). The majority of participants (84%) felt very confident they would stay out of trouble in the future. This was directly linked to their recognition that they were held responsible for their behaviour, understanding the effect of their behaviour on others, and understanding the victim better (Grey, 2005). For example, one offender stated “I’m a lot happier, a lot more aware kind of thing, I think about my actions, I think about others, I think twice...I didn’t used to care about others” (Grey, 2005, p. 945). Grey (2005) argues that “one of the most successful achievements of the program was its ‘responsibilising’ effects on young offenders, because of the way in which it challenged their attitudes and moral reasoning, held them accountable for their

crimes, and confronted them with the consequences of their behaviour on victims” (p. 950).

Despite these hopeful findings, there is need for caution. Stahlkopf’s (2009) qualitative study of 33 cases of 11-17 year old males engaged in a restorative justice process found less positive results. Although there were some positive findings, when offenders were asked questions about the impact of the referral orders on their feelings about themselves or their behaviour, Stahlkopf (2009) found that their responses suggested a more neutral or negative experience. For example, only half of the offenders felt that they had changed as a result of the process, nearly half felt that the community members did not help them feel differently about themselves, over half felt that the process did not make a difference in their behaviour, and more than a third felt that the meeting was not useful (Stahlkopf, 2009). Overall, based on findings from these studies, it is apparent that while many offenders describe going through a transformation in terms of their perceptions and behaviour which is initiated by the restorative justice process, it is also evident that these positive experiences are not universal.

In sum, research shows that restorative justice programs provide a value-added benefit to the current criminal justice system. Participation rates are high revealing that offenders voluntarily choose to participate for reasons that are in line with the principles of restorative justice. On the other hand, some studies have found that offenders also report signs of coercion and fear of returning to court as reasons for participation. Furthermore, offenders have reported high rates of satisfaction and perceptions of fairness with these programs, but there is little evidence to explain why. Similarly,

research has demonstrated that for the most part, offenders who participate in restorative justice programs have lower instances of recidivism than those who do not.

It should be noted that there are various challenges when conducting research on restorative justice. For example, much of the quasi-experimental research is plagued by self-selection bias due to the voluntary nature of restorative justice programs. What this means is that the kinds of offenders who participate in restorative justice programs may be substantially different from those who do not, in ways that may predict outcomes regardless of the programs (Sherman & Strang, 2007).

Demand characteristics are also a concern when conducting interview research with offenders in restorative justice programs. Demand characteristics are characteristics of a situation that might cause a participant in a study to behave in a particular way (Orne, 1965). In situations like an interview, such as the ones completed for the current research, it is always the concern that participants may be giving socially desirable answers rather than honest answers.

Notwithstanding these limitations, there is a large body of research, using complementary methodologies, which suggest that restorative justice is beneficial to participants. One can conclude from this body of research that restorative justice is meaningful to offenders, and further work is needed to understand offenders' perspectives pertaining to these programs.

Thus, based on these suggestions and the gaps presented in the literature, the current study sought to understand better the meaning, purpose, and impact of restorative justice programs from adult offenders participating in one of two restorative justice programs in Southern Ontario: restorative conferencing and victim offender mediation.

This study also provides some insight into areas for future research and recommendations to enhance the meaningfulness of the programs under review for the offenders.

These results will explore how offenders access restorative justice programs, the way they view these programs in comparison to the traditional court process, and reasons for their participation. In addition, key principles of restorative justice will be explored from the offenders' perspective in terms of their understanding of harm, responsibility, and reparation of harm. Finally, outcomes will be explored in terms of the impact the restorative justice programs make on offenders approximately one year after program completion to explore a retrospective account.

The research questions are: how do offenders gain access to the restorative justice programs (through the courts, police, lawyers etc.); how do offenders view restorative justice programs in comparison to the court system; what reasons do offenders give for participating in restorative justice programs; do offenders identify significant features in the restorative justice programs, and if they do, what are these features and how do they impact the offenders; what are the outcomes of offender participation in these programs; do the restorative justice programs reduce recidivism; and do the offenders recommend future improvement to the programs that could enhance its meaningfulness, and if they do, what are those improvements. In the following section, a detailed overview of the methods employed for the current research will be presented.

## Methods

Findings from the current literature on restorative justice demonstrate that restorative justice programs influence offenders in positive ways pertaining to high rates of participation, choice, satisfaction, and perceptions of fairness (Abrams, Umbreit, & Gordon, 2006; Choi, Green & Kapp, 2010; Latimer Poulson, 2003; Shapland et al., 2005; Umbreit, Coates and Vos, 2007; Umbreit, Vos, Coates & Lightfoot, 2007). Likewise, research has found that participation in restorative justice programs is associated with reductions in recidivism (Dowden & Muise, 2005; McGarrel, 2001; Nugent, Williams & Umbreit, 2004; Rodriguez, 2005).

Conversely, there is very little qualitative research to help explain these conclusions, as well as offer new insights. As such, there has been a call from researchers to look into these programs using qualitative inquiry to add to our understanding of these processes (Choi, 2010; Rugge & Scott, 2009; Umbreit, Coates, & Vos, 2007). Abrams, Umbreit, and Gordon (2006) argue that there is little known about the subjective experiences of offenders who take part in these programs. Furthermore, Umbreit, Vos, and Coates (2002) explain that if we lose the story of these programs, the qualitative experiences, then we have missed the core of the matter.

The current research employed in-depth, qualitative interviews with ten offenders who participated in a restorative justice program approximately one year prior to data collection. The purpose of the research was to examine the meaning, purpose, and impact of restorative justice programs from the offenders' point of view by looking at two separate restorative justice programs, and make recommendations based on the results that can make these programs more meaningful for this group. Two separate models of

restorative justice were examined: victim offender mediation and restorative conferencing. This section describes the data collection process, a description of the restorative justice programs employed, an overview of the sample, and a summary of the measures used to gather the data.

### **Data Collection**

Recruitment of participants was achieved through various measures. Two not-for-profit community organizations facilitated the recruitment of participants for this study. I was able to access both organizations because of my volunteer experience with them. During the process of data collection, I volunteered on a weekly basis and completed training to become a mediator/facilitator in both programs. This work helped me to better understand both organizations and programs. As well, it helped to contextualize the analysis of the data which will be presented further on in this paper. Initial access was gained to both organizations through the directors who were informed of the research. During the time I spent volunteering at the organizations, I spoke with the practitioners both formally (through recorded interviews) and informally (through casual conversations) about recruitment and their knowledge of the programs. The assistance of the practitioners provided an invaluable contribution to the data collection process.

At the community organization which ran the restorative conferencing program, participants were initially contacted by the practitioners. If the participants agreed to an interview, I was then provided with their contact information to call and schedule an interview. At the community organization which ran the victim-offender mediation program, I was given access to the case files of all the offenders who had completed the



program. When I called the participants, I introduced myself as a student who was completing a research paper on the experiences of clients in restorative justice programs.

Although most of the participants had some questions, all of the participants who I contacted agreed to participate in the study. Some challenges were presented during the recruitment process. Both programs had stopped running approximately six months prior to commencement of this project. In total, I was only able to actually talk to 10 participants out of approximately 60 who I had contact information for. For this large majority, I was unable to get a hold of the offenders as the contact information for them was dated and often phone numbers were out of service.

All interviews were conducted within a six-hour radius of each other in locations in Southern Ontario. Interviews took place at various locations including local coffee shops, restaurants, libraries, and rooms provided by the community organizations. Interviews lasted approximately half an hour each, were audio recorded, and transcribed verbatim at a later time. During the interviews, participants appeared to be comfortable and one even explained that he had gained closure on the subject after the process was over. There was no need for excessive probing as most participants recalled their experience in the programs with ease and enthusiasm. During the months of May to June, data was collected from the restorative conferencing program and during the months of July to September, data was collected from the victim offender mediation program.

Before commencement of the interviews, all participants were informed of the study's purpose both through a verbal explanation and a letter of explanation. Informed consent was signed by all participants prior to interviews. One participant did not feel comfortable signing the informed consent and so verbal consent was obtained instead. I

read the consent letter to this participant and his verbal consent was recorded on a audio recording device. All participants were informed of their right to stop the interview at any time and the right to be removed from the study without penalty. Finally, each participant received \$25 as an appreciation for his or her time.

### **Description of Restorative Justice Programs**

The nature of the programs from which I recruited participants created a natural sampling frame. The programs recruited for analysis comprised of two separate models of restorative justice: restorative conferencing and victim offender mediation. Both programs were post-charge diversion for adults who had limited or prior involvement with the adult court system and were charged with a minor offence. Furthermore, the offenders had to meet certain criteria to be considered eligible: (a) they had to accept responsibility for the act that formed the basis of the offence; (b) they had to voluntarily consent to participation in the program; (c) they had to be advised of their right to be represented by counsel; and (d) they had to be prepared to make amends for the harm.

There were some notable differences between the two programs. The restorative conferencing program included a wider circle of participants including, the offender, the victim, the facilitator, and three trained volunteers comprised of members of the community. This program took place at various locations in the community (e.g., North East Circle) so that both the offenders and community members came from the same neighbourhoods. Finally, although the victim was always informed of the program and their choice to participate, their participation was not required. In other words, if the victims choose not to participate, the restorative conference still took place with the offender.

