PROPOSAL TO CONDUCT AN EVALUATION OF THE NOVA SCOTIA RESTORATIVE JUSTICE INITIATIVE (REFERENCE # 1000001201)

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1. BACKGROUND

1.1 RESTORATIVE JUSTICE

"Restorative justice is 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" (United Nations Working Group On Restorative Justice, 1996).

Restorative justice is a major philosophical movement or social construction in contemporary modern society. Its central premise is that crime is a violation of people and relationships and that the task of the justice system is to repair the harm done to the parties and restore harmony to the community. Some key themes of restorative justice include the ideas that the conventional justice system does not meet the needs of the victim, offender or the community, and that all of these parties have to become, as they were in earlier times, more active participants in justice. This type of philosophy or approach is deemed quite compatible with traditional small societies, given their emphasis on restoration, harmony and community (LaPrairie, Depew, 1996). It does presume a certain level communitarianism (Etzioni, 1993; Depew, 1996) since it requires interaction, activity and collaborative problem-solving accommodation on the part of community members. In the forefront the restorative justice approach in Canada have been religious-based groupings such as the Mennonites and prison chaplains, aboriginal persons and groups, and Justice officials (e.g., police, judges, bureaucrats). It could be argued that, while sharing a common core, each of these groupings has a particular central thrust in its advocacy of restorative justice. The religious bodies have emphasized apology forgiveness on a person and interpersonal basis (Tavuchis, Justice officials emphasized and academics have effectiveness in getting to the root of the problem situation and dealing with it by harnessing the support of positive 'significant others' (Braithwaite, 1994, 1996); for advocates this has translated into an emphasis on social and community mobilization (LaPrairie, development Aboriginal influences have emphasized more the community and its ownership of justice, both substantively and procedurally (Jackson, 1992). This latter position is understandable since many aboriginals have seen the conventional justice system as

controlled by outside persons with different values and traditions, and as both overrepresenting them as offenders and inmates, and not effectively dealing with the crime and social disorder in their communities. For many aboriginal advocates, restorative justice is a way to reassert control over their lives, re-connect with certain values and traditions and rebuild their communities (Stevens, 1994).

Restorative justice ideas and practices were quite popular throughout the western world in the 1960s and 1970s, spurred on by religious bodies, social critics and reformers within the system. Particular programs emphasized included court-based mediation, community mediation, victim-offender reconciliation, and diversion of youths and adults for minor offences. By the mid-1980s most initiatives had suffered serious setbacks and the surviving programs were primarily those closely connected to the mainstream justice system and seen basically as an arm of it, such as court-based mediation (Merry, 1990). While the reasons for the setbacks were many, the chief one was that significant and programs did not offer a authentic alternative to the conventional Justice practices; offenders did not opt for them and they had little demonstrated impact on recidivism or other key criteria (Feeley, 1983); and they were not authentically community-based (Fitzpatrick, 1992). Other weaknesses included poor program implementation, poor networking with justice system officials, preoccupation with organizational survival, weak feedback mechanisms, and perhaps too great an emphasis on a client approach to the neglect of victims and the community at large.

Over the past decade or so, for a host of push and pull reasons, the restorative justice movement has been rejuvenated. In this new era major stimuli have been the high costs and negative impact of incarceration, claims of ineffectiveness and inefficiency in the way the mainstream justice system deals with offenders, victims, and community concerns, and pressure from the aboriginal communities for greater control over a justice system that might operate on somewhat different principles in their communities (Clairmont, 1996; Linden and Clairmont, 1998). The current restorative justice movement is more international than its earlier version and highlights mediation and diversion programs such as family or community group conferencing, and circle sentencing (Saskatoon, 1995; Galaway et al, 1996; Church on Justice and Corrections, 1996; Bazemore Griffiths, 1997). There is a significant amount of restorative justice activity going on in Canada today (Clairmont, 1998) and throughout the world (Galaway et al, 1996). Also much more is

known about successes and failures in programming (McCold, 1997) though, unfortunately the quality and generalizability information are problematic and it is not clear that lessons learned from past experience have been incorporated in the new designs. While the restorative justice programming is more institutionally rooted than in the earlier era and has spawned manuals, quidelines and monitoring/evaluation strategies, still it is not clear whether it will appropriately implemented and what its impact is for offenders, victims and others (Daly, 1996; Clairmont and Linden, 1998).

There is reason to believe that restorative justice may be most successful, and generate a community impact as well as an impact on offenders, in communities which are small, relatively homogenous, characterized by significant communitarianism and able to draw on traditions as mobilizing myths (Church Council, 1996; Hazlehurst et al, 1997). It also appears that its value in the larger society may hinge upon its programs dealing with serious offences and offenders and not being hived off either administratively or at 'front-end' entry points (LaPrairie, 1996, 1997; Clairmont, 1999). Whatever the venue, restorative justice is a demanding Justice style which flies in the face of the larger societal emphasis on professional, bureaucratic processing of people and incidents, as well as the emphasis on retributive justice and the principle of "just (Giddens, 1990). There remains a legacy of criticisms that restorative justice programs may further disadvantage certain groups (e.g., female victims), that while in principle they highlight concern for victims, actual programming focuses more upon the offenders as 'clients' (Clairmont, 1996), and that the official governmental sanction might mask an off-loading of problems without providing communities with the resources they need to meet the challenge. Restorative justice initiatives such family group conferencing, circle-sentencing and victimoffender conferencing would clearly require more community involvement and a more intensive interaction with offenders, victims, and perhaps their supporters, than is featured current programming such as alternative measures. They require more volunteers and more training for community members. And as presumably more serious matters receive attention, challenges are posed for facilitators and other community participants. Nevertheless, virtually all reports indicate a growing consensus that the response of the criminal justice system has been in large measure, ineffective and that something different must be considered. Ultimately, as Carol LaPrairie communication), (personal restorative approaches must acquire credibility and acceptance as legitimate

and 'real justice' if they are to effect change and impact on the policies and guidelines that direct decision-making.

