

THE NOVA SCOTIA RESTORATIVE JUSTICE INITIATIVE:

CORE DATA ANALYSES

YEAR TWO EVALUATION REPORT

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THE RESTORATIVE JUSTICE AGENCIES

As noted, the local community agencies delivering restorative justice have their own governance boards and are arms-length from the government in daily operations. The protocols under which the agencies receive referrals from the different CJS entry points are of course established by the Nova Scotia Department of Justice, as are the broad parameters within which the agencies' dispositions (i.e., conditions that the young offender must meet) must fall. The agencies are dependent on the Department of Justice for virtually their entire regular operating budgets, and receive from the office of the restorative justice coordinator special training in restorative justice programming and certain administrative assistance (e.g., recording and analyses of information). In addition, the Department of Justice, through the restorative justice coordinator, provides advice and support to the agencies on an on-going basis. While the local agencies are accountable ultimately to the Department of Justice in the sense that the latter could effectively shut down local rj operations, the relationship is one of partnership and collaboration. The agencies operate independently within the broad protocols and guidelines, exercising substantial control over "the work process". They do some modest fund-raising and, far more importantly, they mobilize, recruit and train significant numbers of volunteers. The volunteers are crucial to the success of the restorative justice initiative, perhaps even more critical than there were in the agencies' alternative measures era since the referrals dealt with are now more complex, involving more and different session participants and more serious offences.

KEY MEASURES OF THE VALUE-ADDED OF THE RESTORATIVE JUSTICE INITIATIVE

There are many possible measures of the "value-added" impact of the restorative justice program vis-a-vis the alternative measures programming that the local r.j. agencies used to deliver. Three important measures would be whether the number and types of referrals have been changing, whether the types of offences dealt with by the agencies have changed proportionately, and the extent to which the agencies are engaged in different types of rj sessions (an indication of whether the intervention itself has been changing). Tables 2.2, 2.3 and 2.4, measuring, respectively, each of these indicators, were put together based on monthly reports produced by each agency.

NUMBER AND SOURCE OF REFERRALS

Table 2.1 provides data on the rj referrals for 2000 and 2001 based on the RJIS file accessed by the evaluator¹. The number of referrals increased substantially (i.e., about 20%) in 2001. All four agencies received more referrals in 2001 than in 2000, the gains being particularly significant for the smaller agencies where they exceeded 30%. It is clear, too, that the gain in referrals was almost entirely accounted for (i.e., 92%) by increased referrals at the police entry level. Overall, the total of 1022 referrals in 2001 exceeded the average yearly total of 978 alternative measures referrals over the four years prior to the NSRJ initiative. The rj agencies are now handling not only more complicated referrals and providing more in-depth contact and service to offenders and victims but are, also, handling more cases than in the alternative measures (AM) era.

On the basis of monthly reports produced by the rj agencies, table 2.2 presents data on the number and types of referrals over

the twelve months of 2001. It can be seen that metropolitan Halifax agency received about 47% of the 1008 rj referrals sent to the four, first phase rj agencies, while the Amherst, Sydney and Kentville agencies accounted for, respectively, 10%, 28% and 15%. The number of referrals received varied slightly over the year but overall the fourth quarter numbers were the largest. The table indicates that there was some modest progress in the agencies receiving rj referrals from levels of the CJS beyond policing. In 2001, only 75% of the total referrals received were pre-charge police referrals, while post-charge crown referrals accounted for 23% and the post-conviction court and post-sentence corrections levels each contributed a handful of referrals. Almost one-third of all referrals received by the Halifax agency were crown referrals (testimony it seems to the close collaboration of police and crown prosecutors at the Devonshire Family Court where the criminal cases of youths aged 12 to 15 are considered). In the case of the Amherst agency, 22% of its referrals in 2001 came from beyond the police level, compared to 17% of the referrals for the entire 1999 to 2001 period. In the second half of 2001, as table 2.2 shows, the Amherst agency began receiving referrals from the Corrections entry point. The Kentville agency received almost 20% of its referrals from the crown prosecutors (i.e., post-charge), the number of such referrals picking up significantly in the second half of 2001. The Sydney agency received essentially the same proportion of its 2001 referrals from the police, pre-charge, level as it had over the previous year, namely 87%. Overall, apart from the agency-specific variation noted, the proportion of cases coming from the different levels or entry points did not vary by quarters.

TYPE OF OFFENSES DEALT WITH

Table 2.3 provides data on the types of offences that constituted the referrals received by the rj agencies in 2001². The offences were sorted into three categories, namely type 1 offences which essentially represent the AM template (i.e., the kinds of offences referred to the agencies in the alternative measures era), while type 2 offences represent the more serious conventional crimes and type 3 represent a residual category of other criminal code offences. The table shows that 814 or 70% of the offences were type 1. This percentage is modestly but clearly lower than the roughly 80% of the agencies' first year offences which were type 1, indicating some progress away from the AM template or profile of offences handled. The rj agencies, then, received in 2001 referrals that involved more complex and serious offences than did their referrals in 2000.

The type 1 offences in 2001 were first and foremost "theft under" for all four agencies but there was variation by agency in the type 1 offence profiles. The Island (Sydney) agency dealt with a proportionately much larger number of liquor infractions. It handled seventy-three cases of LCA offences (about 30% of all its type 1 referrals) while the other three agencies combined had only about thirty such referrals. The Halifax agency had the lowest proportion of type 1 offences (i.e., 61%) while Sydney had the highest (i.e., 88%), and the two small town regional agencies were in the middle (i.e., Amherst had 71% and Kentville 65%). Type 2 offences accounted for about 13% of the offences handled by the rj agencies in 2001. While Halifax handled the largest number of such crimes (i.e., 72), the Kentville agencies had the highest proportion of type 2 offences in its workload, namely some 30%. The two most frequent type 2 crimes dealt with by the rj agencies were break and enter and drug possession; the latter - drug

possession charges - were proportionately well distributed among the agencies in relation to their total number of cases, and the CDSA offence overall accounted for approximately 25% of all type 2 offences. Type 3 offences constituted a residual category (e.g., other criminal code) and often there was no breakdown of the constituent offences in the agencies' monthly reports. It was possible to identify about one quarter of these offences, and among this 25% sample the four major offences were uttering threats, joyriding, resisting arrest/obstruction, and motor vehicle offences. There were some interesting patterns of variation. The Sydney agency, for example, received virtually all the joyriding offences³ while Halifax got virtually all the resisting arrest/obstruction charges and most of the motor vehicle infractions. Uttering threats was a common type 3 offence in all regions.

TYPES OF SESSIONS

Table 2.4 provides data on the type of rj sessions held to deal with the referrals accepted by the local rj agencies. Three categories are utilized by the rj agencies in describing their intervention format, namely (a) victim-offender (VOM) sessions, where, at the minimum, the session participants included a victim or victim surrogate, an offender and the facilitators (almost invariably, apart from "stoplifting" sessions and workshops, in all sessions, in all rj agencies, there are reportedly two facilitators); (b) accountability (ACS) and "Stoplifting"/Workshop sessions; in the ACS, the participants were, as in the alternative measures era, the young offender, a parent or guardian, and the facilitators, and no victim was present; in "Stoplifting" and Workshop sessions there were always multiple offenders (usually 5 to 8 youths), sometimes a corporate / business representative or community person, and the sessions ran

from two to three and a half hours. All the agencies apparently had some form of anti-shoplifting program but Halifax had probably the most elaborate program, not a surprising point given the preponderance of corporate retailers in the metropolitan area⁴; the workshops, used primarily in Sydney, were two to three hour educative sessions dealing young offenders having alcohol or drug abuse; (c) community justice forums (CJF) or restorative justice forums (RJ). In these CJF and RJ types of sessions, which differ only in nomenclature not structure or style, there was presumably the full range of participants, including victim, offender, supporters, community representation and the facilitators.

While there appears to be general agreement among the agencies as to the definitions of these various types of sessions, in practice, there was considerable overlap between VOM and CJF/RJ in the agencies' designations; in a number of instances, sessions with the same number and type of participants were classified by one agency as VOM and another as CJF/RJ. Pending a more formal operationalization of these terms in the context of utilizing the restorative justice information system, it is advisable not to over-emphasize these distinctions. It can be noted, too, that in table 2.4 there are no CJF/RJ sessions cited in the Halifax agency reports and the presumption here is that these types of sessions are included in the agency's cited VOM sessions. Finally, there were no circle sentencing sessions reported by the agencies in 2001 though the "circle process" was apparently utilized as an explicit technique in a few sessions by several agencies.