In contrast, the victim-offender mediation program did not include members of the community. Stakeholders included the victim, offender, and two volunteer and/or employee mediators. Furthermore, in order for the program to proceed to mediation, both the victim and offender had to be willing to participate. If the victim was unwilling to participate, the offender had to return to court and the process was marked as “unsuccessful”. Finally, it should be noted that this community organization was much smaller than the other community organization in terms of both staff and funding.

### Sample

The sample was comprised of ten adult offenders. Table 1 below highlights self-reported offender demographics and table 2 highlights important program characteristics.

Table 1

#### *Offender Demographics*

Pseudo Name	Program	Age	Race/ethnicity	Gender	Highest level of education	Place of birth
Ashley	RC	19	Taiwanese	Female	Grade 12	Taiwan
Mike	RC	19	Caucasian	Male	Grade 12	Canada
Justin	RC	21	Unknown	Male	Grade 12	Canada
Bruce	RC	31	First Nations Indian	Male	College	Canada
Scott	RC	45	Arab	Male	College	Israel
Susan	RC	26	Caucasian	Female	Grade 12	Canada
Nohl	VOM	20	Black	Male	Grade 12	Jamaica
James	VOM	31	Caucasian	Male	Grade 12	Canada
Alex	VOM	21	Caucasian	Male	Grade 12	Canada
Ryan	VOM	22	Caucasian	Male	Grade 12	Canada

Note \* RC= Restorative Conference, VOM = Victim-Offender Mediation

Table 2

*Program Characteristics*

Pseudo Name	Program	Offence	Victim Known	Victim Present	Outcome Measures	Recidivate
Ashley	RC	Theft < 5000	No	No	Counselling Apology letter	No
Mike	RC	Theft < 5000	No	No	Community service Reflection Essay Apology to victim	No
Justin	RC	Mischief	No	Yes	Restitution	No
Bruce	RC	Prowl by Night	No	No	Apology letter	No
Scott	RC	Theft < 5000	No	No	Apology letter Restitution	No
Susan	RC	Theft < 5000	No	No	Apology letter Drawing Reflection essay Community service	No
Nohl	VOM	Fraud	No	Yes	Community service	No
James	VOM	Mischief	Yes	Yes	None	Yes
Alex	VOM	Mischief	Yes	Yes	Drug and alcohol program	No
Ryan	VOM	Minor Assault	Yes	Yes	Restitution	Yes

Note \* RC= Restorative Conference, VOM = Victim-Offender Mediation

**Measures**

Questions asked during the interviews (see Appendix C for a comprehensive list of interview questions) focused on the restorative justice programs with the intent of analyzing the meaning, purpose, and impact of these programs from the offender point of view and recommendations to increase the meaningfulness of these programs for the offenders.

The first set of questions sought to explore how the offenders described the program in which they participated. They were asked questions relating to how they accessed the program, the objective of the program, and why the program was administered to them. In addition, the offenders were asked about their experience in the traditional court system, and how that experience differed from the restorative justice program. Finally, the offenders were asked questions pertaining to the stakeholders involved and their roles.

The second set of questions asked offenders how the program impacted their understanding of key principles and components in restorative justice programs. These principles and components included harm, responsibility, sense of self, the victim, their healing, their future behaviour and their role in their community.

The third set of questions sought to explore strengths and weaknesses of the programs so recommendations could be made to increase the meaningfulness for the offenders.

Finally, the offenders were given surveys at the end of the interviews to report personal characteristics (demographics, educational attainment, household income, and place of birth). In addition, information was obtained regarding the offenders' criminal history and the offences that brought them to the restorative justice programs.

Grounded theory was utilized to analyze the data. Creswell (1998) describes grounded theory as a way to generate or discover a theory. Grounded theory consists of systematic inductive guidelines for collecting and analyzing data to build analytical frameworks that explain the collected data and ground the theory in data (Denzin and Lincoln, 2008). Once all of the interviews were transcribed, the data was read through

multiple times and themes were developed. Once the themes were developed, a coding model was created and data was organized into this frame. The creation of coding frames in this way is inductive and facilitates the grounded approach utilized for this thesis. Based on this analysis, a grounded theory was developed which helps to explain the current research.

## **Results**

The following results are organized according to the coding frame developed after analysis. How offenders described gaining access to these programs, the way they view these programs in comparison to the traditional court process, and reasons for their participation are presented. Significant features of the programs which were discussed by the offenders will also be presented. These include dialogue, understanding of harm, and reparation of harm. Next, the reported significance of victim participation regarding the offenders' experience is presented. Outcomes will be discussed in relation to how the offenders reported being impacted by their experience in the program in terms of their future behaviour. Finally, recommendations provided by the offenders that would increase the meaningfulness of these programs are shown.

### **Access and Description of the Programs**

**Access to the programs.** All of the offenders indicated that they gained access and information about the programs through the courts, or more specifically, through a lawyer (n=5), a court worker (n=4), or a judge (n=1). In addition, two offenders reported that they received information about the program through court services such as mental health services (n=1) and native services (n=1).

Eight of the participants reported that they voluntarily participated in the programs, but two of the offenders alluded that criminal justice professionals, specifically lawyers, coerced them to participate. One offender from the VOM program stated that he wanted to fight his charge originally, but was told by a lawyer that he was "stupid" not to take the diversion (James). Another participant, from the restorative conferencing program (Justin), explained that he felt he should have laid charges against one of the

individuals involved in the dispute he was charged with but felt that he was prevented from doing so by his lawyer.

In both programs the majority of the participants (n=7) stated reason's pertaining to self-interested approaches in terms of the purposes of the program. Most often offenders explained that the purpose was to give them a second chance by not having a criminal record and not having a future experience in the criminal justice system. As Mike notes:

*It's to allow people who commit like minor crimes to have another way, or to have a second chance. 'Cause not everyone in my opinion deserves to have a criminal record (Mike, restorative conferencing program, May 19<sup>th</sup>, 2010).*

*Um, just to be an eye opener and to try and make sure that I don't end up anywhere in that courtroom again (Justin, restorative conferencing program, May 20<sup>th</sup>, 2010).*

Most offenders (n=6) also acknowledged that the purpose of the program was a way for them to learn from the experience and prevent future offending behaviour. Likewise, just under half (n=4) also explained that the purpose of the program was to help them understand the impact of the harm and to take responsibility for their actions. These views were consistent between both programs. As Bruce explained:

*It was to help me understand what I did wrong and how to resolve that with the different people involved, ya know, through their knowledge of doing the program. It helped me to get a better understanding of how I can resolve this problem (Bruce, restorative conferencing program, May 20<sup>th</sup>, 2010).*

**Offenders' comparison between the court system and the restorative justice programs.** All of the offenders had to go to the courthouse initially before they were diverted into one of the two restorative justice programs. As such, they were able to make general comparisons between their experiences with the restorative justice program and



the courthouse. The majority of offenders (n=9) described their experience in the courthouse as both scary and intrusive. Two offenders described that having been searched and x-rayed by the security guards when entering the courthouse made them feel uncomfortable. Another participant explained that the experience in front of the judge was the scariest part of being in court. He said,

*It was scary having to go up in front of the judge, I mean when I had to go in front of the judge my heart was pounding, and ya know, because who knows what they are going to do ya know. The Crown attorney has a suggestion of what they are looking for but ultimately it's up to the judge's discretion [...] the judge was like "I don't see why you shouldn't go to jail today" and I am like "oh my God" like, I started bawling right away. And so it's definitely a scary process going through the courts (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

Another participant explained that when the guard searched her purse before she entered the courthouse she felt uncomfortable and anxious. Also, one participant (Justin) noted that having his information disclosed to "a bunch of strangers" by the judge in the courtroom made him feel embarrassed and that his privacy had been invaded.

The most commonly-discussed memory of the criminal justice system was the fear of not knowing what was going to happen. In fact, many of the offenders (n=4) were under the impression that they were going to have to serve jail time upon receiving a sentence from the judge. For example, one offender described his experience:

*Going to the courthouse was scary. I was like oh man am I going to jail? Like...what's going to happen to me? Am I going to lose my job because of this? So I didn't know right, it was the fear of the unknown (Alex, VOM program, August 18<sup>th</sup>, 2010).*

On the other hand, the offenders described their experience with the restorative justice programs very differently. Most of the offenders (n=7) described their restorative justice experience as more inviting and comforting. One participant stated:

*It's a lot more subtle and easy-going, it's not...it's not so uptight, you're not as nervous, you can actually just relax and deal with your stuff (Ryan, VOM program, September 9<sup>th</sup>, 2010).*

Not all of the participants felt relaxed with the restorative justice program. One offender (Ashley) described feeling scared at the beginning of the restorative conference because she felt intimidated by the community members. She noted that it made her uncomfortable to see the community members looking over her folder and talking amongst themselves before walking into the room where the conference was being held; however, she described that once introduced to and engaged in conversation with the community members, she was able to relax and feel more comfortable.