1.2 The Nova Scotian Context

The restorative justice initiative being launched by the Department of Justice in Nova Scotia (Department of Justice, 1998) is directed initially at young offenders in four regions of the province. It is not unusual in its emphasis on youth nor with respect to the specific restorative justice programs being implemented, but it is especially innovative in focusing on four socio-economically different regions, and in implementing the restorative justice approach virtually simultaneously throughout the major levels of the justice system. The latter step directs restorative justice programming to the total range of offences, a marked contrast to most programs which have focused on minor offences and limited entry points. It implies a strategy of utilizing restorative justice approaches to deal with serious offences and serious offenders. By engaging all major segments justice system (i.e., the four entry points restorative justice programming), the Nova Scotian initiative implies a total institutional involvement and encourages the kind of positive feedback and networking, not to speak acceptability and consensus, that has been lacking in so many restorative justice initiatives throughout North America. The establishment of co-ordinating "community restorative justice committees" of justice system stakeholders in each region, advising the regional carrier agencies and to which potential restorative justice implementation issues could be referred, and where meaningful assessments / discussions could be undertaken of implementation and outcome issues, is also an interesting feature of the plan.

The initiative has also been marked by considerable preimplementation preparedness. The regional carrier agencies for
restorative justice programming, beyond the level of formal
cautions, are experienced in providing alternative measures and
other youth programming. They have been allotted more resources,
provided with more training for their volunteers and linked more
closely to one another and to other justice system segments.
There has been thorough discussion of the initiative at all
levels or entry points and protocols have been developed. A
steering committee and organizational structure for direction of
the initiative has been in place for almost two years. Community
mobilization has been developed in several regions and other
related endeavors are planned. An incremental phasing in of

other regions and subsequently of adult offenders has been projected. In sum, the initiative is timely, and resonant with the revitalized restorative justice movement. It is consistent with current societal values emphasizing sensitivity and healing for victims, generating alternatives to the expensive incarceral dispositions ineffective where possible, effecting more accountability and community reintegration for Ιt builds upon the extant alternative strategies, such as alternative measures and adult diversion, which have been modestly successful but of limited scope and substance; they remain rather marginal to the major demands on the criminal justice system, do not address adequately the problems and needs of victims and serious (and potentially serious) offenders, and lack a strong sense of community ownership.

At the same time it would be unwise to underestimate the challenges that lie ahead for the Nova Scotia initiative. Canadians, and Nova Scotians in particular, are very much caught up in retributive policy and 'just deserts' principles. The majority of people continue to believe that youth crime and criminal behaviour are increasing, much more so than is respect for the law (see enclosed chart). The majority also holds that the current justice system is already too lenient, especially in the area of sentencing (see enclosed chart). Interestingly, there is, nevertheless, a public preference in all regions, for utilizing alternative sentences rather than building more prisons (see enclosed chart). Clearly, the public might well be receptive to a restorative justice approach which could be an effective alternative but such an approach must deliver on its claims and not be merely a slap on the wrist for offenders and indifferent to the needs of victims and community concerns. Nova Scotians may take especial persuading since, as the enclosed Atlantic indicates, the region public proportionately more in support of incarceral strategies present.

The enclosed charts on youth crime in Nova Scotia indicate clearly that a retributive and incarceral approach has been quite pervasive. The rate of charges for property crime has declined significantly over the last decade while the rate of violent crime has doubled and the rate of youth charged with other offences (e.g., disturbing the police, mischief) has also increased significantly. These latter offences may generate more media attention and a perception of increasing unruly behaviour. The majority (about 60%) of the violent crime offences are minor offences. It is clear from the last two charts that the rate of

youth in custody has increased approximately 50% over the decade and in 1997 was four times the rate for adults. Youths not only receive custody more but also, on average, receive longer sentences and serve more of their "time".

In a pre-implementation examination of the Nova Scotia restorative justice initiative, the views and dispositions of major criminal justice system stakeholders and participants in the pre-implementation planning were described. All told, over sixty persons were interviewed in this pre-implementation project. Visits were made to the four regional agencies which had organized working groups to plan for the restorative justice which program, and will be charged with implementation. The coordinators of each agency were interviewed at length and they provided statistical information, reports and information on extant data retrieval systems. At least seven members of each regional working group were interviewed. Since it is anticipated, by virtually participants, that the bulk of the restorative justice-directed offenders will be initiated by the police, a major priority was interviewing police officers in all the regions. Twenty police officers were interviewed, four of whom were R.C.M.P. officers, and eleven of whom were members of the Halifax Regional Police Service. Ten interviewees (at least one from each region) were associated with Nova Scotia Correctional Services, mostly as probation officers. Five defence lawyers (all but one were Legal Aid) representatives of Victim Services and four interviewed; again in both cases there was at least one person from each participating region. Without doubt, the most hard-toreach justice officials were crown prosecutors and judges; only two of each were interviewed. Others interviewed, face-to-face, were members of the working groups who represented the community at large. Of course there was extensive contact with Department of Justice staff coordinating the restorative justice program, in formal and informal settings, throughout the research period.

Most interviews followed the same basic format. First, there were questions concerning the informant's knowledge and appraisal of alternative measures and adult diversion. Then the interviewees were asked about their perspectives on restorative justice and how it differed from the current alternative justice measures. In particular, they were asked whether they saw a need for the 'r.j. option' and what 'value added' might be entailed by its introduction. Questions were asked about their perceived possible benefits and potential problems associated with the restorative justice programming. Interviewees were asked what they considered needed to be measured and evaluated - what data

should be collected? They were also asked questions that related to their particular role (e.g., police, crown, victims services). Working group members were asked if they saw a continuing role for themselves once the new programming was put into effect.

Respondents in this sample generally considered that the current justice system is inadequately dealing with victims, offenders and community. There is a widespread view that while extant alternative justice programs are of merit and have been reasonably successful in implementation and impact, they simply do not go far enough, in breadth or in depth, in meeting the inadequacies of the justice system. Restorative justice clearly seen as a potential major enhancement of alternative justice. It is seen as offering more options, more opportunities for all the parties to an offence, and most especially to the victims. Most participants understandably viewed restorative justice from their own vantage point in the justice system but virtually all persons saw potential benefits from other vantage points too. Although they were positive about the restorative justice initiative and hopeful for it, interestingly, respondents characterized themselves as strong advocates restorative justice, nor did they identify themselves as 'a force' behind this movement, so clearly even the commitment of active persons will have to be nurtured. Also significant is that all respondents also were quick to identify potential problems, especially problems in implementation, the challenges for the restorative justice initiative are quite manifest.