It is evident from table 2.4 that the most common type of rj session was the ACS/Stoplifting/Workshop intervention, which used essentially the same basic formats followed in the alternative measures era. About 63% of all the sessions in 2001 were

identified by the agencies as falling into this category. In the case of Halifax, where shoplifting is most extensive, 85% of the agencies' sessions were so identified. There were other, interesting and seemingly idiosyncratic variations among the agencies. The smaller agencies, for example, had proportionately fewer accountability sessions. When Amherst departed from the ACS format, it generally employed full-fledged CJF/RJ sessions (i.e., 51% of all Amherst sessions), while, when Kentville did, it usually employed the VOM format (i.e., almost 40% of all Kentville sessions). In the case of Sydney, the pattern was similar to Amherst in that the full-fledged CJF/RJ type of session was utilized extensively (i.e., almost 40% of all its rj sessions) and the VOM type of session quite infrequently. Comparing the frequencies of VOM or CJF/RJ types of sessions in the first and second half of 2001 for all agencies, no pattern of change or evolution was evident. In other words, the profile of session types did not change for any agency over the course of 2001 (for specific comparisons to 2000, see below).

Overall, then, in terms of the three major criteria for determining the value-added of the agencies' involvement in the NSRJ initiative, there is little doubt that progress has been achieved. According to both the RJIS and the agencies' monthly reports, the rj agencies received more referrals in 2001 than in 2000 and now handle more cases than in the AM era. While police referrals accounted for most of the increase, there were modest gains in securing referrals from the crown and corrections levels. The cases that the agencies dealt with in 2001 were, on average, most complex than those dealt with in 2000 and substantially more complex than those handled in the AM era. The accountability session, analogous to the AM conference, remained the most common type of session in 2001 but less so than in 2000, testimony to the

increasing complexity of the agencies intervention (i.e., involving victims and others much more in the agencies' contacts, services and conferencing). There were some interesting variations by agency in growth patterns, offences dealt with and types of sessions held.

SPECIAL FOLLOW-UPS TO THE YEAR ONE REPORT

In the Year One report, there was a more detailed focus on two agencies, namely Valley Restorative (Kentville) and Island Community Justice (Sydney), and an assessment of turn-around time or the dispatch with which agencies dealt with the referrals they received. Tables 2.5 to 2.10 follow up on these themes, drawing on special data obtained from several of the rj agencies. It is clear from table 2.5 that the Valley agency experienced a sharp increase in its referrals in 2001, growing some 30% over 2000 and well surpassing its earlier alternative measures caseload. The table also shows that, while the bulk (i.e., over 80%) of referrals continued to come from the police entry level, the referrals from the crown level increased substantially in percentage terms from 2000 to 2001 and of course from the AM era. The agency's offence data (table 2.6) also illustrates the overall trend noted above, namely a progressive decline in "theft under" referrals (from 58% in the AM era to 35% in 2000 and 30% in 2001) and modest regular increases in handling more serious offences such as break and enter, and drug and alcohol infractions. Table 2.7 illustrates the quite modest trend, noted above for the rj agencies overall, in having fewer accountability sessions and more frequent victim participation in the conferences held. Table 2.8 for the Island agency underscores two of these same patterns, namely an increase in referrals and little change in the number of sessions or conferences that were accountability sessions (i.e., from 53% as of November 30, 2000 to 56% as of December 2001) agency). In the

case of the Island agency, there was no discernible increase in the proportion of referrals coming from beyond the police level of the CJS.

A criterion often suggested for comparing restorative justice interventions and court-processed cases is "turn-around-time" or how fast a case is processed in the two types of systems. Timing is deemed crucial for both theoretical (e.g., effective sanctions are timely sanctions) and practical (i.e., summary offences have to be filed in court within six months of the offence) reasons. Moreover, while many stakeholders do not expect the rj sanctions in themselves to be radically different, either in substance or in deterrent value, from those meted out by the courts, it would be expected that at least the response would be quicker. In Year One the turn-around times were calculated for all the Island Justice cases and the results were impressive. Most referrals (i.e., 66%) were received within one month of the offence and fully 97% of the referrals were conferenced within three months of being received.

Tables 2.9 and 2.10 shed further light on this issue in 2001. Table 2.9, drawn on Valley agency data for 2000 illustrates that police referrals have been dealt with fairly quickly. In 60% of the cases, less than six months elapsed between the date of offence and the agency's closure of the file (i.e., offender's completion of the rj agreement) and virtually all files were closed at least within one year of the offence date. It can be seen that the agency only received 40% of the referrals within one month of the offence and that about 35% of the referrals were received at least two months after the offence date. The table also suggests (the number are few) that referrals from the crown level typically will be received much later by the agencies (here over 40% did not come until at least three months after the offence occurred) and will typically not be fully processed before

six months from the offence date. While the period of elapsed time may not be best from a theoretical perspective on effective sanctioning, there is no practical problem here as a crown referral is post-charge and thus the six month rule is not applicable (e.g., a youth not fulfilling the rj agreement could still be processed in court even if six months had passed since the offence took place).

Table 2.10 examines the turn-around-time for the Halifax rj agency in 2001. Since one third of the agency's cases are crown level referrals and crown referrals, as noted, are not commonly fully processed within six months of the offence, it would be expected that the turn-around-times would not be as fast as for the Island and the Valley referrals. It can be seen that the Halifax agency received about a third of all its referrals within one month of the offence but that close to 30% were not obtained until three months had elapsed. These percentages are modestly different from their respective Valley equivalents. The Halifax agency was able to hold conference sessions for roughly 80% of its cases within three months of receiving the referral. The offence to closure elapsed time for Halifax cases was not appreciably different than for the Valley cases (averaging by weight the Valley police and crown referral times), namely almost half falling outside six months. Both Halifax and the Valley agencies did not have as speedy a case processing as the Island agency but it appears that the most crucial variables in explaining turn-around times in general are the proportion of crown referrals in the total referrals received by the agency, and how fast the agency received the police referrals. Improving turn-around-time remains a key objective for the agencies and the NSRJ program.

OTHER ASPECTS OF AGENCY RJ ACTIVITY

Not all cases referred to the rj agencies can be expected to complete the full process of (a) contact, (b) session, (c) agreed-upon disposition, and (d) disposition terms met. In some instances, particularly in the more anonymous metropolitan Halifax, contact may not be established with the young offender. Of course, too, there are instances where the youth has either not agreed to participate or been a "no-show", and other instances where no adequate consensus could be achieved in the rj session concerning the appropriate disposition, or where the youth simply did not complete the disposition agreement. For the year 2001, the percentage of referrals "non-completed", for any of the above reasons, was approximately 10% for Amherst and Kentville, and 15% for Sydney and Halifax (i.e., in actual initial numbers, 10, 13, 43 and 74 for Amherst, Kentville, Sydney and Halifax respectively). Overall, the agencies accepted virtually all the referrals they received from the different levels of the CJS but a few were rejected because they fell outside the amended protocol guidelines (e.g., a post-conviction case where the offence was deemed to be of a sexual nature).

A significant value-added dimension vis-a-vis alternative measures, has been the more frequent and more in-depth contact that the local rj agencies have with both offenders and victims. This enhanced contact is discussed elsewhere in the report (see the survey and interview data write-ups below) and a more quantitative picture awaits further analyses of the restorative justice information system, but there is little doubt that contacts with, and the provision of services for, both offenders and victims have increased significantly compared to the agency practice in the alternative measures era. Since July 2001, all agencies have used a similar format to record on monthly reports

the number of victim preparation sessions they have held. Available data show that the Amherst and Kentville agencies averaged about six such preparations per month while Sydney averaged about ten. While Amherst's preparations were equally split among person and corporate / business / institutional victims, in the case of Kentville and Sydney, the preparations were predominantly with person victims. It may be noted here that all agencies now also use a similar format for handling referrals where the designated case manager contacts both the offender and the victim and all other potential participants for that case. The Sydney agency for about a year and half had utilized a distinct system where victims and offenders were served by different staff but it decided in 2001 to adopt the former, case manager approach⁵. The rj enhancement has also been apparent in the length of the rj sessions actually held. Most agency informants (including here the volunteers participating in the three focus group sessions held with the evaluators) indicated that the rj sessions were of much longer duration than had been their alternative measures counterparts.