Some of the participants (n=2) discussed the restorative justice program as being different because they were able to meet the victim. These participants explained that in the courthouse the judge is the person whom you speak to and the victim rarely participates. One participant, James, underscores this point about how the restorative justice program is different because the victim is there:

*There is no formality, you don't have to stand up in front of a Worship or a Judge or whoever is presiding and there is no other people sitting there watching you. I don't know...umm...it's more personal because it's you and the victim right, like when you go to the court it is very rarely the victim is ever there right. It's just you facing the judge and owning up to your responsibility and accepting the consequences for it. This way is more -, you and the victim come together and try to figure out a solution. (James, VOM program, August 10<sup>th</sup>, 2010).*

### **Significant Features of the Programs**

Offenders reported a number of significant features of the restorative justice programs. These features included dialogue, understanding of harm, and repairing harm.

**Dialogue.** According to the participants the most important difference between the restorative justice programs and the criminal justice system experience was the forum

to speak and be heard offered by the former. This dialogue opportunity that restorative justice programs offer was identified as being an important restorative justice component by all of the ten interviewed offenders, regardless of which program they attended. One participant reflects on the importance of this idea by noting:

*They make it a little more personal [at the restorative justice program], like you get to meet each other and sit down, not sit in a room with a bunch of people waiting for your turn to talk to the judge and then walk right out (Justin, restorative conferencing program, May 20<sup>th</sup>, 2010).*

Some offenders (n=2) explained that going in front of the judge felt more like being reprimanded instead of having their problems heard and being helped. Susan expresses this thought by saying:

*I am the type of person ya know, being yelled at and screamed at its just going to make me be like [swear word] ya know, and I will just go and do whatever I want. But to have somebody like hit a cord in me or a nerve or whatever and make me realize “ok maybe I did need to change”, it helped me anyways (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

Additionally, three offenders from the restorative conferencing program explained that having the ability to dialogue with the community members allowed them to feel as if they shed the criminal label they felt they had been carrying around since the initial charge. One offender explained that being able to discuss how her addiction to Oxycontin and previous relationship with an abusive boyfriend as the reason why she shoplifted in the past was extremely important. For her, explaining her life as a former drug addict allowed her to feel she had reduced the stigma surrounding her offence and drug addiction not only for herself, but also for other individuals struggling with drug addiction. As she explained, having the community members listen to her story and for her to be able to teach them about drug addiction was important as well. She clearly expresses these ideas when she said:

*I told them [the community members] my whole life and stuff [...] So, ya know they were asking me questions about everything, and I like doing that sort of thing. So it was nice to have that. And for people who don't know about it [drug addiction], ya know they have lots of questions. And they think they have a totally different view of who these people where, like, if you saw me in the street you wouldn't be like "oh my god she's a drug addict" so we are not these scummy people, its anybody, right. So to be able to let them understand how it is, it's nice to be able to do that (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

Similarly, as another participant, Justin, explained, being able to share his story and discuss the events leading up to the crime with the community members, gave him more exposure as a person as opposed to the label associated with the crime he committed.

Another participant (Scott) explained how important it was for him to share with the community members how much pressure he had experienced, going through the transitional period after immigrating to Canada, and feeling the pressure of having to provide for his family. As he explained, this process gave him some kind of relief to talk the issue out, while at the same time, feeling that he was not being judged.

**Understanding of harm.** Seven participants discussed a transformation in their understanding of harm after they participated in the programs. All of these participants described how their understanding of the harm they caused was expanded, resulting in a larger context of their understanding of harm. As Ashley notes,

*Um, actually I didn't think that far until I went to the circle and they were talking about the harm...like you only think you are harming like, say like the store owner, but you are really harming like a lot higher...because before [the program] I was just thinking like, oh you can take anything (Ashley, restorative conferencing program, May 19<sup>th</sup>, 2010).*

Some of these participants (n=4) discussed that after their experience in the program, this understanding of harm was substantially widened, creating almost a ripple effect. These offenders explained that they initially thought they were the only ones being

harmed by the crime, but after the program, they were aware that other individuals were also harmed. Most often this included the offender's family members, friends, and the community. As Susan, Mike and James describe:

*It's crazy because I always thought I was the victim, but really I was hurting everyone else, I was the one making everyone else victims because of what I was doing (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

*It helped me sort of figure out that the consequences are greater than just the people that I actually committed the act against...it just made me realize that even the smallest acts can cause a great deal of harm towards like myself, my family, and the victims as well (Mike, restorative conferencing program, May 19<sup>th</sup>, 2010).*

*It [the program] showed me that harm, it can affect many people right. Like it doesn't just affect the person [victim]. Like it affects my mom and my parents and my family 'cause they were pissed off, they didn't want to see me go to jail or do stuff like that right (James, VOM program, August 10<sup>th</sup>, 2010).*

This transformation in their understanding of harm also related directly to their future behaviour in terms of a heightened sense of self-awareness and responsibility. Many of the offenders (n=6) discussed that after realizing the harm that was done from their actions, either through dialogue with the victim or community members, they made choices in the future that reflected this<sup>1</sup>. As Justin and James note:

*It made me think that if you make stupid decisions it may cost people a lot of time, money, and effort...so it made me realize that for every action there is a reaction (Justin, restorative conferencing program, May 20<sup>th</sup>, 2010).*

*It just made me realize like, I got to think before I act, I am not just going to go out and get wasted and paint the town red, the main thing is to think about your actions and the future. And for every action there is going to be a reaction (James, VOM program, August 10<sup>th</sup>, 2010).*

**Repairing the harm.** All of the participants interviewed noted that as part of their role in the programs, they were responsible for repairing the harm (n=10). Here, the

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<sup>1</sup> This will be discussed in more detail in the section on "outcomes" under the heading "heightened sense of self-awareness/responsibility"

offenders often referred to “coming to an agreement” or “setting the goals” when discussing this role. For the participants in this sample, reparation included a variety of measures including: apology to the victim (n=5), community service (n=3), restitution (n=3), self-reflection essay (n=2), artistic drawing, and community programming (n=1).

For some offenders (n=3), the outcome measures that were completed as a result of the program were described as being the most useful aspect of the program for them, while most others (n=4) reported positive experiences with the reparative measures. Two offenders noted that they were happy they had been caught for their crimes, because if not, they would not have been able to experience the immense satisfaction gained from the reparative work. As Ashley notes in relation to a caseworker she had to meet on a weekly basis as part of her measures:

*Sometimes I think like, if it wasn't for me making my mistake, I probably wouldn't have been able to meet \_\_\_\_\_ [the case worker] and she was actually like probably the nicest person I've talked to (Ashley, restorative conferencing program, May 19<sup>th</sup>, 2010).*

Mike explained that the reason why he considered the measures to be so useful was because they are decided collectively in a fair manner that he viewed as both meaningful and achievable for him to complete. Likewise, Susan also discussed the measures as the most useful aspect of the program for her. As she explained, she had to write a self-reflection essay on her life leading up to the offence. This exercise forced her to reflect on the choices she had made thus far in her life and realize what she needed to work on in the future. Furthermore, Susan was in college for architectural design before she had to drop out due to her drug addiction and as an additional measure, she drew an architectural sketch of the community organization at which she completed the

restorative justice program. As she explained, this exercise helped engage her interest in an activity that made use of her talent and bolstered her self-confidence.

*They find things that you are interested in, right, like or what your talents are. You know I went to school for two years for architecture, so that's why I drew the picture for them sort of thing. [...] And ya know, that...it makes you feel good about yourself sort of thing right. (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

Another offender had to seek individual counselling on a weekly basis with a social worker as a component of her measures. As she explained, this was the most useful component of the program for her because she had since developed a good relationship with the social worker who she saw as part of the conditions of the restorative justice program. She continued seeing the social worker on a weekly basis even after her restorative justice program was completed. As she explained:

*I think it was pretty useful for me to talk to \_\_\_\_\_ [the case worker], because it kind of opened up like, she also had access to like, finding out like certain things, 'cause at the time I had problems with like...like I was living on my own and it was just like, everything was just like, like a big hit. And \_\_\_\_\_ was kind of there to like break it down, like my life for me and she was trying to find like different summer jobs that I could apply for and stuff. So that was very, probably the most useful" (Ashley, restorative conferencing program, May 19<sup>th</sup>, 2010).*

Nohl explained that during the mediation, the victim expressed that she wanted him to volunteer with elderly people to gain a different perspective on life, which as he later explained helped him to have a better understanding of how his actions affect the larger community. As he explained:

*Like working with old people you learn a lot of stuff from them you understand more what you do to the community and what you do to everyone [...] but the program was very useful just because, like, having to go through the mediation, I would never have met the lady [the victim] and I never would have worked with old people and learnt a lot from them (Nohl, VOM Program, August 12<sup>th</sup>, 2010).*

For three out of the four offenders in the VOM program, the outcome measures were not as meaningful. Alex explained that he had already taken it upon himself to seek anger management, mental health treatment, and restitution for the victim before he even went into the victim-offender mediation program. As he explained, he is a different kind of person and he had to deal with the situation immediately instead of depending or waiting on the restorative justice process to help him:

*I am a different kind of person, like when things like that occur and I do something that is wrong, I have a really big conscience, um, some people do some people don't, I had to deal with it right away because I felt like a bad person, and until I could do something to make myself feel better...um, because the court system is slow, and so I would have had to wait like two or three months...and I am glad I did it when I did it because I wouldn't have been as far along, it would have put me back (Alex, VOM program, August 18<sup>th</sup>, 2010).*

Another offender explained that he was just completing the measures to look good for the court and because it was what the victim wanted. This individual suggested to the victim that he would complete yard duties around his house; however, the victim did not agree to that and instead, insisted he take drug and alcohol education as well as anger management programming. As such, this participant explained that his experience with these programs was not that useful.