Virtually everyone expects that the restorative justice programming will largely be police-driven and that most of the activity will be formal cautions by police and police-referrals to the regional agencies for conferencing. It is very unclear how much activity will take place at the higher entry points, and that might well be something that develops as the program proceeds and with the sustained liaison, communication and direction of the restorative justice coordinators. At present there still seems to be a shortfall in the referral agents at those levels appreciating the special circumstances there that could justify referral even though it has not been done at the earlier entry points; also, there seems to be a limited sense of the great variety of possible restorative justice practices that could be utilized; family group conferencing, victim-offender 'mediation', and circle sentencing do not exhaust the range of There real possibility that is а the considerations, in conjunction with the police reluctance to

recommend repeat offenders, adults, serious offences and offenders with an informal reputation for criminal involvement, could result in a very modest 'value-added' to current alternative measures and adult diversion programs.

was much concern expressed by respondents with respect to the conferencing to be coordinated by the agencies. It was seen as a great opportunity to highlight problems and needs and obtain satisfaction for all the parties. At the same time, there was concern about the dynamics of the sessions, and the role of the volunteer facilitators, especially restorative justice initiative did entail serious offences and offenders. There was much concern about the resources available the agencies and whether the community services (e.g., counseling) would be adequate to meet identified needs. A number respondents speculated concerning 'downloading' by provincial government. The agencies are increasingly collaborating and developing a common set of operating strategies but they differ in terms of their organizational sophistication and resources and have different community services and traditions to call upon. They will need to do much more to meet expectations about victims and communities, and while they seem up to it, they will need backup support. There will be interesting days ahead for the agencies as they get involved in restorative justice and reconceptualize their agency's visions. All respondents considered that much more will have to be done at the community level. They see the community as a central feature of restorative justice and define it in an expansive way to go well beyond the criminal justice officials and even the agencies' staff and board. Finally, the respondents number of basic issues identified a for monitoring all seemed to adopt the view that this evaluation and restorative justice initiative is simply, potentially significant for there not to be a major, continuing formative evaluation component.

2.1 EVALUATION OBJECTIVES

The purpose of this evaluation is to provide a process and outcome evaluation and cost-benefit analyses of Scotia Restorative Justice initiative directed at young offenders. The evaluation framework directed at operationalizing, measuring appraising implementation and impact with respect to the basic, stated goals and objectives of the Nova Scotia restorative justice initiative. The program reduce recidivism, are to increase victim satisfaction, strengthen communities, and increase public confidence in the justice system. It is held, these may be accomplished via turn, that conventional restorative justice objectives which are to achieve a sense of healing for the victim and the community, repair the harm caused by the offence, hold the offender accountable in a more meaningful way than is currently done in the criminal justice system, and reintegrate the offender. In addition, the evaluation framework will examine other more implicit goals and objectives of the initiative. It will examine whether restorative justice strategies are applied to more serious offences than under current alternative justice programs such as alternative measures and diversion, and whether restorative strategies are generated throughout the criminal justice system (i.e., at all its levels and entry points). The restorative justice literature emphasizes the importance of permeating the criminal system and impacting positively on the public (or public influentials), if the restorative justice philosophy is to have more than a marginal impact. The evaluation should indicate the successes, shortfalls and variations in implementation and impact provide analyses of these processes and outcomes. In general sense the evaluation the most framework the value-added associated with introduction of the restorative justice initiative.

2.2 MAJOR EVALUATION TASKS AND METHODS

Perhaps the most basic evaluation task for restorative justice initiative is describing what happens and providing a record and analyses thereof; such description would include the number of cases and participants, types of cases dealt with, restorative justice strategies employed, outcomes, services and resources mobilized, evolution in the program over time and so forth. Secondly, it will also be important determine whether the restorative programming has been implemented as planned and in congruence with the theory and practice of restorative justice. Thirdly, it will be important to analyse and assess process and outcomes, especially with respect to considerations of effectiveness (i.e., does achieve intended outcomes), efficiency (i.e., does it have a favorable cost-benefit ratio), and equity does it fairly operate by gender, socio-(i.e., economic status and race/ethnicity).

The focus is on young offenders, and much attention will be on which offenders become involved in the programs and which do not, the risks and needs characteristics of the young offenders, the manner of their participation in the programs (i.e., process and impact), subsequent patterns of recidivism and prosocial behaviour, and their own views, attitudes and Pre-implementation perceptions. research stakeholders, and indeed the restorative literature as whole, have emphasized а implications for victims. Describing, measuring and analysing these concerns will be a central task. Here attention would be directed to issues of participation (e.g., number participating, who participates and who does not, quality of the participation), empowerment, needs and services provided, healing, and satisfaction with the process and the outcomes, Attention will also be focused upon the participation of and impact for other parties to the restorative justice strategies, including victim and offender supporters, facilitators and participating justice system role players.

Evolution and change in the restorative justice program will also be examined. Some of this is intended and planned (e.g., taking on more serious cases over time, expanding the program to the entire province and to adults) but, as usual, evaluation must also look for unanticipated and unintended

developments and outcomes. It will be important to consider changes in receptivity and assessment throughout the criminal justice system and in the larger society.

In terms of methods, the primary activities involve putting in place appropriate data retrieval systems, negotiating access to relevant data, and accessing such information. Subsequently, both quantitative and qualitative methods will be employed, namely in-depth interviews, telephone and mail-backs, focus groups and statistical analyses (explaining variation and assessing comparisons).

The proposed evaluation framework calls for several comparisons to be made. First, there will be a comparison across the four participating regional agencies who are not-profit, governmentally-funded, carriers of alternative youth justice programs. These agencies can be arrayed in terms of a rural-urban complexity continuum which may have much significance for successful restorative justice programming. addition, the agencies have different resources and implementation strategies which will be useful to compare (e.g., at least one agency plans to assign a single person to work a file and relate to both victim and offender whereas other agencies plan to assign a different case worker to the victim and the offender). Some before and after comparisons can be meaningfully drawn for all agencies, and especially for the two largest which have collected significant machinereadable data for several years on their alternative measures sessions and participants. The evaluation framework also calls, at entry level one, comparison between the cautioned and the referred on the one hand, and those not going into these options. Comparisons will also be drawn, as discussed below, with the two agencies (Truro and Glasgow/Antigonish regions) not participating initially in the restorative justice program. Certain comparisons will be drawn with the sentences and costs in the mainstream court-based justice system.