All agencies spent a considerable amount of time networking in their local areas with CJS personnel and with other local community agencies. Typically, too, they were involved in media presentations and public forums, advancing the restorative justice initiative. In addition to their direct rj activity, and apart from their activity in coordinating fine options and community service orders for the courts, the agencies occasionally developed complementary programs in areas such as anger management and "awareness and cognitive skills" where these supportive programs were unavailable locally. All agencies have spent significant time reviewing the effectiveness of their current programs, developing new ones and exploring what is available locally⁶. There has been

some concern among agencies for launching more preventative programming; for example, as noted above, the Halifax agency has been developing ideas and programs to deal more proactively with the high level of Afro-Canadian youth involvement with the CJS in the metropolitan area. Of course, these supplemental and complementary activities often involve responding to and seeking out funding possibilities, something that can be quite time-consuming and quite stressful when the usually short-term funding contracts come to an end.

Organizationally the agencies have to cope with the implications of limited budgets and the constant pressure to adequately fund staff, training needs for staff and volunteers, and desirable program initiatives. There has been significant turnover in the larger agencies and there is a considerable challenge for agency management to produce a high quality of work life in their organizations when the promotion opportunities are very limited and the pay is quite modest. While, overall, the agencies have done rather well in meeting the challenge, clearly it is worrisome as indicated in the remarks of one staff person, namely "I worry about the kind of people we can attract. They are either zealots who find it hard to get along with the other staff - it's either my way or the highway for them - or we get people who have little or no training but may naturally have some of the skills we need ... It is very hard to keep good people who have the right training and experience ... There is no place for them to go here. And the wages! (words accompanied by the raising of eyebrows and the wringing of hands)". The agencies have been developing some organizational strategies such as "streaming" volunteers (i.e., establishing criteria for the skills and/or experience required for different facilitator roles), having designated staff coordinating volunteers (in the larger agencies),

allocating more administrative responsibilities to paid staff, rotating staff positions, and in general improving the quality of working life. Still, it is a constant challenge and most agencies have but a few paid staff positions and very tight budgets.

SOME KEY ISSUES

In general, numerous interviews over a year long period, indicated that agency personnel remain positive and excited about the rj initiative. They reported a significant "value-added" vis-a-vis the earlier alternative measures programming and the issue has become more one of how far and with what haste the rj programming should and will be further elaborated. There was a clear frustration among many agency staff and volunteers that they have not received the challenging referrals promised in the NSRJ program. A common set of complaints has been that police interpret rj as "a one shot thing", that crowns are reluctant to refer cases and that, at the corrections level, there is little incentive for the young offender to participate and the incident is often so old that the victim is also reluctant.

While there was concern among agency personnel about the lack of challenge in many referrals, there was also a widespread view that more training and preparation would be required were the agencies to receive referrals involving more violent offenders, adult offenders and even more problem youths causing serious harm (e.g., swarming cases, home invasion). Few agency personnel seemed disappointed with the moratorium on the referrals of sexual assault or partner violence to rj agencies; and many considered that it may well be wise to defer getting involved with adult offenders as the NSRJ program has apparently done, though here, certainly in respect to minor adult property crime, the issue

raised was more one of the availability of resources than of competence or confidence on the part of agency personnel.

There was some concern or, better, ambivalence, about how active the agencies should be in securing referrals. A common view was that agency staff would be much more effective in persuading offenders to welcome the rj opportunity than CJS officials have been, but agency personnel appreciated the autonomy of the latter and recognized, too, the time and effort involved in attending court, reviewing files with appropriate CJS officials and so on. This issue elaborated into a larger one of how much more the agencies should be involved at the community level and in the schools, especially as most agency personnel saw opportunities here since they believed the restorative justice alternative was increasingly accepted as an alternative to conventional CJS processing of minor youth crime. For some agency personnel there was a sense of a hard choice between the agency becoming more professionalized or more "grass-roots".

Another issue raised by some agency personnel concerned substantive matters such as dealing with repeat referrals, whether in "stoplifting" or other types of rj sessions. Are there special interventionist strategies that could be employed in responding to repeaters or to someone whose participation at a previous rj session was poor or who did not fully complete the agreement?

When discussion focused on interventionist strategies, it almost inevitably led to issues of how the agencies could relate better to one another and learn by sharing experiences and "best practices". It was often pointed out that inter-agency meetings have been limited to either directors getting together to discuss policy (protocol, budget) issues or agency personnel getting

together for generalized training sessions (e.g., circle sentencing), but that there has been limited contact at the "field level" to discuss specific programs and interventionist rj strategies (e.g., "stoplifting", flagging deeper family or support problems at sessions for possible action).

In large measure the issue of resources cut across almost all the areas of concern raised. There appeared to be a strong consensus that if the resources could be there for the training and the co-learning and the proactivity, then the challenges of getting, and responding effectively to, more serious referrals could be met. There was no apparent lack of confidence in the efficacy of the restorative justice alternative but there were frequent expressions of nagging doubts as to whether the agencies for the most part were instead involved primarily in a "downsizing and off-loading" of Justice responsibilities.

¹ Another version of the RJIS file (used by the NSRJ staff) produced slightly different numbers. The biggest difference was in the number of crown level referrals to the Halifax agency where 190 referrals were indicated, not the 169 found in the file on which table 2.1 is based. Secondly, there is a difference of about a dozen police referrals for the Valley and Island agencies, the former having about a dozen less and the latter about a dozen more in the other version of the file. The latter figures are indeed more congruent with those agencies' monthly reports while the monthly reports for Halifax are more consistent with the figures given in table 2.1. Several differences between these versions of the RJIS appear to hinge on the operationalization of year and of referred versus accepted cases but, whatever, these differences will be resolved for future reports. Overall, the basic trends are the same regardless of the version of the RJIS used.

² It has been the practice of the rj agencies to list on their monthly reports the offence associated with the referral. While there may well be instances of a referral having multiple offences (e.g., theft under and possession under are commonly recorded by police in the case of a shoplifting incident), usually only one offence is identified.

³ According to crown prosecutors, the police in Halifax have used the charge "theft over" instead of "joyriding" to underscore the seriousness of the offence.

⁴ Halifax Community Justice has had a well-known "stoplifting" program for several years. Its program was the most elaborate among all the agencies with similar programs in 2001 and the program itself was under copyright to the "stoplifting" program coordinator. The coordinator of this program spent much time pre-session in contact with the young offenders and their parents / guardians then held a session for a handful of youths (i.e., 6 to 8). At the typically three hour session, the youths discussed their shoplifting incident, the impact that their arrest has had on their families and themselves, and agreed to a certain disposition. In many (roughly 50%) of these "stoplifting" sessions, the coordinator/facilitator included various community persons to discuss different issues with the youths. Here she attempted to match the community person and the offenders' needs, ethnicity and so forth. The program has been well regarded by police and other CJS officials. The coordinator considered the program to be very successful for most first-time offenders but acknowledged that it was "difficult to reach" a small percentage of shoplifting youths who appeared to be caught up in a criminal subculture where shoplifting (and other petty crime) was almost a

routine activity. She was reluctant to accept repeat shoplifting offenders into her program and emphasized instead adjusting the "stoplifting" program (e.g., bringing into the sessions persons previously incarcerated to demonstrate the perils of doing crime) to make it a more effective deterrent. How to deal with repeat shoplifters was a more problematic issue

⁵ Apparently the Island agency's switch to the more conventional case manager approach was done for reasons of economy and efficiency. It was contended that having distinct staff persons handling separately either the victim or the offender was basically a transitional strategy to ensure sensitivity to victims' needs and interests as the agency moved from an offender-oriented alternative justice model to the more inclusive rj model. After a year and a half transitional period, the agency staff felt confident that they appreciated victims' concerns.

⁶ Some specific examples of these developments would be the Island agency temporarily suspending and reviewing its "stoplifting" program under concern for its efficacy in deterring shoplifting; the Halifax agency extending its "black liaison" program to include working with youth incarcerated at Waterville, and considering a group approach along the lines of its successful "stoplifting" program to handle referrals involving substance abuse (LCA and CSDA offences which are plentiful); the Amherst agency husbanding its scarce resources by dropping its own anger management initiative when an adequate alternative program was being delivered by another local agency; the Valley agency obtaining a grant from the Law Foundation of Nova Scotia to develop rj modules in areas such as victim empathy.