*I went through the whatever, rehabilitation course and the anger management and stuff...and I don't know, that kind of just pissed me off because I didn't want to do that again (James, VOM program, August 10<sup>th</sup>, 2010).*

Finally, Ryan had to contribute a \$300 donation to a charitable organization to repair the harm. He viewed the donation as a quick alternative to get everything over with. As he described:

*He [the victim] wanted me to do community service and at that point I was working nights so I said no I don't have time for that and I turned around and I said I will donate money to a charity [...] so it was just a quick, I mean it was an*



*hour and you just said what you wanted and then you came to an agreement (Ryan, VOM program, September 9<sup>th</sup>, 2010).*

### **Significance of Victim Participation: Variation in Offenders' Experiences**

**The victims' presence and impact on participants.** Many of the offenders (n=7) noted that they did not recognize the victim at all until they participated in the program regardless if the victim was present during the restorative process. When the victim did participate directly in the program, offenders reported that their understanding of harm increased.

In half of the cases, the victims participated in the programs. One offender in the restorative conferencing program reported having a victim present during the process, whereas all four of the offenders in the VOM program reported having the victim present during the process. Most of the offenders who had a victim present during the program discussed that this had a profound impact on them. They explained that meeting the victim was the most useful aspect of the program. One offender explained that meeting the victim clarified the harm he caused:

*It showed you who the victim was, otherwise you wouldn't really think too much of who they were or how much it cost and everything. And then I realized that it cost like \$650 for the window, his time was valuable for starting up a business, so I realized that I cost him time and money (Justin, restorative conferencing program, May 20<sup>th</sup>, 2010).*

Nohl said that meeting the victim had a large impact on his understanding of harm. For him, listening to the victim explain how she was affected by his actions forced him to have to put himself in her shoes. As he explained, it forced him to empathize with the victim:

*Actually talking with the lady [the victim] and sitting down with someone you know you hurt and like listening and hearing her story and ya know...because I had to*

*put myself in her shoes, 'cause just even myself, just knowing that someone took something away from me without my permission and knowing like what they could have done [...] it made me really understand where she was coming from and understand like how she was being hurt. So like for me it gave me, like before I was an outsider looking in, so it gave me a different perspective (Nohl, VOM program, August 12<sup>th</sup>, 2010).*

For these participants who discussed the important impact that the victim had in the process, they all discussed gaining a sense of closure after meeting the victim. For example, Justin explained that being able to apologize and pay restitution to the victim allowed him to have closure. Furthermore, another offender said that knowing that the victim was able to have closure and forgive him allowed him to do the same for himself.

As he explained:

*Like for me, I was actually able to move on just knowing that one person that I did harm to she was able to get over it just because like she wanted me to learn from the situation, so she was able to get over it and move on and not let it affect her life anymore and I was able to do the same, just by us talking and communicating (Nohl, VOM program, August 12<sup>th</sup>, 2010).*

Two offenders who had a victim present had different experiences in terms of their understanding of the victim and harm. Alex described that meeting the victim did not change his understanding of harm because he had already had this understanding prior to the program. As he explained it, he knew he had harmed the victim, who was his boyfriend at the time, as soon as he had committed the offence, because they were in an intimate relationship together.

Ryan explained that he did not view the victim as the one who was harmed in the situation and as such, meeting the victim did not impact his understanding harm. He explained that he was not responsible for committing the assault against the victim. Instead he viewed himself as the victim and for him, meeting the victim was more of a

way to understand the circumstances surrounding the altercation than to understand how his actions had affected the victim. Both of these offenders participated in the VOM program and also knew the victims prior to the mediation.

**Victim's absence and impact on participants.** Five of the offenders interviewed did not have a victim present during the program. Regardless of this fact, almost all of these individuals (n=4) still described coming to a new understanding of harm in terms of how their actions impacted on the victim and the larger community. All of these offenders participated in the community conferencing program and it appears the community members played a large role during this process in highlighting the inclusion of victims. One offender reflects on this issue by saying:

*When I was in council with the ladies, they let me know of my own physical being and power umm...I know I am a big guy and I know what I did was wrong and if I was in that persons [the victim] position I would totally understand where she was coming from and what she did and why she did it (Bruce, restorative conferencing program, May 20<sup>th</sup>, 2010).*

Two offenders discussed that not thinking they were harming anyone while they were committing their offence allowed them to justify their actions. Susan discussed how she used to justify stealing from Wal-Mart because she did not think she was hurting anyone individual. It was not until she was able to share dialogue with the community members that she realized that she was in fact harming with her shoplifting. As she explained, the community members helped her understand that her actions impact consumers through rising prices and her family in terms of the stress and worry she had put them through.

Another participant described that although not seeing a direct victim may have justified the crime at the time, he still did not see how his actions caused harm to others even after completing the program. He said,

*I wasn't seeing a victim because it was one of those big stores. Maybe one thing of understanding why this happened, still I don't see a victim. If you tell me that I would be involved in hitting somebody I would say never, because I would see that as a human being, it would be impossible. But being a big corporation or being a...it just made it foggy. There was nobody harmed. So maybe this even justified it for me (Scott, restorative conferencing program, May 28<sup>th</sup>, 2010).*

### **Outcomes of Restorative Justice Programs**

The offenders reported a number of benefits they acquired from the restorative justice programs regarding their future behaviour. These include a re-evaluation of their goals, a heightened sense of self-awareness/responsibility, threat of a criminal record, and a change in their role within the community.

**Re-evaluation of goals.** Some of the offenders (n=4) described that the program forced them to re-evaluate their lives and re-focus their future goals. As Susan explained, the program helped her to get her life back on track by showing her that there are other options and choices she can make in the future to better her situation. Nohl said that going through the program helped him to have a different mentality on his life and his future behaviour:

*It just made you realize like if you are really going to act or walk this trail for the rest of your life, you are going to be headed this way for sure. Like it made me I guess re-evaluate my life at that time and be like "ok you have to change and you have to do the right thing [...] so it gave me a different mentality on the way to do things. 'Cause like honestly I feel like if I didn't get in trouble I probably would be doing the same things now. 'Cause it was that wall that I needed to go over, like it was basically saying if you didn't go through the program, like what would have made me stop right? The program it was the punishment I needed to be able to move on, and to do something useful instead of always doing harm to people (Nohl, VOM program, August 12<sup>th</sup>, 2010).*

**Criminal record.** Just under half of the offenders (n=4) discussed that what impacted their future behaviour the most was the fact that they knew if they were to get in trouble again, they would have a criminal record. As one offender explained:

*I was grateful for a second chance, and definitely I won't be doing anything criminalistic again. Cause you really only have one chance and then you know, but I think it's amazing that you get a second chance (Mike, restorative conferencing program, May 19<sup>th</sup>, 2010).*

Ashley also discussed how the program gave her a second chance. As she explained, having a criminal record would have been both stigmatizing and limiting of her future goals. As she noted:

*I am going into business so it's interesting 'cause this program helped me cause, if I have this on my record they wouldn't see this as me like only stealing two eyeliners, they would see it as like oh she stole before and that's the kind of person she is. But with this program they give you a second chance because not everyone steals or will steal again (Ashley, restorative conferencing program, May 19<sup>th</sup>, 2010).*

**Heightened self-awareness/responsibility.** Another interesting finding was how many of the offenders (n=6) discussed that the program gave them an increased sense of self-awareness and responsibility for their future behaviour. They often described that after they completed the program they were more aware of how their actions have consequences and can impact others. For example, as one offender explained:

*I have to like, really be responsible for my actions and I mean before I was just kind of coasting through life and I didn't really have a care or a worry about anyone else but I think this program really showed me that I need to be responsible for my actions and care about others (Mike, restorative conferencing program, May 19<sup>th</sup>, 2010).*

Other offenders explained the program made them realize that “for every action there is a reaction.” For example, one offender explained he had been in trouble before,

but this program really helped to make him more aware of how his actions have implications on others and as he explained, it was a good “eye-opener”:

*It showed me that I am responsible for my actions whether I am wasted or not. It made me think that if you make stupid decisions it may cost people a lot of time, money, and effort. [...] So to think about stuff before I do it. Think about my actions. 'Cause that was actually, there were a couple of incidents before this one. And the last one there [the restorative justice program] was kind of a nice eye-opener. Ya know, I just realized that with every action there is a reaction and that it costs money and time (Justin, restorative conferencing program, May 20<sup>th</sup>, 2010).*