2.3 EVALUATION PHASES AND DELIVERABLES

There are two basic phases to the proposed evaluation. The first phase covers the years 1999-2000 and 2000-2001. This phase will see the major bulk of the evaluation research. In the first part of the year 1999-2000, there will be much collaborative work with the agencies and the Nova Scotia Department of Justice in developing the research instruments (e.g., exit questionnaires for restorative justice sessions) and ensuring data retrieval systems are in place and appropriate access authorization is obtained. The details of the evaluation effort are specified below in the discussion of the components of the evaluation. A workplan timetable is also provided.

In the years 2001-2002 and 2002-2003 the evaluation will focus on the implications for recidivism and prosocial behaviour but will also monitor developments for victims, the criminal justice system as a whole, and the evolution of the restorative justice program. The final, overall evaluation report will be presented by June 30, 2003, as specified in the funding agreement between the federal and provincial Departments of Justice.

Over the four years of the evaluation project there be eight deliverables as required in the will contract. The first deliverable, two months after the contract signing, will focus on the research design and elaborate on the logic models for assessing described below, and data retrieval systems. Interim process reports will be provided for years one and two and a final process report in year three. Interim outcomes reports will be delivered in years two and three. Final reports will be provided in year four. There will be sub-reports available on each of the evaluation components or modules discussed in the next section of the report. The evaluators would emphasize frequent presentations and feedback to the agencies and governments (and of course to the evaluation research committee made up of representatives of the National Crime Prevention Centre, the government of Nova Scotia and others) on a continuing basis.

2.4 OUR APPROACH

This evaluation will have the character of a formative

evaluation, featuring close collaboration with the carrier (i.e., service delivery) agencies and the Nova Scotia Department of Justice's steering committee for the initiative. The collaboration would be especially intense in the early period when research instruments have to be developed and access and data gathering issues resolved. But there will be, throughout the frequent presentations and feedback project, and governments. These activities considered by Pilot Research to be regular and routine aspects of our consultancy. Of course all information would be handled in such a way as to guarantee confidentiality and anonymity to individual persons whether offenders, victims, other participants or justice system officials.

- 3. THE MODULES: EVALUATION COMPONENTS AND THEIR ESTIMATED COSTS
- 3.1. FORMAL CAUTIONS AND POLICE AGENCY REFERRALS (ENTRY ONE)

Forms have been prepared for officers in the four geographical areas to use, which will enable the determination is cautioned of who sociodemographic characteristics) and what offences handled in this fashion. Similar data available on police referrals to agencies conferencing and other possible restorative justice strategies. All cases not being recommended for formal cautioning have to be considered for referral to the agencies and this consideration requires that police complete the restorative justice checkoff list that has been developed, and make a specific yes or no recommendation. These data, at both the cautioning and referral levels, will greatly facilitate analyses. It will be possible to compare cautions versus noncautions and referrals versus non-referrals in the four regions. It will be possible to match cases on many salient criteria and interview both victims and offenders, and offenders' parents. In the case of the referred and the non-referred the probing could be more substantial because more data will certainly be available.

Two research issues are important here. Would it be possible to interview offenders and victims in those

post-caution-level cases that police do not refer to the agencies? It appears that the answer is yes if permission could be obtained at some point in the court process. Of course, for those non-referred cases the evaluators cannot depend at all on the agency to collect information and will have to carry out all interviewing and other data collection. A second major question is what additional information is desirable and how could it be obtained at these basic levels? Data on socioeconomic status, family background risks and needs, and attitudes would greatly enrich analyses of this initiative. It appears possible to obtain such data, at least in the major program areas of Halifax and Cape Breton, through the collaboration of local police officers who specialize in youth cases. Such data would of course be readily obtained at referral/non-referral stage. In addition to collecting the above data and analysing them, interviews also would be conducted with key police conduits regarding process, problems, key issues for police and so forth. The estimated costs for this component over a year would be fifteen thousand dollars.

3.2 AGENCY IMPLEMENTATION

Information and analyses at this level is essential to appreciating the implementation and impact of the restorative justice initiative. Many programs have minimal impact in large part because they have been minimally implemented. It will be necessary to develop new data gathering (e.g., intake and contact data) and monitoring forms plus exit questionnaire instruments for the four agencies (and, as relevant, for the two is anticipated that control groups). Ιt personnel would gather certain information on the offenders and victims (e.g., risks, needs, initial and subsequent disposition and attitudes). It will also be important to assess the implementation and operating (e.g., strategies networking and liaison, communications, personnel, case management) across the four participating agencies. There would be here too, comparison of a "before and after" type at the carrier agency level, and, as well, with Truro pertinent Glasgow/Antigonish, where the Societies will still be providing the conventional alternative measures program in their regions. These comparisons would focus on the measuring the extent to

which the restorative justice initiative has been implemented in an enhanced and value-added fashion (e.g., volunteer's training, more sophisticated cases being handled and more in-depth solutions arranged, more offender and victim contact, more community linkages for meeting offender and victim needs). It is estimated that the costs for the first year for this component of the evaluation would be fifteen thousand dollars and ten thousand in year two.

3.3. INTERVIEWING PARTICIPANTS OF AGENCY-DIRECTED R.J. PROGRAMS

After reviewing the number of cases referred to the four Youth Societies for alternative measures each year since 1993, and taking into account the cases that the new program is targeting for formal caution (e.g., shoplifting, mischief and provincial statutes), it is expected that over the first year of operation the four agencies would have approximately referral conferences and a total of at least 1250 participants, including facilitators. For comparison purposes the evaluation would also select participants (including victims who did or did not attend the alternative measures sessions) from at least fifty alternative measures sessions carried out by the nonparticipating or 'control' agencies of Truro and New Glasgow/Antigonish. In total there would be then some 1500 possible interviewees over a twelve month period. It is proposed that most of these persons would be interviewed by telephone or mail-back questionnaires but that approximately 10% would be interviewed indepth and in person. All restorative justice session participants in the one page exit questionnaire would also be asked if they would consent to a follow-up interview by an independent evaluation team. content of the follow-up questionnaires and the indepth interviews would reflect the major hypotheses dimensions specified in the literature justice its restorative and evaluation (e.g., empowerment, fairness, perception of satisfaction with process and outcomes, and so forth). The estimated costs for this interviewing component would be seventeen thousand dollars.