TABLE 2.1

Referrals to First Phase Agencies – 2000 and 2001

Restorative Justice Information System

Referral Type:	Community Justice – Halifax		Cumberland Community Alternatives - Amherst		Valley Restorative Justice – Kentville		Island Community Justice – Sydney		Four Agencies Totals – 2000:	Four Agencies Totals – 2001:
	2000	2001	2000	2001	2000	2001	2000	2001		
Police Referral 2000	282		68		109		180		639	
Police Referral 2001		319		81		136		232		768
Crown/ Other Referral 2000	194		7		9		33		243	
Crown/ Other Referral 2001		169		23		26		36		254
2000 Totals:	476		75		118		213		882	
2001 Totals:		488		104		162		268		1022

TABLE 2.2

NS RJ Project (January – December, 2001) Number and Sources of Referrals Accepted

RJ Agency	Referral Source	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Totals
Halifax	Pre-Charge	22	21	26	30	25	18	26	35	22	36	20	36	317
	Post Charge	12	11	16	12	12	11	15	12	14	14	9	12	150
	Post Conviction	0	1	1	0	0	0	0	0	0	1	0	0	3
	Post Sentence	1	0	0	0	0	0	0	0	0	0	0	0	1
		35	33	43	42	37	29	41	47	36	51	29	48	471
Amherst	Pre-Charge	6	1	5	5	12	7	7	13	2	4	18	2	82
	Post Charge	0	1	0	2	0	0	0	0	1	1	5	2	12
	Post Conviction	0	1	0	0	0	2	0	0	0	0	0	0	3
	Post Sentence	0	0	0	0	0	0	2	1	3	0	1	1	8
		6	3	5	7	12	9	9	14	6	5	24	5	105
Sydney	Pre-Charge	23	25	22	22	35	27	16	12	18	24	12	9	245
	Post Charge	2	7	2	0	0	1	2	0	2	8	3	1	28
	Post Conviction	1	1	0	0	0	0	0	0	0	0	0	0	2
	Post Sentence	2	1	0	0	0	0	0	0	1	1	0	0	5
		28	34	24	22	35	28	18	12	21	33	15	10	280
Kentville	Pre-Charge	13	9	9	11	7	16	11	8	4	10	11	14	123
	Post Charge	2	2	1	2	0	0	8	1	2	3	5	2	28
	Post Conviction	0	0	0	0	0	0	0	0	0	0	0	0	0
	Post Sentence	0	0	0	0	0	0	0	0	0	0	1	0	1
		15	11	10	13	7	16	19	9	6	13	17	16	152
GRAND TOTALS ALL AGENCIES		84	81	82	84	91	82	87	82	69	102	85	79	1008

TABLE 2.3

NS Restorative Justice Project (January – December, 2001) – Types of Offences Referred – By RJ agency

RJ Agency	Type of Offence	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total A	Total B	Total C	Grand Totals:
Halifax	A	30	23	27	39	24	19	28	42	30	56	31	37	386	72	166	
	B	1	7	5	3	3	13	10	4	3	10	4	9				
	C	22	17	13	24	24	9	20	20	7	4	3	3				
		53	47	45	66	51	41	58	66	40	70	38	49				624
Amherst	A	5	1	1	7	11	4	8	10	4	4	18	8	81	16	17	
	B	1	2	3	0	1	3	1	1	0	0	4	0				
	C	0	0	1	0	0	2	1	4	4	1	4	0				
		6	3	5	7	12	9	10	15	8	5	26	8				114
Sydney	A	24	30	22	21	29	25	18	11	20	24	14	10	248	20	13	
	B	3	3	1	2	1	2	0	0	0	7	1	0				
	C	1	1	1	0	5	1	0	1	1	2	0	0				
		28	34	24	23	35	28	18	12	21	33	15	10				281
Kentville	A	12	8	6	10	2	14	11	3	3	7	10	13	99	45	11	
	B	4	3	2	3	5	2	7	6	2	6	4	1				
	C	1	0	2	0	0	0	1	0	0	0	4	3				
		17	11	10	13	7	16	19	9	5	13	18	17				155
GRAND TOTALS:		104	95	84	109	105	94	105	102	74	121	97	84	814	153	207	1174

A = Theft Under \$5,000, Assault, Mischief, Property Damage, LCA, PPA, Other Provincial/Municipal, Causing a Disturbance
 B = Theft Over \$5,000, Stealing Car, B & E, Fraud, CDSA, Assaulting Police Officer, Unlawful Confinement
 C = Other C.C., Uttering Threats, Making Harassing Phone Calls, Escape from Custody, Breach of an Undertaking, Resisting/Obstructing an Officer, YOA, Joyriding, Counselling re. Suicide, Prostitution, MVA

TABLE 2.4

NS RJ Project (January – December, 2001) – Types of Sessions

RJ Agency:	Type of Session:	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total VOM	Total ACS	Total CJS/RJ	GRAND TOTALS:
Halifax	VOM	0	0	3	7	4	4	4	4	0	2	3	2	33	186	0*	
	ACS/Shoptlifting/Works hops	2	8	25	21	34	24	30	8	0	12	10	12				
	CJF/RJ																
		2	8	28	28	38	28	34	12	0	14	13	14				219
Amherst	VOM	1	0	0	0	0	0	0	0	0	0	1	0	2	37	42	
	ACS/Shoptlifting/Works hops	2	1	2	0	4	5	0	9	1	2	3	8				
	CJF/RJ	3	2	3	6	8	4	5	4	2	1	3	1				
		6	3	5	6	12	9	5	13	3	3	7	9				81
Sydney	VOM	0	3	2	1	0	0	0	0	0	0	0	0	6	146	88	
	ACS/Shoptlifting/Works hops	4	11	7	12	24	9	15	15	9	16	11	13				
	CJF/RJ	8	8	6	6	12	11	7	7	8	1	8	6				
		12	22	15	19	36	20	22	22	17	17	19	19				240
Kentville	VOM	4	7	5	3	5	2	3	4	6	1	7	0	47	59	15	
	ACS/Shoptlifting/Works hops	2	7	4	2	6	5	5	11	7	0	8	2				
	CJF/RJ	1	2	2	1	1	1	0	1	1	3	1	1				
		7	16	11	6	12	8	8	16	14	4	16	3				121
GRAND TOTALS ALL AGENCIES:		27	49	59	59	98	65	69	63	34	38	55	45	88	428	145	661

* It is unclear whether the agency included CJF/RJ sessions in their VOM statistics

TABLE 2.5

**VALLEY RESTORATIVE JUSTICE - REFERRALS COMPARISON:
ALTERNATIVE MEASURES AND RESTORATIVE JUSTICE YEARS**

Referrals Received	Alternative Measures (1/4/98 – 31/3/99) #	Restorative Justice (1/11/99 – 31/10/00)		Restorative Justice (2001)	
		#	%	#	%
Police Level	129	100	85.5	125	81
Crown Level		16	13.7	28	18
Court Level		1	0.9	0	0
Corrections Level		0	0.0	1	1
Total	129	117	100 %	154	100 %

TABLE 2.6

**VALLEY RESTORATIVE JUSTICE: OFFENCE COMPARISON
ALTERNATIVE MEASURES AND RESTORATIVE JUSTICE YEARS**

Offences:	Alternative Measures 1/4/98 - 31/3/99		Restorative Justice 1/11/99 - 31/10/00				Restorative Justice 2001				
	Pre Chrg	% Total	Pre Chrg	Post Chrg	Total	% Total	Pre Chrg	Post Chrg	Post Sent	Total	% Total
Theft Under \$5000	81	58	37	4	41	35	42	7		49	31
Mischief	15	10	15	3	18	15	20	3		23	14
Break & Enter	16	11	16	0	16	14	27	1		28	18
Assault	9	6	6	2	8	7	7	3		10	6
Possession of Narcotic	2	1	4	2	6	5	6	5		11	7
Underage Drinking			4	0	4	3	4	4		8	5
Uttering Threats	4	3					1	1		2	1
Joyriding			3	0	3	3		1	1	2	1
Possession Property	4	3	3	2	5	4	1	1		2	1
OHVA			2	0	2	2					
Taking MV W'out consent			2	0	2	2					
Fraud							6			6	4
Arson			2	0	2	2					
Damage to Property			2	0	2	2	4	1		5	3
Sexual Assault			1*	1*	2	2	1*			1	1
Trafficking			1	0	1	1					
Car Theft			0	1	1	1					
Possession of a Weapon			0	1	1	1	1			1	1
Trespassing			1	0	1	1					
Personation With Intent	1	1									
Improper Storage Firearm	1	1									
Sexual Interference	1	1									
Property Protection Act			1	0	1	1					
Other Prov/Mun							1			1	1
Other (Below)	7	5									
Disturbance (Fighting)							3			3	2
Unlawful Confinement								1		1	1
Mischief >20000								1		1	1
Breach of Undertaking							1			1	1
Careless Use of Firearm							1			1	1
Robbery									1	1	1
Total	141	100	100	16	116	101	126	29	2	157	101

* Referral returned as ineligible.