In addition, some offenders (n=3) explained that the program reinforced or helped to strengthen their understanding of responsibility in the future. For Nohl, going through the program helped him to realize that he had to be more mature and responsible in terms of his future behaviour, which can also be attributed to a self-interested approach:

*It makes you know that like everything you do in life you are going to be accountable for, you know what I mean? So it made me really know that like there are consequences for everything, like especially for me, I thought that like, hey nothing can happen to me I am invincible, but I guess going through that really put me back down to earth, it makes you understand that you have to be more responsible and just be more careful, the things you do (Nohl, VOM program, August 12<sup>th</sup>, 2010).*

**Role in the community.** One of the most interesting themes in the data is how some of the offenders described how their role in the community had changed as a result of their participation in the program. As James notes:

*It showed me that I am no different from anyone else. Like everyone else deserves peace just as much as I do right. Like they don't deserve to have eggs thrown at their house, and for me not to have any repercussions of my actions, therefore I realized that I am not just the only one in the community, I can't just go around doing stupid stuff (James, VOM program, August 10<sup>th</sup>, 2010).*

For some of the offenders, volunteering in their community as part of their program helped them to change the way they view their role in the community. For

example, three of the participants who completed community service explained that volunteering had a large impact on their perception of how their role in the community had changed. They explained that it helped them to realize they are actually part of a community. One offender described, in her experience in being part of a “community clean-up”:

*It makes you feel good about yourself [...] It makes you feel ya know you are part of the community, that you are definitely part of the community again” (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

Similarly, Nohl explained that by helping elderly patients in an Alzheimer’s unit he felt he had put his role back into society while at the same time doing something useful to help other people. Mike also had to complete community service as an outcome of the program. Interestingly, as he explained, approximately one year after he completed the program, he is still volunteering with the same community organization he volunteered with during his participation with the restorative justice program. In his words, the program helped him to become a better citizen and to recognize there are other people who are less fortunate in his community.

Two of the participants have since become involved with the same community organizations which hosted their restorative justice programs. At the time this research took place, Susan, was in the process of becoming a volunteer at the community organization at which she completed the community conferencing program. As she explained, being able to share her story with the community members during the process made her feel like she could help other people. Likewise, James actually became a volunteer mediator at the VOM program he had participated in, because he wanted to help other individuals who had been in a similar situation. He explained that he thought

the program was a good way to help other people and he has since completed training to become a victim-offender mediator.

For one offender in particular, the experience he had in the community conferencing program encouraged him to become a mentor and role model for other youth who may be in conflict with the law. He explained that the skills demonstrated and learnt in the community conferencing program, such as talking through his problems with the community members, changed how he viewed his role in the community. His explained that his experience in the program gave him the confidence and motivation to become a mentor for other youth, specifically First Nations youth, not only in his community, but throughout the province. As he described:

*It [the program] impacted me pretty big like I said, it helped me grow as a person and it helped me become more responsible of who I am and what I can do towards other youth, who are having troubles, who are in trouble. And letting them know about my experience [...] and give them a certain understanding of who I am and where I have come from and what not to do and what to do to go through life and to make themselves more richer in understanding and knowledge” (Bruce, restorative conferencing program, May 20<sup>th</sup>, 2010).*

Not all offenders reported benefits from the restorative justice programs. Two participants explained that the program did not have a significant impact on their future behaviour or their role in their community. These offenders came from both programs. One of these participants came from the restorative conferencing program and one from the VOM program. Both were older and had taken some initiative to change their behaviour before they accessed the restorative justice program. As explained previously, Alex had sought mental health counselling and paid restitution before the mediation. Thus, although he thought the program was good and provided him with some closure in



terms of his relationship with his partner, he felt that he had already accomplished the objectives set out by the program.

Additionally, Scott had turned himself in to the authorities because he wanted to stop shoplifting and as he explained, the program did not necessarily provide him with any benefit. As he noted:

*I am happy the program was there but it didn't give me anything because as I told you I had already done all the work myself [...] so the program just because it was there it was good. The program for me was the way to get out of the situation. But all other aspects involved in this situation it was my work (Scott, restorative conferencing program, May 28<sup>th</sup>, 2010).*

Two of the participants (Alex and Ryan) re-offended since they completed the restorative justice program. For the purpose of this study, re-offence was defined as any further criminal charge since program completion. These offenders were both from the VOM program. For Alex, the new charge was a breach of his conditions from the original mischief charge stemming from a domestic violence violation, and for Ryan, the charge was more serious as he had to serve approximately four months in jail for possession of cocaine.

As Alex explained, after the mediation took place he began seeing his partner again. Because this was against the conditions set by the judge, he was caught by the police, and charged with a breach of his conditions.

Ryan explained that since he left the program his behaviour had gone downhill because of a cocaine addiction. He believed the program did not help him understand anything new about his future behaviour. He stated that the reason he re-offended after participating in the restorative justice program was a result of the peer group he associated with at the time and his drug dependency problem:

*I went downhill after that [the program]. I got into the wrong crowd and I got into cocaine for a year and then came more charges and I just got more stupid. But it was more the people I was hanging around with (Ryan, VOM program, September 9<sup>th</sup>, 2010).*

### **Recommendations to Increase Meaningfulness**

All of the offenders agreed that they would recommend the program to other offenders. In most cases (n=7) they explained that it could help benefit others because it prevents one from having a criminal record. Some offenders (n=3) discussed more intrinsic reasons as well. As discussed above, these participants explained that going through the program helped them to move on with their lives in a positive way. Nohl explained:

*It really gives you the opportunity to learn from your mistakes right? They don't want to put you into the criminal justice system for the rest of your life if you can actually do something to fix it and just put what you did behind you and actually be able to move on from it and actually learn while you do it? Then for sure I would tell them to actually do it (Nohl, VOM program, August 12<sup>th</sup>, 2010).*

In addition, some offenders explained that there were other components that contributed to the success of the program. Interestingly, three offenders explained that the practitioners contributed greatly to the success of the program for them. For example, these offenders discussed that the practitioners were important because they helped to guide them through the process. Furthermore, Justin explained that because of the connection he had made with the practitioner in his program, he felt encouraged not to re-offend in the future. Finally, two other offenders explained that having supportive family and peers was also an important aspect that contributed to the success of the program.

Half of the participants explained that they would not recommend anything to make improvements to the programs. The other half (n=5) offered recommendations. For most of these participants, the issues were around timing. Two offenders felt that the

process would have been more useful if they had been able to spend more time with the victim during the mediation. Nohl discussed:

*I would say more time with the victim, I had like maybe I would say an hour with her, and like that's a lot of time ya, but like I would have liked to talk to her more and really get, like communicate with her more (Nohl, VOM program, August 12<sup>th</sup>, 2010).*

For Bruce, there was almost a six-month gap between the time he was charged and the time that he participated in the program. As he explained, he did not know about the program during this time and felt it would have been more useful to not have to wait so long. Finally, Justin explained that the only thing he could think of was that he did not like one of the community members who participated during the program. He discussed that he felt this community member made him look like a “jerk” and almost made him say things that he did not want to say. In retrospect, he understands that people are people and there is not much you can do about that.

### **Summary of Findings**

In sum, results illustrate that access to restorative justice programs is achieved through the courts. All but two of the participants in this research joined their restorative justice programs voluntarily. Those two offenders, one from each of the programs under study, alluded to coercion by criminal justice professionals.

Most offenders (n=7) felt that the most important benefit of the program was the second chance given in terms of not having a criminal record. Additional reasons were: the importance of learning from the experience, preventing the harm from occurring in the future, understanding the harm caused to the victim, and taking responsibility.

Moreover, significant features of the programs were highlighted by the offenders. Dialogue, transformation in understanding of harm, and reparation of harm were all

important features that added meaningfulness and purpose for the offenders. The offenders' understanding of harm appears to increase both with the victim presence and without. The community members appear to add to this understanding of harm in the victim's absence. Empathy and closure, however, were unique qualities reported only by the offenders who had a victim present.

Additionally, most offenders (n=8) explained that the programs made a large impact on their future behaviour. Many offenders noted they re-evaluated their lives and re-focused their goals, did not commit further crime due to the threat of having a criminal record, became more self-aware and responsible, and took on positive roles in their communities. Most offenders (n=8) did not re-offend in the year after program completion, but two offenders from the VOM program did re-offended within a year of completing the program.

## **Discussion and Conclusion**

Before discussing the results it is important to outline the limitations of the current research. Self-selection bias is an inherent limitation when researching programs such as restorative justice. For example, the type of participants who volunteer to participate in restorative justice may be inherently different from those who do not, which may by itself predict outcomes regardless of the program (Sherman & Strang, 2007).