3.4. THE CRIMINAL JUSTICE SYSTEM

Many scholars and advocates of restorative justice

have contended that it will never have more than a marginal impact unless it permeates the whole criminal justice system. A major presumption of most informed persons interviewed in the pre-implementation phase is that there would not be many referrals, at least in the beginning, from the second, third and fourth entry (i.e., crown prosecutors, judges, levels corrections officials). Clearly, referrals from these entry levels would be much more likely than referrals at the police level to involve more serious offences and more serious offenders, along with perhaps more harmed and scarred victims. These referrals represent a greater challenge for facilitators and tax agency's capacity to locate and appropriate community and professional services. will be important then to examine, in addition to the participants as above in component 3.3, effectively the restorative justice initiative manifested at these higher entry levels, networking and liaison that occurs, the number and type of referrals, and the changing views at these levels concerning restorative justice and provincial initiative. As well, at these levels the referrals might well be expected to more imaginative and inventive (e.g., use of victim surrogates and victim-offender indirect contact to supplement conventional victim-offender 'mediation'); consequently they should be well-described, tracked. Apart from examining inter-variation across the four regional agencies, it is not apparent that comparisons between the referred and the nonreferred would be especially meaningful since with few cases clearly one would expect idiosyncratic patterns. Still, it would be valuable to examine why particular cases were recommended by the referral sources and what implications their successful unsuccessful resolution has for furthering restorative justice at these entry points. In some respects examining the criminal justice system and restorative justice in this manner may be the most interesting and the most challenging. It will require describing the interviewing the crowns, and judges correctional officials as well as the actual session participants. The estimated costs for this component would be twelve thousand dollars in the first year and slightly higher in the second year (i.e., thousand dollars), on the presumption that there will

be more restorative justice activity at the higher levels as the program become more established and accepted.

3.5. THE COMMUNITY AND THE 'PUBLIC' AT LARGE

goals Two major explicit of the Nova Restorative Justice Program to are strengthen communities and to increase public confidence in the justice system. The literature on restorative justice also underlines the strategic importance of these objectives if restorative justice is to thrive and if offenders and victims are to be healed and, in the offender's case, reintegrated successfully into the normative community. The evaluation strategy proposed here calls for describing the linkages that agencies establish and elaborate upon in serving victims and offenders, the services provided and the views of the service providers and major interest groups in each of the four regions. Rather than sample public opinion, before and after or during the restorative justice initiative - something which would be expensive and problematic in that the public mood may be sharply influenced by moral panics - interviews would be conducted, and perhaps focus groups assembled, to tap the views of influentials who shape public policy; such persons would include the agencies' working group members, community service leaders interest groups. The estimated cost for this component would be ten thousand dollars in each of the first two years.

3.6. RECIDIVISM AND PRO-SOCIAL OUTCOMES

While most advocates of restorative justice, as indicated in that literature, resist the temptation to assume that the bottom line of such programs is 'rates of recidivism', it is nevertheless a very valid goal and one that is highlighted in the provincial program. To obtain data on recidivism — and thereby go beyond what data will be gathered on compliance with the restorative justice disposition as a measure of offender accountability and reintegration — it will be necessary in years 2001/2002 and 2002/2003 to access criminal justice (e.g., the JOIS systems in Nova Scotia) and police (e.g., CPIC, PIRS, RAPID in Nova Scotia) records. It will also be important to

obtain information on pro-social behaviours (e.g., employment, education, family) or healing outcomes that may have followed in the wake of the restorative justice experience; to measure these possibilities a very short follow-up survey should be undertaken with victims and offenders. Obtaining and analysing such information, as well as monitoring related developments in the criminal justice system will be the main tasks of evaluation in years and the estimated global costs for those years would be thirty thousand dollars.

3.7 COSTS-BENEFIT ANALYSES

major push factor for restorative justice alternatives to the current adversarial and 'just deserts' oriented justice system response to youth crime and crime in general, has been the high costs of policing, court services and custody arrangements. Indirect high costs are associated with private expenditure for security. The Nova Scotia restorative justice initiative, in its pronouncements, has clearly advanced the objective of the initiative having a favorable cost-benefit ratio. The of the costs initiative appear reasonably straight-forward (i.e., agencies' budgets and Department of Justice internal expenditures on the project) but there are indirect costs such as training and meeting time for all participants and officials, possible police presence at restorative justice sessions, and also perhaps costing voluntary work for some purposes. The costbenefit impact for policing would be important to consider in regards to both formal cautions and conferencing sessions; costs at the latter level might balanced by savings effected through cautioning. Benefits could include calculating the costs saved in fewer cases requiring court processing, less custody sentencing, and less probation referrals. benefits and reduced costs could be Indirect associated

with less recidivism, less crime and greater public confidence in the justice system and sense of security. Benefits could also be measured with respect to accessing volunteers and better utilization of extant community resources. While the savings

effected through less court processing and less custodial sentencing may be absorbed within these sectors by improved quality of service, more time allotted to problems and SO forth, these latter can adjustments be considered important benefits of the restorative initiative. Measuring costs and benefits of such alternative justice initiatives has a tradition and there lona is а copious literature, but still the measurement issues complex and require considerable consensus, with discussion, if not especially program sponsors, measurement of indirect effects. Perhaps the most significant factor that has affected previous cost-benefit calculations has been simply the number of referred cases processed by the alternative justice agencies.

4. LOGIC MODELS FOR THIS RESTORATIVE JUSTICE INITIATIVE

In section 3, the major evaluation components or modules were identified and 'costed'. Those modules directed attention to the substantive fields of evaluative research but of course, analytically, much evaluation issues crosscut and intertwine the substantive fields. In order to capture these analytical issues more clearly, a logic model is advanced in this section. Logic models are increasingly popular tools for their aid in planning for and assessing the impact of new major policy initiatives. There are many versions of logic models but all relate intended outcomes to inputs, activities and outputs. Here we utilize a format that connects intended outcomes to suggested causal factors and linkages and their implementation requirements. each of these three dimensions, there are multiple outcomes or factors, measures to be obtained, standards to assess the significance of the results, and specification of the ways (and responsibilities for) the measures will obtained.