TABLE 2.7

VALLEY RESTORATIVE JUSTICE – PROCESSES

COMPARISON: ALTERNATIVE MEASURES AND RESTORATIVE JUSTICE YEARS

	Alternative Measures		Restorative Justice (1/11/99 – 31/10/00)		Restorative Justice (2001)	
	#	%	#	%	#	%
Session Held:						
Accountability	115	100	44	50	59	48
Victim Offender	-	-	36	40	48	39
Conference (Included Community)	-	-	9	10	16	13
Total	115	100	89	100	123	100
Victim Present:						
Sessions With Victim Present	46	40%	45	51%	64	52%

TABLE 2.8

**ISLAND COMMUNITY JUSTICE SOCIETY
CUMULATIVE REFERRALS AND CONFERENCES HELD BY
SELECTED TIME PERIODS *
(November 1, 1999 – December 31, 2001)**

Number and Type of Referrals:				
Time Period	Pre-Charge (Police)	Post-Charge (Crown)	Post-Conviction (Court)	Post-Sentence (Corrections)
Nov 01, 1999 – May 31, 2000	94	14	1	2
Nov 01, 1999 – Aug 30, 2000	132	20	4	2
Nov 01, 1999 – Nov 30, 2000	178	23	7	2
Nov 01, 1999 – Mar 31, 2001	269	35	9	5
Nov 01, 1999 – Dec 31, 2001	446	52	10	7

Number and Type of Conferences Held:			
Time Period	Accountability Session	CJF Conference	Victim-Offender Meeting
Nov 01, 1999 – May 31, 2000	44	18	11
Nov 01, 1999 – Aug 30, 2000	58	37	14
Nov 01, 1999 – Nov 30, 2000	75	50	16
Nov 01, 1999 – Mar 31, 2001	100	76	20
Nov 01, 1999 – Dec 31, 2001	213	143	20

* These data are drawn from the Society's monthly reports.

TABLE 2.9

**Valley Restorative Justice Referrals:
Police Referrals: Turn-Around-Time 1999-2000**

	Offense to Referral		Offence to Closure	
	#	%	#	%
< one month	47	39%	0	--
1 – two months	30	25	4	3
2 –3 months	22	18	13	10
3 – 6 months	16	13	57	47
6 – 12 months	6	5	43	36
> 12 months	0	--	4	3

Crown Referrals : Turn-Around-Time 1999-2000

	Offense to Referral		Offence to Closure	
	#	%	#	%
< one month	4	21%	0	--
1 – two months	3	16	0	--
2 –3 months	4	21	2	10
3 – 6 months	4	21	4	21
6 – 12 months	4	21	10	53
> 12 months	0	--	3	16

TABLE 2.10

Halifax Community Justice Referrals

“Turn-Around-Times”, 2000/2001*

Time Period	Offence to Referral		Referral to Session		Offence to Closure	
	#	%	#	%	#	%
< one month	120	33	63	17	1	1
1 – 2 months	93	26	141	40	13	4
2 – 3 months	51	14	79	22	47	15
3 – 6 months	60	17	58	16	108	35
6 – 12 months	25	7	17	5	119	39
> 12 months	9	3	0	0	20	6
Total	358	100	358	100	308	100

* This sample includes referrals received over the period June 2000 to October 2001

PROCESSING YOUTH CASES IN NOVA SCOTIA

This section describes and analyses how youth offences have been processed in Nova Scotia and locates restorative justice referrals and their impact to date. First, there is a discussion of general court patterns for young accused persons, drawn from data available through the Nova Scotian court records system called Justice Oriented Information System (JOIS). Then, there is an analysis of the police cautioning program, data being drawn from the Restorative Justice Information System (RJIS). Thirdly, there is focus on the restorative justice referrals and here data are also drawn from the RJIS. These analyses are followed by a detailed examination of youth case processing by HRPS, based on more detailed data gathered in collaboration with that police service.

YOUTH CASES PROCESSED IN COURT

Tables 3.1, 3.2 and 3.3 present an overall view of court-processed, youth cases from November 1, 1999 - the beginning of the Nova Scotia restorative Justice initiative - until the end of 2001. Prior to this period, youth cases were either processed in court or, if minor and involving first time offenders, perhaps dealt with through the extensive, government-funded alternatives measures program delivered by non-profit community agencies.

There were 18,335 charges recorded in the JOIS file for the period under consideration. The number may vary slightly for the different issues examined below since sometimes there are missing values and sometimes not all the records are utilized (i.e. selected comparisons are made).

Table 3.1 describes the court-processed charges that have occurred over the restorative justice era. The youth court load declined by roughly 6% between 2000 and 2001, from processing 8,750 charges to 8,205 charges. It will be seen below that this decline was

largely due to fewer minor offences being processed in court because of the NSRJ program and its accompanying police caution program.

It is clear from table 3.1 that males accounted for most of the charges (i.e. 84%) and that 16 to 17 year old youths were the chief offending age grouping (i.e., accounting for 58% of court-processed charges). Approximately 37% of the charges were minor or level one offences as defined by the Nova Scotian protocol. These offences, technically at least, would have been eligible for either cautioning or referral to the restorative justice agencies. Level two offences, such as break and enter, constituted almost 60% of all charges processed in court. These offences, theoretically, could have been referred to restorative justice, either pre-charge or post-charge. Levels three and four offences - offences, such as robbery, murder, sexual offences and impaired driving, that could only be referred, if at all, to the restorative justice agencies, post-conviction - accounted for 4% of the charges. It is also clear from table 3.1 that a significant minority of charges did not result in conviction; only 54% led to convictions but roughly 10% of the total charges remained to be processed. Of course, charges could be withdrawn by the crown in the course of prosecution (e.g., "plea bargaining").

A number of cross-tabulations were carried out to examine the relationships among age, gender, offence seriousness and conviction/disposition. Offence seriousness was measured in two slightly different ways, by reference to the levels defined in the NSRJ protocol and by conventional categorization by CJS officials. Tables 3.2 depicts those relationships. While males were much more likely to face charges, there was surprisingly little difference between males and females in terms of the proportion involved in minor or ambiguous or major offences, although the direction of difference was for males being more involved in more serious offences. Age was significantly related to offence seriousness; the percent involved in minor offences declined from 46% among the 12 and 13 year old to 32%

among the oldest youths. Comparing convictions with acquittals / dismissals / withdrawals, age of youth was positively, though rather modestly, related to conviction (i.e., the highest rate of conviction was among the 16 and 17 year old). There was no significant gender effect associated with convictions though males did have a slightly higher rate. Offence severity, whether measured in terms of NSRJ levels or by conventional criteria, was inversely related to conviction; the less serious charges were more likely to result in conviction. As for sentence disposition, major offences were more likely to have received closed custody sentences and/or probation, while charges of minor and ambiguous seriousness were almost exclusively likely to have received fines and court costs. Overall, then, older youths and male youths were more likely to have committed serious offences and to have been convicted. Serious offences generated more severe sanctions but had a lower conviction rate. Analyses of "pending" and "other" dispositions revealed little variation by age or gender but significant differences by offence severity; major offences were much more likely than the minor or ambiguous to be 'other' (106 to 19 and 31) or 'pending' (685 to 534 and 474).

The entire analysis above was replicated for cases (i.e., all charges laid against a specific person on the same date constituted one case). Essentially, the same basic results were obtained as for charges, save that, on the conviction cross-tabulations, the percent convicted increased by a "constant" 10% in each category; for example, the conviction percentage among 16 and 17 year old went from 64% to 74%, the conviction percentage for minor offences went from 63% to 73%, the male percent convicted went from 62% to 72% and so forth. Specific sentence sanctions also only differed by a constant factor in the analyses of cases. The difference in conviction percentages between charges and cases is presumably due to a number of laid charges being subsequently withdrawn or dismissed in the course of a youth being convicted on other charges related to the same incident.

Table 3.3 provides information on patterns of recidivism among youth whose cases were processed through the courts. It yields only a limited snapshot since the time frame is but twenty-six months and there are no supplementary data about any previous youth criminal record or subsequent adult court involvement. The table indicates that, during the twenty-five month period, roughly 60% of the youths appeared in court as an accused on only one occasion but almost one quarter faced charges on three or more occasions (i.e., recidivated twice or more). The several cross-tabulations point to significant patterns by seriousness of first offence and by gender. Males and those youths whose first offence in this time frame was major (as defined throughout this report) were more likely to recidivate. Age at first offence was also significantly related to recidivism but it is difficult to interpret this effect since, by definition, the different age groups were differently exposed to youth court (e.g., seventeen year old youths subsequently recidivating might have been processed in adult court since they might have turned eighteen by that time).