Furthermore, the small number of participants also impacts the ability to make any reliable generalizations. Time spent volunteering at the community organizations and the nature of the interviews helps to add depth to the research; however, this research also introduces a weakness of demand characteristics which may have caused some of the participants to give socially desirable answers as opposed to honest answers. Moreover, this data can be used to make recommendations to enhance the meaningfulness of restorative justice programs for offenders, but the recommendations have to be viewed in light of the small sample size, which restricts any generalizations that can be made with this data. As well, although the interviews provide a retrospective account of the restorative justice programs, more longitudinal research is necessary, especially given current research suggesting the beneficial effect of restorative justice (compared to court) fades after approximately three years (Bergseth & Bouffard, 2007). Finally, the current results are not intended to establish the effect of particular factors on the impact and usefulness of these programs. Instead, as discussed previously, the purpose is to provide insight on how offenders report the impact and usefulness of these programs.

Nonetheless, based on the findings, there are conclusions made that require further discussion. The voluntary nature of restorative justice programs has been

previously debated in the literature and the current results add to this discussion. In the following section, the voluntary process in restorative justice programs and the criminal justice system will be discussed. Further, several important features of the programs were presented by the offenders which strengthen and support the theoretical principles of restorative justice. The importance of dialogue and voice for offenders, understanding of harm, and the importance of reparative work and continued growth will be discussed. The current research also sheds light on some outcomes for offenders in terms of the impact the program had on their reported future behaviour. Finally, it is important to discuss race, culture, and age considerations to bring attention to differences between offenders and explore areas for future research. In the following section, I will discuss these patterns that have emerged and how they relate to the literature, followed by policy recommendations based on these patterns.

### **The Voluntary Process in Restorative Justice Programs and the Criminal Justice System**

The idea that restorative justice programs are voluntary has been debated (Choi, Green, & Kapp, 2010; Coates, Burns, and Umbreit, 2002; Karp, Sweet, Kirhenbaum, and Bazemore, 2004; Shapland et al., 2007; Umbreit, Coates, and Vos, 2001; Umbreit, 1999; Zernova, 2006). In many instances offenders are referred to restorative programs by the courts as a condition to either reduce their sentence or ensure the absence of a criminal record. As such, to many the participation in these programs can not accurately be described as voluntary. The current research supports these findings as according to many of the offenders interviewed, not having a criminal record as a result of completing the program was a significant reason for participating in the program. Likewise, to many of

the offenders interviewed, the opportunity of not having a criminal record was described as allowing them to have a “second chance.” In turn this was also a reported motivating factor contributing to the success of their future behaviour in terms of not re-offending.

Generally, restorative justice is conceptualized as an opposing structure working independently of the traditional criminal justice system, but the current research shows that the criminal justice system works closely with the restorative justice programs (Zehr, 1990). All of the offenders interviewed in this research gained access and initial information about the restorative justice programs from criminal justice professionals.

Somewhat troubling is that a small portion of the offenders (n=2) were pressured by criminal justice professionals to participate, suggesting that the theory of restorative justice as a voluntary process is not always achieved in practice. While avoiding a criminal conviction was a significant factor for many offenders choosing restorative justice programs, they also underscored the beneficial value that the process offered them. As Susan notes:

*Yeah, I mean definitely it made me realize that I can make somebody of myself, I don't have to be going and doing all this ya know, criminal activity, and that I am better than that ya know. (Susan, restorative conferencing program, July 1<sup>st</sup>, 2010).*

### **The Program's Purpose**

**The importance of dialogue and voice for offenders.** Participants in both of the programs under study described differences between restorative justice and the traditional criminal justice system. The results suggest that the ability to participate in dialogue was extremely meaningful and significant for the offenders as an essential component of the programs. Previous research suggests that allowing the offender to have a voice in the proceedings can increase their view of satisfaction and increase their perception of

fairness with restorative justice as opposed to the traditional criminal justice system (Beven, Hall, Froyland, Steels & Goulding, 2005; Coates, Umbreit & Vos, 2003; Latimer, Dowden & Muise, 2005; Strang, Sherman, Newbury-Birch & Inkpen, 2006). In addition, in the current research, offenders also reported that explaining the context surrounding the crime allowed the offenders to remove the “criminal” label and begin the process of closure, showing support in terms of the re-integrative and healing nature restorative justice dialogue can have for offenders (Umbreit, 1999). As Bruce notes:

*I met with local people who I talked about my problems with and let them know, give them a better understanding of who I am and not the crime that really labels me. It was interesting to meet different people and to let them know about me and not what I've done...and when I got finished what I did was I came back in here and I talked with a bunch of youth. I talked with a lot of high school students who had troubles with the law, and I kind of let them know the different opportunities that can evolve from this and the goodness they can have (Bruce, restorative conferencing program, May 20<sup>th</sup>, 2010).*

### **Understanding of Repairing Harm: The Transformative Nature of**

**Restorative justice.** Viewing crime as harm against someone rather than just a violation of law is at the center of restorative justice theory (Kuo, Longmire & Cuvelier, 2010; Zehr, 2002). The current research found that this idea was a strong component in both restorative justice programs and was expressed in the offenders' views. Many of the offenders discussed that through their experience in the programs, they were able to see the harm caused by their offence through dialogue with both the victim and community members.

Previous research suggests that allowing the offender to meet the victim humanizes the offender's understanding of harm and promotes empathy and closure coming out of the process (Abrams, Umbreit, & Gordon, 2006; Choi, Green & Kapp,



2010). The current results found that some of the offenders who met the victim reported an increase in the fostering of closure and empathy. As Justin noted:

*I realized that the victim is just a hard working person ya know, him and his partner they are trying to get a business started they are getting their gym going, and I took some time and money out of their hands there kind of thing, and added some stress to their lives (Justin, restorative conferencing program, May 20<sup>th</sup>, 2010).*

Regardless, of victim presence, most offenders reported an increase in their understanding of harm. For the offenders who did not have a victim present, they reported that the community members helped them come to this understanding.

For the majority of the offenders (n=3) who met their victims, this experience was described as being the most useful component of the program for them. Even the offenders who did not report a dramatic transformation after meeting the victim still explained that this meeting provided closure or cleared up discrepancies surrounding the harm.

Prior research has found that the process of restorative justice can have a responsiblizing effect on the offenders in terms of strengthening moral reasoning and changing attitudes after being confronted with the consequences of their actions on the victim (Grey, 2005). A large portion of the offenders interviewed explained that this experience made them more conscious of their actions and allowed them to have a greater sense of self-awareness and responsibility for their future behaviour, thus supporting current academic findings.

Moreover, the results lend support to previous research which demonstrates offenders gain meaning and often a transformation in their understanding by dialoguing with the victim (Abrams, 2006; Calhnoun & Pelech; Choi, Green, & Kapp, 2010). For

example, some of the offenders explained that through the process they came to an understanding of how they were able to justify the crime and through the process negate techniques of neutralization. Research has not explored how this process occurs when the victim does not participate during the program. For the large majority of offenders (n=5) in the restorative conferencing program who did not have a victim present, they still described going through a transformation in their understanding of harm. Often the community was able to take on the role of the surrogate victim and help the offender understand the impact of their actions. This lends support to the important role surrogate victims can play, in this case the community members, when face-to-face contact is not possible with the victim (Umbreit, Coates, & Vos, 2007).

**Importance of reparative work and gateway for continued growth.** The current research highlights the importance of collectively devising outcome measures for the offenders. For some this was described as the most useful aspect of the program. For example, volunteering in the community, and other more personalized measures (e.g., self-reflection essay and drawing), appeared to help the offenders understand that they had a role in the community as well as increase their sense of self-worth.

These results lend support to the idea that restorative justice can have a rehabilitative component, for example, by providing an opportunity for offenders to be actively engaged, often for the first time, in roles that can allow them to gain valuable skills and see themselves in a new light (Bazemore & O'Brien, 2002; Robinson & Shapland, 2008). Unlike the traditional rehabilitative approach, restorative justice has an advantage in that the offenders are active participants in deciding desired reparative and rehabilitative outcomes (Roche, 2003). Furthermore, previous research has suggested that

offenders who participate in the decision-making process are more likely to comply with the terms (Beven, Hall and Steels, 2006; Calhoun and Pelech, 2010; Poulson, 2003; Umbreit, Coates and Vos, 2002).

Interestingly, some of the offenders from the VOM program did not appear to attach the same meaning to the reparative measures, such as the individual who completed drug and alcohol education who explained he found it more annoying than anything and did it for the victim more so than for himself. This is also consistent with research which has found that offenders have expressed more neutral or negative experiences in terms of their reparative measures (Stahlkopf, 2009).

The current research also lends support to the idea that restorative justice is part of a meaningful process of reform and personal growth (Abrams, Umbreit, & Gordon 2006). Many of the offenders explained that the program acted as a “wake up call” for them to get their lives back on track. In addition, the program acted as a gateway to help offenders become more aware of their role in the community and services that are available. Some examples are: the offender who became a mentor for other youth, another offender who began attending counselling services, and another who explained the program helped her on the road to recovery by showing her that she can do something positive with her life.