The first figure lays out the format of the logic model being used. In the second figure there is a logic model advanced for the overall restorative justice initiative. Subsequently, logic models are developed for each of the

five explicit, major objectives of the Nova Restorative Justice initiative, namely reducing recidivism, improving victim satisfaction, strengthening communities, increasing public confidence, and favorable cost-benefit. The value of the logic model is evidenced in each instance as sub-objectives are specified, measurement requirements noted, standards for judging results laid out, and how and who is to gather the data are specified. It should be noted that the Nova Scotia program's published materials did not contain any explicit logic model, so these models should be interpreted as preliminary and subject to re-consideration re-specification pending discussions with carrier restorative justice steering committee, the agencies and the proposed evaluation research advisory committee. Such discussion would occur in the first few after the evaluation contract is signed constitute a major component of the research design phase.

A special issue that must be clarified at the research design phase would be whether the R.C.M.P. would continue to utilize its own restorative justice programming, and if so at what level of usage. The R.C.M.P. currently has an extensive system of community justice committees in the province where conferencing is carried on. Also R.C.M.P. has its own system of cautioning and recording such activity. If significant activity, in a parallel organizational format, is to occur, then of course this provides opportunities and challenges for the evaluation research. There would be additional comparisons to be drawn at the level of cautions and conferences and there may be some modest implications for the number of cases (and participants) to be interviewed and so on. It may be noted that the R.C.M.P. has participated fully in the working committees and protocol committees associated with the Nova Scotia restorative justice initiative over the past two years.

5. WORKPLAN TIMETABLE

following chart lays out the suggested workplan timetable for the evaluation project. The major tasks are identified for each of the four years along with the year's deliverables and overall budget. It should be noted that the workplan identifies the major tasks and not the exclusive tasks for the project year in question. Costbenefit assessment, for example, will be planned for and examined prior to year four but will be one of the two major tasks in that year. Similarly, while year four recidivism, focuses outcomes (e.g., pro-social on behaviour) and cost-benefit assessment, the process issues associated with the restorative justice initiative, highlighted in the earlier years, will continued to be monitored. It should also be noted here that

first two months of the project - what is referred to as

the

research design phase - are very significant since there the logic models should be considered at length and respecified as appropriate. This initial phase should clarify expectations and responsibilities as well with respect to evaluation issues and data collection and data retrieval matters.

6. QUALIFICATIONS

6.1 THE TEAM

The successful completion of this complex project requires a team of individuals which is

- . led by a well-qualified, enthusiastic principal investigator who has demonstrated theoretical, methodological and policy sophistication in recent, similar evaluation projects and who has a thorough grasp of the Nova Scotian context;
- . well informed and experienced with the concepts, methods and policy issues pertinent to youth crime, victimization, crime prevention and restorative justice;
- . familiar with issues bearing on the organization and implementation of new justice services and programs;
- . has familiarity and credibility with the various data systems and stakeholder groups that are salient to the Nova Scotian restorative justice initiative.

The Pilot Research team meets these requirements very well. It is led by DON CLAIRMONT, director of the Atlantic Institute of Criminology at Dalhousie University, who has extensive experience in conducting large-scale, national and regional policy-oriented, evaluation research and is a well-known sociologist / criminologist with a publication record. TONY THOMSON is a senior sociologist at Acadia University who brings to the team considerable experience with rural and small town youth crime, policing, and community orientations to justice issues. SCOTT KENNEY, a lawyer and a Ph'd in sociology, brings to the team extensive experience in the area of victimization, victims' responses and institutional participation. TRACEY PYE, a recent M.A. graduate, has spent much time in the past two years researching police response to victim services' policies, and stakeholders' views on the pending Nova Scotian restorative justice initiative.

6.2 TEAM STRUCTURE AND BIOGRAPHIES

The team's principal investigator is Don Clairmont, currently Director of the Atlantic Institute Criminology, and full professor and occupant of the McCullough Chair in Sociology at Dalhousie University. He has a long record of publications and research experience reaching back to his well-known work on race relations and crime in the 1960s in the Arctic and in Nova Scotia. A longstanding focus has been on equity in sentencing, a theme that runs through his work in the Arctic in the the Marshall Inquiry (late 1980s), and current 1960s, research on conditional sentencing. Since 1990, Don has engaged in national-level evaluation research on communitybased policing in Halifax, Halton, Hamilton, Vancouver and rural/small town Nova Scotia. He has carried out nation-wide studies and evaluations of First. policing, and has published extensively on native justice including alternative, restorative issues, justice initiatives. Within the past two years Don has also completed several major policy-oriented assessments crime, restorative justice and social development, for the Department of Justice (i.e., Nunavut) and Aboriginal Corrections (i.e., Making Ιt Work in Aboriginal Communities) respectively. Most recently, he completed a pre-implementation assessment project in association with the Nova Scotian initiative to which this evaluation proposal is directed. In connection with each of the latter three projects, an annotated bibliography, highlighting the restorative justice and social development literature, was also published. In addition to his research activities, Don has been active, as a volunteer, in social development and criminology forums (e.g., Safer Communities, Drug Advisory Council, numerous provincial policy committees).

Don Clairmont will be a hands-on, principal investigator in proposed evaluation research. In addition contributing to the conceptualization of the evaluation research and to the creation of specific research instruments, Professor Tony Thomson will be especially responsible for the team's research activities conducted in the Valley and Cumberland County areas. Tony has spent fifteen years in that region, carrying out criminological research, especially in corrections and policing. In the year he contributed to the pre-implementation evaluation of the Nova Scotian restorative justice initiative. In addition, he has been active in pertinent community organizations (e.g., RCMP advisory committee,

Safer Communities, Shelter for Battered Women). Scott Kenney, a post doctoral fellow at Dalhousie University, has spent the last five years doing research on victims and dimensions of victimization. He has been an volunteer in victims' organizations. As a lawyer and an academic sociologist, he brings a special perspective to the team. Apart from theoretical and conceptualization contributions, his role in the team will be largely to the development of appropriate instruments, especially, but not only, for interviewing victims and assessing their satisfaction and participation in restorative justice practices. Tracey Pye, an M.A. in sociology, has carried out qualitative and quantitative research on police and victimization, restorative justice, and sentencing, over the past two years. She will utilize especially her interviewing and data analysis capabilities as an employee on the team.