In summary, analyses of court-processed youth charges and cases indicated that the NSRJ program and police cautioning did have a modest effect in reducing the court load, continuing a trend observed in 2001 when the restorative justice program compared favourably on this measure vis-a-vis the alternative measures program it replaced. Still, more than a third of all charges and cases dealt with in court involved minor or level one offences. Youth aged 16 or 17 were the chief young offenders in terms of both number of offences and serious offences. The minor level offences handled in court typically result in probation, fines or court costs, singly or in combination. Even in the limited time frame of the data set and the absence of data on criminal record information prior to November 1999 or in adult court for those who reached 18 years of age, the court data indicated there was significant recidivism. Shortfalls in the JOIS file available

included the absence of measures of ethnicity and socio-economic status, and the limited time span of the data.

TABLE 3.1**COURT-PROCESSED CHARGES**

November 01, 1999 to December 31, 2001 - By Selected Features, JOIS

	Number	Percent
By Year: November – December, 1999	1,380	7
2000	8,750	48
2001	8,205	45

By Gender: Female:	2,838	16%
Male:	15,472	84

By Age: 12 – 13 year olds	1,547	8%
14 – 15 year olds	6,268	34
16 – 17 year olds	10,510	58

By Offence Type:		
Theft / Possession Under	2,686	15%
Simple Assault	935	5
Mischief / Damage	1,089	6
Public Order	223	1
Provincial Statutes (Including LCA & Municipal)	1,912	10
Subtotal of Offence Types Above:	6,845	37%
Break & Enter	1,462	8
Fraud	298	2
Theft / Possession Over	529	3
Weapons	255	1
Drug Possession	316	2
Drug Trafficking	233	1
Major Assault	494	3
Admin. Justice	1,590	9
Joy Riding	266	2
Other Federal (Mostly YOA)	2,928	16
Motor Vehicle Act	1,629	9
Other Criminal Code	835	5
Subtotal of Offence Types Above:	17,680	96%
Robbery	241	1
Sexual Offences	292	2
Impaired Driving	93	1
Kidnapping	21	
Attempted Murder	2	
Unknown	6	
Total of All Offence Types Above:	18,335	100%

By Disposition: Conviction	9,910	54%
Acquitted / Dismissed	1,987	11
Withdrawn	4,291	23
Pending	1,983	11
Other	164	1

TABLE 3.2

COURT-PROCESSED CHARGES

November 01, 1999 to December 31, 2001 - By Selected Cross-Tabulations, JOIS*

DISPOSITION**	AGE					
	12 – 13 yrs		14 – 15 yrs		16 – 17 yrs	
	#	%	#	%	#	%
Conviction	770	56%	3,222	58%	5,909	64%
Acquittal / Dismissal/Withdrawal	602	44%	2,338	42%	3,325	36%

DISPOSITION**	GENDER			
	Female		Male	
	#	%	#	%
Conviction	1,416	60%	8,485	62%
Acquittal / Dismissal/Withdrawal	959	40%	5,306	38%

DISPOSITION**	YEAR			
	2000		2001	
	#	%	#	%
Conviction	4,853	60%	3,764	64%
Acquittal / Dismissal/Withdrawal	3,195	40%	2,110	36%

DISPOSITION**	SERIOUSNESS OF OFFENCE A***					
	Minor		Ambiguous		Major	
	#	%	#	%	#	%
Conviction	3,803	63%	3,663	68%	2,245	52%
Acquittal / Dismissal/Withdrawal	2,254	37%	1,710	32%	2,286	48%

DISPOSITION**	SERIOUSNESS OF OFFENCE B***			
	Levels 1 and 2		Levels 3 and 4	
	#	%	#	%
Conviction	9,655	62%	246	44%
Acquittal / Dismissal / Withdrawal	5,950	38%	315	56%

* The X₂ values for age and seriousness of offence were significant at <.000
** 'Pending' and 'Other' dispositions were not considered in these cross-tabulations.
*** See text for description of these labels.

COURT-PROCESSED CHARGES

November 01, 1999 to December 31, 2001

By Selected Cross-Tabulations, JOIS

(...continued)

SENTENCE SANCTION*	SERIOUSNESS OF OFFENCE					
	Minor		Ambiguous		Major	
	#	%	#	%	#	%
Closed Security	24	0.6%	38	1.0%	77	3.2%
Probation	1755	46.1%	1,376	37.6%	1,689	69.6%
Fine	1383	36.4%	1,422	38.8%	53	2.2%
Court Costs	1164	30.6%	1,259	34.4%	10	0.4%

* Other sentence sanctions were excluded. All sanctions by offence type effects had X₂ values significant at <.000

SERIOUSNESS OF OFFENCE	GENDER			
	Female		Male	
	#	%	#	%
Minor	963	37.7%	4,713	33.6%
Ambiguous	883	34.6%	4,995	35.6%
Major	708	27.7%	4,308	30.7%

SERIOUSNESS OF OFFENCE	AGE					
	12 – 13 Yrs		14 – 15 Yrs		16 – 17 Yrs	
	#	%	#	%	#	%
Minor	631	45.7%	1,980	35.5%	3,065	31.8%
Ambiguous	338	24.5%	1,773	31.8%	3,767	39.2%
Major	411	29.8%	1,821	32.7%	2,784	29.0%

TABLE 3.3**PATTERNS OF YOUTH RECIDIVISM, COURT-PROCESSED CASES**

November 01, 1999 to December 31, 2001, JOIS

AMOUNT OF RECIDIVISM		
LEVEL:	#	%
No Recidivism	2941	61
Once Re-offended	841	17
Twice Re-offended	347	7
Three Re-offences	204	4
Four or More Re-offences	513	11
Total:	4846	100 %

FIRST OFFENCE SERIOUSNESS						
LEVEL:	Minor		Ambiguous		Major	
	#	%	#	%	#	%
No Recidivism	1326	60	1078	66	525	53
Single Repeat	380	17	264	16	192	19
Multiple Repeat	95	23	286	18	282	28
Total:	2201	100 %	1628	100 %	999	100 %

GENDER *				
	Female		Male	
	#	%	#	%
No Recidivism	736	69	2195	58
Single Repeat	175	16	662	18
Multiple Repeat	155	15	908	24
Total:	1066	100 %	3765	100 %

AGE OF FIRST OFFENCE						
	12 – 13 yrs		14 – 15 yrs		16 – 17 yrs	
	#	%	#	%	#	%
No Recidivism	197	47	647	50	2087	67
Single Repeat	70	16	210	16	557	18
Multiple Repeat	155	37	437	34	471	15
Total:	412	100 %	1294	100 %	3115	100 %

These cross-tabs yielded X_2 values significant at $<.000$

POLICE CAUTIONS IN NOVA SCOTIA

As part of the NSRJ program, police services throughout the province are empowered to issue formal letters of caution to youths who have taken responsibility for certain types of offences. These latter are referred to, in the program, as "level one" and only include minor property offences (especially shoplifting, cc334/354), mischief (cc430), minor assaults (cc266a), disorderly conduct (cc175) and provincial statute offences (e.g., EPPA). The decision whether to issue a formal letter of caution is generally left to the investigating officer or to the officer responsible for the police service's youth bureau. There is no formal restriction of the caution option to first time offenders and, in fact, a less restrictive policy is advocated by the Department of Justice (Restorative Justice, Nova Scotia, p12). The letter of caution is addressed to the youth in an envelope sent to the parent or guardian. The letter (see appendix) communicates four points, namely that the youth has accepted responsibility for a specified offence, that the police have decided not to proceed with a formal charge with the hope that the youth will profit from this opportunity, that, by way of the letter, the parent/guardian is being notified, and, finally, that, while the caution will not lead to a criminal record, the information will be maintained in police files and may be taken into account should the youth be involved in any further offences. On the latter point, it appears that very few cautions issued by municipal police services (even Halifax Regional Police) are formally entered on CPIC and, indeed, among the RCMP the policy has been to leave the matter (of entering the caution on CPIC) to the discretion of the detachment commander.

In analysing the Nova Scotia caution program, two files, available through the Nova Scotia Department of Justice, were accessed. One had 1123 records where each record referred to a specific charge. The other file had 1285 such records. Each file

contained some data that the other file did not (e.g., ethnicity of the youth) so both were utilized. In general, the files upon analysis yielded the same percentage results in frequencies and cross-tabulations. It is also important here to appreciate the differentiation between charges and cases or incidents. Often, for example, a single shoplifting incident or case would entail two charges, namely theft under (cc334b) and possession under (cc355b). A letter of caution is given for a case or incident so clearly there will be more charges cautioned than there will be letters of caution issued.