### **Looking at Recidivism**

Although a reduction in re-offending is not the sole objective of restorative justice, it is a purported benefit of many programs and often a key concern for policymakers (Bergseth & Bouffard, 2007). The current research found that eight of the ten offenders remained crime-free, meaning no subsequent charges ensued,

approximately one year after program completion. Although the recidivism rate was 20% in this sample, it is difficult to formulate any implications based on this finding. The reason being is that no control group was employed to compare this sample with offenders processed through the court system; however, previous research has found similar re-offending rates for offenders who participated in restorative justice programs and higher re-offending rates for offenders processed in the courts. McCold and Wachtel (1998) found that recidivism rates of offenders who participated in restorative justice after 12 months were 20%, while those in court demonstrated a 48% recidivism rate. Likewise, Umbreit, Coates, and Kalanj (1994) found that 18% of offenders who participated in a VOM re-offended within one year compared to 27% of offenders who went through the courts. Nevertheless, as Latimer, Dowden, and Muise (2005) note, the number of evaluations that have examined the issue of recidivism is insufficient to form any definitive conclusions and the findings that are available indicate slight reductions in recidivism rates of offenders within restorative justice programs compared to the traditional system.

Moreover, the 20% reduction in recidivism found in the current thesis cannot be definitively attributed to the restorative justice program but the transformative process reported by the offenders provides some indication that the experience in the restorative justice program encouraged them to change in terms of future involvement in crime. As noted previously, however, caution should be taken when interpreting these findings due to the fact that the sample may be biased to begin with, thus, already possessing some motivation to change. As Abrams, Umbreit, and Gordon (2006) explain, the larger

question of how to understand, in a qualitative sense, how voluntary restorative justice programs actually reduce recidivism remains to be seen.

Research suggests that additional factors, such as delinquent peers and substance abuse, can contribute to greater chances of recidivism (Hawkins et al 1998; Lipsey & Derzon, 1998). Ryan had an addiction to cocaine at the time and was associated with a delinquent peer group which he attributed to be the primary reason for his re-offence. Research also suggests that the level of involvement in the process by the offender is important when assessing the effect of restorative justice on recidivism rates, for example, level of remorse and involvement in the decision-making process (Hayes & Daly, 2003; Maxwell & Morris, 2001; Daly, 2003) For Ryan, his level of remorse and meaning attributed to the outcome measures were both minimal. As he explained, he did not view himself as the offender but more so as the victim. He also indicated that paying restitution to a charitable organization was more of a way to get out of doing community service as opposed to repairing the harm in a meaningful way.

Furthermore, research suggests that cases involving family violence and cases involving a history of hostility or continuing problems, individuals may be more likely to re-offend (Davis, 2009). Interestingly, the other individual who re-offended in the VOM program was involved in a domestic violence situation where he was charged with breaching his conditions because he started dating his partner after the mediation. This is not to suggest that restorative justice will only work if the offender and victim do not have continued contact; instead, it is suggested that, in cases where there is a history of abuse between disputants, proper resources should be put in place that will continue to help restore the relationship in the future (if the participants so choose). Literature that

has discussed the use of restorative justice in cases of domestic violence has generally concluded that extreme caution should be taken and that increased resources are needed in addition to mediation or conferencing (Coker, 2006; Daly & Stubbs, 2006; Ptacek & Frederick, 2008).

Research shows that individuals with a prior history of offending are more likely to recidivate in the future after completing restorative justice programs (Abrams, Umbreit and Gordon, 2006; Calhoun and Pelech, 2010; Hayes and Daly, 2003). In the current research, two participants were previous offenders before entering the restorative justice program. Of these two, only one of these individuals committed an offence after completing the restorative justice program, demonstrating that offenders with a prior criminal record, who are at a higher risk of re-offending, do not always actually re-offend.

### **Race, Culture, and Age Considerations**

The current research was comprised of a small and culturally diverse sample; however, there are not enough members of any one culture in this sample to draw any strong conclusions about effects of culture. Nevertheless, this is still an important area that needs to be explored in future research.

Some of the older offenders (n=2) had different experiences from the other participants. These individuals noted that the program did not change their perceptions of responsibility, harm, or future behaviour because they already had these values before entering the program. For them, the program was more of a tool to get out of the situation, suggesting perhaps that older offenders have more entrenched norms whereas younger offenders are more prone to learning new life skills. As one offender explained:

*My morals, my understandings, my ethics, my everything...every aspect of myself, haven't changed because this is the way I was before, and this is the way that I am now (Scott, restorative conferencing program, May 28<sup>th</sup>, 2010).*

Finally, there were no noticeable gender differences between the two female offenders and the eight male offenders. This could be due to the very small number of women in the sample. Future research needs to focus on the impact of gender on restorative justice programs (outside the interpersonal violence experience) and could benefit from understanding the intersectionality of gender, race and class, and how these issues impact on restorative justice program outcomes.

### **Policy Recommendations**

Results from the current study can help to inform policy in a number of ways. First, it is important that both community organizations and criminal justice representatives ensure offenders are voluntarily participating in the programs and informed of their right to be represented by counsel. Coercing an offender to participate could result in the offender viewing the program as punitive and could also increase the risk for re-victimization. Future programming would benefit from having restorative justice program workers in the courthouse to represent the principles of the programs first-hand, but many of these programs have limited funding and may not be able to provide such services. Nevertheless, training and brochures should be provided to criminal justice professionals and offenders to better explain the purpose and underlying aims of programs. This would also create an increased awareness of the programs availability.

Secondly, offenders reported that reparative or outcome measures had a significant impact on their future behaviour and added intrinsic meaning to the process.

As noted, some offenders found the outcome measures to be more of a nuisance than meaningful. Future programs should hone in on the strengths of the offenders and come up with meaningful reparative measures that are achieved through a collaborative manner with all stakeholders, to the extent possible.

Finally, funding would be useful to continue evaluative research on both the process and outcomes of restorative justice programs. Follow-up with participants is also essential to continually monitor the outcomes of these programs to ensure they are meeting the needs of offenders.

## **Conclusion**

The subjective experiences of offenders in restorative justice programs are understudied (Abrams, Umbreit, & Gordon, 2006). The current research employed in-depth, qualitative interviews with ten offenders comprising of two restorative justice programs in Southern Ontario: restorative conferencing and victim-offender mediation. The current research explored the meaning, purpose, and impact of restorative justice programs from the subjective experience of offenders and made recommendations based on the results to make the programs more meaningful for this group. The current research has satisfactorily saturated the theoretical and conceptual framework of the overall thesis.

Results from this study suggest that, most of the time, the offenders reported the programs to be a voluntary process. However, some signs of coercion to participate were reported by few offenders. In terms of the purpose of the programs, while avoiding a criminal conviction was reported as a significant motivating issue for the offenders choosing to participate in the restorative justice programs, intrinsic reasons which follow the theory of restorative justice were also cited.



Significant features of the programs were presented which shed light on the meaning and purpose of these programs from the offenders' point of view. Here, the ability to participate in dialogue with the victim and community members was described as aiding in the reduction of stigma surrounding the crime, while for others, the programs fostered feelings of closure and empathy. Repairing the harm was another significant feature of the programs which offenders reported as helping to increase their self-confidence and get them back into positive activities in the community.

Furthermore, various outcomes measures were found to be important. Many offenders explained the program encouraged them to re-evaluate their future goals. Likewise, many offenders reported becoming more self-aware and responsible when it came to future decision-making after participating in the programs. For other offenders, their role in the community had changed significantly since program completion.

In addition, recidivism rates were mixed with only two participants reporting that they had re-offended. Future research should compare accounts of offenders who complete restorative justice programs compared to those who are processed through the court system. Moreover, this research should incorporate longitudinal research up to three or four years.

The above findings, while preliminary, provide grounds for future research recommendations. Firstly, further research should continue to explore the subjective experiences of offenders in restorative justice programs to better understand the various issues pertaining to program access, harm reparation, the impact of the stakeholder involvement, and outcomes of restorative justice programs.

Secondly, research should continue to look at differences based on offender and program characteristics. For example, future research should explore any differences based on gender, social economic status, neighbourhood and family composition. In addition, it would be interesting to see how the views of offenders differ depending on the type of crime committed. For example, how do these perceptions differ from a minor crime to a more serious crime? Moreover, how do factors such as program type and presence or absence of the victim impact the offenders' experience in the programs and their future behaviour? Finally, future research should continue to look at cases involving domestic violence and restorative justice.

Finally, the current research adds to the small body of qualitative research currently available in the academic literature. Qualitative research is needed to better understand the depth of the process from the subjective experience of program participants: to understand better the dialogue process, the emotions connected to these processes, and the connections made with the victims. To do so requires a focus on the dynamics of restorative justice interactions, rather than broad generalizations (Hayes, 2006).

In light of the current findings, we cannot lose sight of the important role restorative justice can have in the current criminal justice system. As these programs continue to be cut in place of more "efficient" or "punitive" programming, research continues to provide support for the meaningful interactions and realizations that offenders report experiencing in restorative justice programs.

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## Appendix A

Dear Participant,

This letter is to introduce myself. My name is Laura MacDiarmid and I am a student at the University of Ontario Institute of Technology. I am completing my Masters degree in Criminology. In doing so, I will be completing a research project using qualitative methods.