6.3 RELEVANT EXPERIENCE

A brief curriculum vitae on each of the investigators is provided as an appendix to this submission. Here the relevant experience that Pilot Research brings to the proposal will be delineated for recent years. In all these projects Don Clairmont has been principal investigator. He has been either author or co-author of all cited published materials. The projects have been conducted under the Pilot Research firm (address and phone number as per the submission records).

(for Pilot Research and CJ Consulting) Don Clairmont completed a nation-wide of First assessment Policing Policy for the Aboriginal Policing Directorate. The first phase results, dealing with "a survey of frontline officers in aboriginal communities across Canada", was published by the Directorate in 1997. The second phase focused self-administered First Nations on police organizations ("an overview of organizational managerial issues") and was published in 1999. This comprehensive research utilized qualitative quantitative research strategies, examined policy issues, and involved feedback sessions with government and police personnel.

Don Clairmont (for Pilot Research) carried out an assessment of justice issues, especially crime patterns, restorative justice possibilities and social development

implications, in Nunavut. The research, ("a review of justice system issues relevant to Nunavut"), was carried out on behalf of the Department of Justice and the Nunavut Implementation Commission. It began in 1997 and published in 1999. In 1998, two major reports by Don published by the Clairmont were sponsor, Aboriginal Corrections, dealing with evaluation and community mobilization strategies for crime prevention and launching justice alternatives in aboriginal communities. reports, Developing and Evaluating Justice Projects Aboriginal Communities, and Making It Work, were coauthored by Don Clairmont in collaboration with Rick Linden and Prairie Research Associates (University of Manitoba).

Since 1990 Don Clairmont (Pilot Research) has undertaken an community-based policing extensive examination of Canada. This research has been sponsored by the Donner Canada Foundation (1990), the Canadian Police College (1991), Solicitor General Canada (1993), and the Halifax Police Service (1986-99). It has utilized a variety of strategies including participant observation, direct observation, large survey analvses organizational analyses. This research has compared community-based policing in several Canadian cities and in rural/small town Nova Scotia, Numerous articles, reports and two books have been published.

Don Clairmont (for Pilot Research) carried out extensive research for the Tripartite Forum on Native Justice in Nova Scotia, during the period 1991 and 1993. This research resulted in a three-volume account of Mi'kmaq justice and possible new directions (Queen's Printer, issues Government of Nova Scotia, 1993). entailed Ιt comprehensive, large surveys, community analyses, secondary analyses, focus group sessions, and interviews; in addition there were regular meetings and feed-back with Tripartite members. The latter were composed of federal officials from the Department of Justice, their provincial counterparts, and representatives from the major Mi'kmaq political organizations.

Don Clairmont (for Pilot Research) carried out a three-year assessment of the Shubenacadie Diversion project, 1994-1996, on behalf of the federal and provincial Departments of Justice, and the Shubenacadie Band. Numerous reports were

published on this project. Research strategies included

analyses of court data, organizational analyses, observation of all diversion sessions, community surveys and interviews with the diversions' participants.

Tony Thomson has engaged in a large scale, multi-year evaluation / assessment of community-based policing in the Annapolis Valley. The project which is on-going was funded by the Donner Canadian Foundation, the Law Society of Nova Scotia and the Solicitor General Canada during the period 1988-91.

The Pilot Research proposal is backed by proven experience and sophistication in the areas of crime prevention, restorative justice and social development. In the above projects, and others not cited, there have always been comprehensive reviews of these literatures, as well detailed explanatory and policy models advanced. addition, Don Clairmont (for Pilot Research) has just completed a comprehensive report on restorative justice in Scotia. This report, done for the Department Justice, Nova Scotia, is an examination of the restorative justice context in Nova Scotia and advances an evaluation framework for the project to which this proposal directed; as part of the report, an annotated review of the restorative justice literature was also published. That document is appended to this proposal.

6.4 CERTIFICATION

On behalf of Pilot Research, I, Don Clairmont, certify that all the information in 5.1, 5.2, 5.3 and the personnel resumes, is true and accurate. All the identified personnel have agreed to be available to do the tasks specified for them within the allotted time frame. I also certify acceptance of the copyright of all project materials being vested in the Government of Canada, and the permanent waiver of moral rights in respect to said materials.

CURRICULUM VITAE

DON CLAIRMONT

PROFESSOR, SOCIOLOGY AND SOCIAL ANTHROPOLOGY AND DIRECTOR, ATLANTIC INSTITUTE OF CRIMINOLOGY

1960 B.A. (HISTORY) MCMASTER UNIVERSITY

1963 M.A. (SOCIOLOGY) MCMASTER UNIVERSITY

1969 Ph.D (SOCIOLOGY) WASHINGTON UNIVERSITY AT ST. LOUIS

RECENT RELEVANT PUBLICATIONS

SELF-ADMINISTERED FIRST NATION'S POLICING: AN OVERVIEW OF ORGANIZATIONAL AND MANAGERIAL ISSUES. OTTAWA: SOLICITOR GENERAL CANADA, 1999

JUSTICE IN NUNAVUT: COMMUNITY-BASED, RESTORATIVE JUSTICE OTTAWA: DEPARTMENT OF JUSTICE. 1999

"IN DEFENCE OF LIBERAL MODELS OF SOCIAL POLICY RESEARCH", CAN J. CRIMINOLOGY. 1999

DEVELOPING AND EVALUATING JUSTICE PROJECTS IN ABORIGINAL COMMUNITIES (1998: OTTAWA: ABORIGINAL CORRECTIONS, ABORIGINAL PEOPLES COLLECTION) WITH R. LINDEN

MAKING IT WORK: PLANNING AND EVALUATING COMMUNITY CORRECTIONS AND HEALING PROJECTS IN ABORIGINAL COMMUNITIES (1998: OTTAWA: ABORIGINAL CORRECTIONS, ABORIGINAL PEOPLES COLLECTION) WITH R. LINDEN

AFRICVILLE: THE LIFE AND DEATH OF A CANADIAN BLACK COMMUNITY (1998: TORONTO; CANADIAN SCHOLARS' PRESS, 3RD EDITION) WITH D. MAGILL

THE ACTIVE POLICE ORGANIZATION: HALTON REGIONAL POLICE SERVICE (1997: OTTAWA: SOLICITOR GENERAL CANADA AND HALIFAX: ATLANTIC INSTITUTE OF CRIMINOLOGY)