As shown in tables 3.6 to 3.9 for charges and cases in 2000 and 2001, police cautions increased significantly in 2001, going from 497 to 564 charges and from 333 to 389 cases, a gain in both instances of better than 10%. This increase is almost entirely a function of phase one police services issuing more cautions, rather than input from newly eligible phase two police agencies. The type of offences cautioned remained roughly the same and the entire 10% plus increase has been basically a function of more minor or level one offences being cautioned rather than any change in the types of offences cautioned. Nevertheless, there has been a slight increase in certain non-level one offences, such as drug possession and break and enter cases, being cautioned, which suggests perhaps the direction of possible, future changes in the cautioning program. These latter cautions at present fall outside the NSRJ protocol for police cautions and were made for the most part by RCMP officers.¹

Table 3.4 describes the police cautions that were made in 2000 and 2001, based on one of the available caution files. The table indicates that cautions increased in 2001 (though here the increase is somewhat less than that reported in other files), that male and female youths were equally common recipients of caution letters, and that cautions were well-distributed among the three youth age

categories but least common among youth aged 16 years or older. African-Canadian youth received at least 12% of the caution letters. As noted above, approximately 90% of the cautions were for minor, level one offences. Formal cautions were rarely given to repeat offenders, whether they had a prior court conviction or a prior extra-judicial involvement (all told about 96% of the caution recipients were first-time offenders). For the most part the victim was a corporate retailer (e.g., Zellers, Shoppers) and the offence was shoplifting, but 24% of the cautions involved incidents with person victims. The practice of cautioning was clearly different in different regions of Nova Scotia. Halifax Regional Police and Halifax County (where corporate retailers are concentrated) accounted for the majority of caution cases (60% and 67% respectively). The RCMP, over its forty-three Nova Scotian detachments, issued letters of caution for some 335 charges, about one-third of the total. Cape Breton, despite its having a larger population than the Valley area or Cumberland County, saw fewer charges cautioned than these areas (i.e., 4% to 5%).

Table 3.5 provides cross-tabulations exploring interactions among gender, offence, age, police service and cautioning. It can be seen that variation was quite modest but there was a slight tendency for males and older youth to be cautioned for more serious offences. HRPS and the RCMP, two police services, together accounting for 90% of all provincial police cautions, also were largely similar in issuing cautions but there was a slight tendency for RCMP officers, compared to the Halifax Regional Police, to caution more serious offences.

It was observed above that there were two caution files available for analyses. The second file contained about one hundred and fifty more records and was derived from an updated RJIS. The frequencies for different variables or sub-categories of variables

did not appreciably diverge from the above patterns in any respect, in terms of percentages. For example, in both files, 44% of the police cautions were given to youths aged 14 or 15 years. When cases rather than charges were analyzed, the results also were basically similar in terms of percentage distributions for the different variables. Overall, then, formal police cautions have increased with the duration of the Nova Scotia restorative justice initiative, and have been very largely restricted to level one offences and first time offenders. In these respects, the police caution system virtually reproduces the earlier alternative measures program in Nova Scotia which focused on level one offences and first-time offenders. There was some interesting variation in the issuing of cautions by police service and by region. There was some modest variation by age, gender and ethnicity (e.g., males received letters of cautions more often for serious offences).

TABLE 3.4

**CHARGES, POLICE CAUTIONS IN NOVA SCOTIA, 2000 AND 2001
BY SELECTED FEATURES**

		#	%
BY YEAR:	2000	501	48
	2001	537	52
BY GENDER:	Female	549	50
	Male	560	50
BY AGE:	12 – 13 yr olds	353	32
	14 – 15 yr olds	492	44
	16 – 17 yr olds	264	24
BY ETHNICITY:	Aboriginal	12	1
	African Canadian	134	12
	Caucasian	910	82
	Other	24	2
	Unknown	29	3
BY AGENCY:	Halifax Police	666	60
	RCMP	335	30
	Cape Breton Regional	22	2
	Other	86	8
BY COUNTY:	Halifax	742	67
	Cape Breton	50	4
	Valley Area	194	17
	Cumberland	61	5
	Other	55	5
	Out of Province	7	1
BY OFFENCE TYPE:	Theft / Possession Under	812	73
	Simple Assault	60	5
	Mischief / Damage	102	9
	Public Order	26	2
	Provincial Statute	23	2
Sub-total of all the offence types above:		1023	91%
	Major Assault	6	1
	Break & Enter	14	2
	Weapons	4	1
	Fraud	6	1
	Drug Possession	3	-
	Adm. Justice	5	1
	Other CC	34	3
	Other Federal	1	-
	MVA	9	1
Total:		1109	101%
BY PRIOR CC:	No	1100	99
	Yes	9	1
BY PRIOR RJ:	No	1088	98
	Yes	21	2
BY PRIOR CAUTION:	No	1086	98
	Yes	23	2
BY VICTIM TYPE:	Business / Corporate	789	71
	Public Property	52	5
	Person	268	24

TABLE 3.5

**OFFENCE SERIOUSNESS BY GENDER, AGE AND POLICE SERVICE
POLICE CAUTIONS IN NOVA SCOTIA, 2000 AND 2001**

GENDER				
	Female		Male	
	#	%	#	%
Minor Offence	329	95	322	86
Ambiguous Offence	13	4	24	7
Major Offence	5	1	27	7
Total:	347	100 %	373	100 %

AGE						
	12 – 13 yrs		14 – 15 yrs		16 – 17 yrs	
	#	%	#	%	#	%
Minor Offence	207	91	294	93	150	84
Ambiguous Offence	7	3	16	5	14	8
Major Offence	13	6	5	2	14	8
Total:	227	100 %	315	100 %	178	100 %

POLICE SERVICE				
	Halifax Regional		Metro RCMP	
	#	%	#	%
Minor Offence	343	98	83	84
Ambiguous Offence	2	1	5	5
Major Offence	4	1	11	11
Total:	349	100 %	99	100 %

THE NOVA SCOTIA RESTORATIVE JUSTICE PROGRAM

Tables 3.6 to 3.9 provide an overview of cautions and restorative justice referrals in comparison with court processed youth offences. The data are for the years 2000 and 2001 where year is defined by date of referral in the RJIS file and by the date the information is laid in the JOIS file. In each year the tables provide information on charges and cases (again, all charges laid against the same offender on the same date are considered to constitute a single case). It will be noted that in all these tables there are two columns devoted to charges/cases directed to court, one from the NSRJ checklist data and the other from the JOIS system referred to above. For our purposes here the court comparison is represented by the JOIS column. The column, "Charges Laid: RJ Checklist", is perhaps best seen as a measure of police compliance in filling out and sending in the NSRJ checklist forms even when they are proceeding with a level one or two offence by laying a charge rather than issuing a formal caution or referring the youth to a restorative justice agency. The 30% increase, in the number of charges and cases recorded in this column from 2000 to 2001, suggest that there has been increasing police compliance with the NSRJ protocol; however, it appears that compliance is still uncommon, certainly less than one-third of the eligible incidents are checklisted. Nor can the "Charges Laid: RJ Checklist" column be taken as a representative sample of the "Court Processed: JOIS" column, since, apart from the fact that level three and four offences are not usually recorded on NSRJ checklists, there is a bias in the former in that checklists are least likely to be provided to the NSRJ program where the offender is 16 or 17 years of age². The columns of interest in the tables, then, are the four central options for handling youth offences, namely police caution, police referral, crown and other post-charge referrals, and court-processed cases.

Examination of these tables, for charges, indicates that cautions and referrals (total = 1906) dealt with about 18% of all youth charges in 2000 (cautions, police and other referrals and JOIS which totalled 10656) and 21% of the 10339 total in 2001, a modest gain, even if one discounts the roughly 1% for the impact of the other regions becoming part of the NSRJ program in the fall of 2001. Clearly, police cautions and referrals went up 10% and 20% respectively (crown and other referrals remained the same) while JOIS-recorded charges declined by about 6% from 8750 to 8205. In terms of youth cases, there were comparable findings, with cautions and referrals accounting for roughly 21% of total cases (6354) in 2000 and 25% of the total 6062 in 2001 - the same patterns hold as for charges, namely that police cautions and referrals were up 10% and 20% respectively, while JOIS-recorded cases were down 10% (again assuming a 1% discount for cases from newly eligible agencies). There were no significant gains in the number of referrals to restorative justice beyond the police level from 2000 to 2001, though the overall figures mask some changes such as a significant increase in the restorative justice referrals coming from the Corrections level.