As part of my project, I am conducting interviews with recipients of restorative justice. I have been granted ethics clearance to conduct this research from the research ethics board at my university. I will be audio taping this interview, and transcribing it with the others so that I may put the information together for my final project. All interviews will be kept anonymous and confidential, meaning that no identifiers (i.e. names, nicknames, or names of community organizations) will be used at any time in the research process. Furthermore, I would be more than happy to supply you with a copy of the final paper if you so choose.

The purpose of my research is to understand better the meaning and purpose of restorative justice programs from offenders' perspectives. In doing this, I will be able to make recommendations to avoid disconnect in the programs and enhance their effectiveness.

According to ethical guidelines, I am asking you to sign the accompanying informed consent form. If you are uncomfortable signing the informed consent, I would ask that you verbally agree to the consent. This will confirm that there is no intent of deception or harm to you. I will keep the informed consent form, and provide a copy for you. I would like you to keep this letter, so that you may contact me if you have any subsequent questions.

My contact information is \_\_\_\_\_

Thank you for participating in this project.  
Sincerely,

Laura MacDiarmid

## Appendix B

Participant number: \_\_\_\_\_

I have read the attached letter and consent to the research study involving an interview with Laura MacDiarmid, a Master's student at The University of Ontario Institute of Technology, Oshawa Ontario. This research has received ethics approval by the Research Ethics Board of The University of Ontario Institute of Technology.

If I am uncomfortable in signing the informed consent letter, I have the choice to consent orally. This oral consent will be recorded on an audio recording device. I understand that Laura MacDiarmid will date and sign the informed consent letter indicating that I have the capacity to consent to this interview. I also understand that I will receive twenty-five dollars compensation for my participation in this project.

I understand that the researcher is ethically bound to protect my interests, feelings, and safety and that she will not knowingly say or do anything that might violate them. Because my identity is being kept totally confidential, the only possible risk that might come of this interview is that I might feel uncomfortable discussing certain topics or answering certain questions. If at any time I feel uncomfortable during the interview, I understand that I may stop the interview, request that it not be used for the study, or refuse to answer certain questions, without any jeopardy to current/future relationships or the compensation of twenty-five dollars. If I withdrawal from the study at any time, any data that I have contributed will be removed from the study. I understand that it is not the intention of the interviewer to make me feel uncomfortable. If at any time I have any questions concerning the project I will ask for clarification.

I understand that any information I provide will be kept confidential. However, if I disclose any violations of law or threat of harm to others or myself the researcher, Laura MacDiarmid is obligated to report this information to the proper authorities.

I understand that Laura MacDiarmid will prepare an essay, as partial completion of her course requirements, resulting from the interviews that she is conducting. I understand that information from my interview may be included in the larger collection, and that my anonymity will be preserved. I also understand that I may request to have a copy of the final research project upon completion.

I understand that I have the choice to participate in a follow-up interview if I so choose. I understand that any identifying information (i.e. name, nickname, contact information) will be kept in a secure file that only the researcher, Laura MacDiarmid will have access to. When the data is no longer required, I understand that the data will be appropriately destroyed.

If I do agree to a follow-up interview, the best way to reach me is \_\_\_\_\_



If you have any concerns regarding your rights as participants, please contact the Ethics and Compliance Officer at the University of Ontario Institute of Technology at [compliance@uoit.ca](mailto:compliance@uoit.ca) or telephone at 905 721 8668 ext 3693

**Consent to Participate:**

(b) Written Consent

1. I have read the consent form and understand the study being described
2. I have had an opportunity to ask questions and my questions have been answered. I am free to ask questions about the study in the future
3. I freely consent to participate in the research study, understanding that I may discontinue participation at any time without penalty. A copy of this consent form has been given to me for my records.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Participant)/  
Researcher)

(Signature of

(a) Oral Consent:

1. I have read the consent form to the participant they have indicated that he/she understands the study being described
2. The participant has had an opportunity to ask questions and these questions have been answered. He/she is free to ask questions about the study in the future
3. The participant has freely consented to participate in the research study, understanding that he/she may discontinue participation at any time without penalty. A copy of this Consent Form has been given to the participant for his/her records.

\_\_\_\_\_  
(Name or identifier of Participant)

(Date)

\_\_\_\_\_  
Researcher)

(Signature of

## Appendix C

### **I.) Description of the program**

1. What is crime? Who is affected?
2. What is restorative justice? Describe what the program you participated in looks like.
3. What was your role in this process?
4. What was the role of the victim?
5. What is the community's role when crime happens? How can this be enhanced?
6. Were there community members present? y/n
  - a. Who were the community members?
  - b. What was their role?
7. Was there a facilitator? Who was the facilitator? What was the facilitator's role? What was the facilitator's gender? What was the facilitator's race? What was the facilitator's age?
8. Were there volunteers? Who were the volunteers? What was the role of the volunteers? What were the volunteers' genders? What were the volunteers' races? What were the volunteers' ages?
9. Have you had an experience in a traditional court system? y/n
  - a. If yes, is the restorative justice process different? How?
  - b. If no, what is your perception of the traditional court system? How does it differ from the restorative justice process?

### **I.) The objective of the program**

1. How did you access the program?
2. Why was this program administered?
3. What was the objective of the program?
4. Did it accomplish this objective? How?

### **II.) Assessment of the program**

1. How useful was the restorative justice program? What was useful? Why?
2. Identify the most useful aspect of the program. How was this useful and why?
3. Was the program itself that was useful or were there other things that contributed to its usefulness? Identify what these other things are.

### **III.) Understanding of the program:**

1. How did the program impact your understanding of the following [compared to the traditional court system]?
  - a. Harm?
  - b. Responsibility?
  - c. Future behaviour?

- d. Your role in the community?
- e. Your sense of self?
- f. Who the victim is?
- g. What does it mean to heal? What does it mean to heal from crime?

#### **IV.) Impact of the program on the recipient**

- 1. Indicate what the most transformative aspect of the program was for you. Why?
- 2. Indicate what the least transformative aspect of the program was for you. Why?

#### **V.) Recommendation to other people**

- 1. Would you recommend this program to other peers? Why or why not?

#### **VII.) Changes**

- 1. Are there aspects of the program that you would recommend to change? What are they?
- 2. How would you recommend that they get changed?

#### **VII.) Re-offending**

- 1. Did this program prepare you to act in a way that reduces harm in the future? How? Why?

\* Anything else you want to say or add?

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#### **DEMOGRAPHICS**

**Gender** (circle one):      Male      Female

**Race/ethnicity:**

**Sexual orientation:** Gay    Lesbian    Heterosexual    Bisexual    Asexual  
Other: \_\_\_\_\_

**Age:**

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**Religion:**

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**Apart from weddings, funerals and baptisms, about how often do you attend religious services (circle one)?**

- At least once a week
- At least once a month
- Several times a year
- At least once a year
- Less than once a year
- Never

**What is the highest grade of (primary or secondary) school you have completed (circle one)?**

- No formal schooling
- Grade 1
- Grade 2
- Grade 3
- Grade 4
- Grade 5
- Grade 6
- Grade 7
- Grade 8
- Grade 9
- Grade 10
- Grade 11
- Grade 12

**Have you obtained a trade qualification, a degree or a diploma, or any other qualification since leaving school? What is your highest qualification?**

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**Which best describes your situation during the last 6 months (circle one)?**

- Working full-time for pay
- Working part-time for pay
- Unemployed and looking for work
- Unemployed and not looking for work

Retired from paid work  
 A full-time school or university student  
 Home duties  
 Other (please specify) \_\_\_\_\_

**What type of work do you do?**

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**Income** (circle one):

Less than 10,000  
 11,000 – 18,000  
 19,000 – 26,000  
 27,000 – 34,000  
 35,000 – 42,000  
 43,000 – 50,000  
 51,000 – 58,000  
 59,000 – 66,000  
 67,000 – 74,000  
 75,000 – 80,000  
 81,000- 90,000  
 91,000 -100,000  
 Over 100,000

**Marital status** (circle one):

Never married  
 Now married  
 Widowed  
 Divorced/separated  
 Unmarried partners

**Canadian born** (circle one):      Yes      No

If no, place of birth:

---

**Number of children:**

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Do the children live with you? Yes/ No

Do you live with any other people?

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**What is your household income (circle one):**

Less than 10,000  
 11,000 – 18,000  
 19,000 – 26,000  
 27,000 – 34,000  
 35,000 – 42,000  
 43,000 – 50,000  
 51,000 – 58,000  
 59,000 – 66,000  
 67,000 – 74,000  
 75,000 – 80,000  
 81,000- 90,000  
 91,000 -100,000  
 Over 100,000

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***CRIMINAL HISTORY***

**Was this your first offence (circle one)?**      Yes              No

**If no, what was the age of your first documented offence?**

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**If no, number of offences prior to this one:**

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**What was the nature of your previous offence(s) i.e. minor, serious, property, violent etc.?**

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**What is the nature of the offence which brought you to the restorative justice program?**

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**How were the offences resolved?**

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**What was your relationship to the victim? (I.e. family, neighbor, stranger)**

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**Family history of crime?**

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**Peer group associated with crime?**

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