'FROM FISH PLANTS TO CALL CENTRES' (1997: AMSTERDAM, REPORT OF THE SECOND ANNUAL INTERNATIONAL WORKSHOP ON TELEWORK) WITH J. JARMAN AND P. BUTLER

FIRST NATIONS POLICE OFFICER SURVEY (1997: OTTAWA: ABORIGINAL POLICING SERIES, SOLICITOR GENERAL) WITH C. MURPHY

'ALTERNATIVE JUSTICE ISSUES FOR ABORIGINAL JUSTICE' (1996: JOURNAL OF LEGAL PLURALISM, #36, 1996)

THE COMMUNITY CIVILIAN LIAISON PROGRAM: HALIFAX POLICE (1996-97: OTTAWA: ABORIGINAL POLICING DIRECTORATE)

THE SHUBENACADIE BAND DIVERSION PROGRAM (1995: HALIFAX: TRIPARTITE FORUM ON NATIVE JUSTICE AND ATLANTIC INSTITUTE OF CRIMINOLOGY)

NATIVE JUSTICE IN NOVA SCOTIA, 3 VOLUMES (1993: QUEENS PRINTER, PROVINCE OF NOVA SCOTIA)

'COMMUNITY-BASED POLICING: IMPLEMENTATION AND IMPACT' (1991: CAN J OF CRIMINOLOGY, VOL 33, #3, 1991

TO THE FOREFRONT: HALIFAX AND COMMUNITY POLICING (1991: OTTAWA: CANADIAN POLICE COLLEGE)

BLACKS AND THE CRIMINAL JUSTICE SYSTEM (1990: ROYAL COMMISSION ON THE DONALD MARSHALL JR. PROSECUTION)

RELATED RESEARCH WORK

RESEARCH AND PUBLICATIONS ON POLICING, NATIVE JUSTICE ISSUES, SENTENCING, AND THE MARSHALL INQUIRY. RESEARCH AND POLICY DEVELOPMENT WORK RELATED TO ALTERNATIVE MEASURES, ABORIGINAL JUSTICE ALTERNATIVES AND POLICING

ANTHONY THOMSOM

PROFESSOR, DEPARTMENT OF SOCIOLOGY AND ANTHROPOLOGY, ACADIA U.

1970: B.A. (SOCIOLOGY) DALHOUSIE UNIVERSITY

1977: M.A. (SOCIOLOGY) DALHOUSIE UNIVERSITY

1984: Ph'D (SOCIOLOGY) UNIVERSITY OF CAMBRIDGE

RECENT RELEVANT PUBLICATIONS AND PAPERS

"SMALL TOWN POLICING AND THE COMMUNITY POLICING MOVEMENT", PRESENTED AT AMERICAN SOCIETY OF CRIMINOLOGY, 1997

"POLICE, THE PUBLIC AND THE MEDIA" IN CHRIS MCCORMICK, CONSTRUCTING DANGER: THE MISREPRESENTATION OF CRIME IN THE NEWS" (1995: FERNWOOD PRESS, HALIFAX)

"MUNICIPAL POLICING: WHERE WE'VE BEEN AND WHERE WE'RE GOING", (1994: PRESENTED AT ANNUAL CONFERENCE OF ATLANTIC CHIEFS OF POLICE, KENTVILLE, N.S.)

"THE PHILOSOPHICAL FOUNDATIONS OF THE Y.O.A." (1993: PRESENTED AT CONFERENCE ON Y.O.A. SPONSORED BY THE WOLFVILLE POLICE COMMISSION)

"SEXUAL ABUSE OF CHILDREN IN THE ANNAPOLIS VALLEY" (1991: VIOLENCE AND SOCIAL CONTROL IN THE HOME, WORKPLACE, COMMUNITY AND INSTITUTION. ISER, MEMORIAL UNIVERSITY)

THE ILLUSION OF PRISON REFORM: CORRECTIONS IN CANADA. (WITH H. GAMBERG) (1984: NEW YORK, PETER LANG PUBLISHER)

RELATED RESEARCH WORK

CONTINUING RESEARCH AND POLICY ASSESSMENT ON POLICING, SAFER COMMUNITIES AND CORRECTIONS.

JAMES SCOTT KENNEY

POST DOCTORAL FELLOW, DALHOUSIE UNIVERSITY

1984: B.A. (SOCIOLOGY) DALHOUSIE UNIVERSITY

1987: L.L.B. DALHOUSIE UNIVERSITY

1993: M.A. (SOCIOLOGY) MCMASTER UNIVERSITY

1999: PH'D (SOCIOLOGY) MCMASTER UNIVERSITY

RECENT RELEVANT PUBLICATIONS AND PAPERS

"THE EXPERIENCE OF HAPPINESS", (1996: HUMANITY AND SOCIETY, VOL 20 (1)

"LEGAL INSTITUTIONS AND VICTIMS OF CRIME IN CANADA", (1995: HUMANITY AND SOCIETY, VOL 19 (2)

"GENDER DIFFERENCES IN ACTIVE COPING WITH GRIEF" (1995: CONGRESS PROCEEDINGS, INTERNATIONAL MULTI-DISCIPLINARY CONGRESS ON MEN. OTTAWA)

RELATED RESEARCH WORK

CHIEFLY INVOLVED IN RESEARCHING CRIMINAL VICTIMIZATION, EXAMINING HOW HOMICIDE VICTIMS COPE WITH THE CRIMINAL JUSTICE SYSTEM, HOW GENDER IMPACTS ON COPING AND GRIEF CYCLES, AND A COMPARISON OF PUBLIC AND PRIVATE VICTIM SERVICE PROGRAMS.

PROPOSED BASIS OF PAYMENT

The budget for this proposed evaluation research project is given below. The estimated days for the team members could increased and so are minimums in all cases. estimated time for the research aide could be decreased depending several factors including workload on workflow considerations. Such modification would not affect the overall budget. There are two important assumptions in this budget. One assumption is that the number of referrals to post-caution restorative justice activity will be close to the numbers projected in this proposal. Secondly, it is assumed that the carrier agencies - the Youth Societies will assume responsibility for certain data collection as specified in the logic models. Initial research and all other indicators suggest that these assumptions are quite appropriate.