In all four tables the subtotal row refers to what has been called level one offences, offences which would be eligible, under the NSRJ protocol, for cautioning, as well as for referral to the restorative justice agencies. These are the types of offences that were eligible for diversion in the alternative measures era and thus make up what could be referred to as the "AM template". They include simple or summary assault, theft and possession under, public order offences, mischief and provincial statutes (including Liquor Control Act and Municipal by-laws). The subtotals indicate that the vast majority (80% plus) of the police cautions and referrals were of the "AM template" type. There was little variation by year in the proportion of police cautions or

restorative justice that were level one or the "AM template". Still, as expected, police referrals were modestly less likely than cautions to be limited to level one offences (roughly a difference of 6%). Crown and other referrals were, however, much less likely to be such level one offences, and, by 2001, only roughly 55% fit that categorization. This fact underlines the importance of the NSRJ program's encouragement of crown-level collaboration if it is to achieve much value-added vis-a-vis the earlier alternative measures program. The tables also show that level one or AM template charges and cases constitute a significant portion of court activity but, at least with respect to cases, there was a decline over the two year period, from 42% in 2000 to 40% in 2001.

The tables indicate that there has been some modest change in the type of offences that receive cautions or referrals (e.g., fewer shoplifting (i.e., theft and possession under) charges and cases in 2001) which reflect the diversity of police discretion. The tables also indicate that there are few types of offences that have not, at some time, been cautioned or referred by some police officer, somewhere in Nova Scotia. It is clear, also, that there were some charges and cases which were cautioned or referred to restorative justice that appear to be outside the specifications of the NSRJ protocol. By NSRJ guidelines police cautions should be restricted to level one offences, robbery would be ineligible for pre-conviction referrals to restorative justice, and sexual assaults never referable. As noted above, the large majority of the caution "outliers" were rendered by RCMP officers, reflecting perhaps the different mandate that that police service may have had (recall that there are several overlapping restorative justice programs in Nova Scotia). The referrals for sexual assaults were issued at the crown and court level, two prior to the NSRJ moratorium in 2000, and none was accepted by the restorative agency involved; in fact, all four phase one agencies have rejected any

referral where sexual assault or partner violence was implicated. The one sexual assault that was cautioned perhaps illustrates the ambiguity of labelling. It involved a twelve year old boy who pulled down his pants and invited touch; there was no actual physical contact and the officer considered it a minor offence. The few incidents of robbery that were referred to restorative justice at the police or crown prosecutor's entry point also appeared to be ambiguous and could well have been labelled as theft (e.g., swarming).

Overall, then, tables 3.6 to 3.9 indicate that cautions and restorative justice referrals have gained a modestly larger share of the total youth charges or cases since 1999. Nova Scotia courts are dealing with fewer level one or minor youth offences. Both police cautions and police referrals increased significantly in 2001 while crown and other referrals remained essentially at their 2000 numbers. Police cautions and police referrals essentially focus on level one or minor (i.e., the "AM template") offences and there has been little change in that regard over the first 25 months of the NSRJ program. Over that same period of time, four police services have accounted for 98% of all police referrals (Halifax Regional 36%, RCMP detachments 33%, Cape Breton Regional 22% and Amherst 7%). Crown and higher entry level referrals have moved decidedly in the direction of involving more serious youth charges but that benefit, from the NSRJ perspective, has been somewhat mitigated by the lack of growth in the number of "crown and other" referrals. The tables also point to the diversity of discretion in cautioning and restorative justice referring; there are clearly some police services and some police officers more likely than others to exercise the discretion to caution or to refer youth cases to restorative justice agencies.

The RJIS file yielded some useful comparisons between cautions and referrals to restorative justice and underlined the significance of post-charge restorative justice referrals. Table 3.10 provides several cross-tabulations on all restorative justice referrals since the NSRJ initiative was launched in November 1, 1999. It depicts the patterns by offenders' gender and age, for both charges and cases, by source of referral (i.e., police or post-charge levels). While police cautions (see table 3.4 above) were quite evenly distributed among female and male youths, it is clear that restorative justice referrals were given more to males who, of course, were considerably more likely to have committed eligible offences. Post-charge referrals were the most likely to be directed at male youths (i.e., 67%). The age category 14 to 15 received the most referrals but the distribution of referrals was more skewed to older youths than was the distribution of police cautions. Whether discussing charges or cases, post-charge referrals were modestly more likely than police referrals to be directed at males, older youths and incidents where the accused faced more than one charge (presumably a weak indicator of seriousness).

Table 3.11 describes the relationship of age and gender with how youths' first cases were processed according to the RJIS file. No information is considered apart from that recorded in the RJIS for the period November 1, 1999 to December 31, 2001. For both males and females, younger youths were more likely than 16 and 17 year olds to have been cautioned than processed through the court system, but there were no meaningful age differences in terms of referrals to restorative justice. Females, similarly, and to approximately the same degree (i.e., a percentage difference of some 8%), were more likely than males to be cautioned than court-processed, while receiving proportionately about the same level of restorative justice referrals. These findings are consistent with

results presented earlier which show that older, male youth were least likely to have committed level one offences. Future analyses will determine whether any other factor(s) account for the variation in first case processing.

TABLE 3.6

PROFILE OF YOUTH CHARGES BY CJS OPTION, 2000, NOVA SCOTIA
(Number and Percentages)

Offences	Police Caution		Police Referral		Crown / Other Referral		Charges Laid: RJ Checklist		Court Processed: JOIS	
	#	%	#	%	#	%	#	%	#	%
Simple Assault	26	4.6	65	7.1	44	10.4	137	8.5	448	5.1
Theft Under \$5,000	235	41.7	349	38.0	96	22.7	276	17.2	915	10.5
Possession Under \$5,000	162	28.7	171	18.6	69	16.3	200	12.5	427	4.9
Public Order	15	2.7	4	0.4	11	2.6	25	1.6	96	1.1
Mischief / Damage	26	4.6	111	12.1	44	10.4	148	9.2	547	6.3
Provincial Statutes	33	5.9	50	5.4	20	4.8	59	3.7	960	11.0
Sub-Total:	497	88	750	82	284	67	845	53	3393	38
Other Criminal Code	20	3.5	15	1.6	14	3.3	82	5.1	305	3.5
Drug Possession	5	0.9	15	1.6	11	2.6	5	0.3	160	1.8
Theft Over \$5,000	1	0.2	7	0.8	11	2.6	37	2.3	122	1.4
Weapons	5	0.9	4	0.4	12	2.8	16	1.0	119	1.4
Break & Enter	2	0.4	59	6.4	19	4.5	111	6.9	709	8.1
Fraud	4	0.7	17	1.8	9	2.1	30	1.9	120	1.4
Major Assault	3	0.5	10	1.1	14	3.3	46	2.9	195	2.2
Admin. Justice	1	0.2	4	0.4	7	1.7	119	7.4	647	7.4
Drug Trafficking	-	-	3	0.3	2	0.5	1	0.1	96	1.1
Other Federal (YOA)	7	1.2	3	0.3	10	2.4	193	12.0	1442	16.5
Motor Vehicle Act	13	2.3	6	0.7	5	1.2	8	0.5	794	9.1
Joy Riding	2	0.4	12	1.3	9	2.1	24	1.5	104	1.2
Possession Over \$5,000	4	0.7	4	0.4	8	1.9	43	2.7	173	2.0
Robbery	-	-	2	0.2	4	0.9	18	1.1	96	1.1
Sexual Assault	-	-	-	-	3	0.7	3	0.2	133	1.6
Arson	-	-	6	0.7	1	0.2	6	0.4	29	0.3
C.C. Traffic	-	-	1	0.1	-	-	9	0.6	68	0.7
Morals (Sex)	-	-	1	0.1	-	-	7	0.4	34	0.4
Kidnapping	-	-	-	-	-	-	1	0.1	7	0.1
Other	-	-	-	-	-	-	2	0.1	4	0.1
Total:	564	100	919	100	423	100	1606	100	8750	100

TABLE 3.7

PROFILE OF YOUTH CHARGES BY CJS OPTION, 2001, NOVA SCOTIA
(Number and Percentages)

Offences	Police Caution		Police Referral		Crown / Other Referral		Charges Laid: RJ Checklist		Court Processed: JOIS	
	#	%	#	%	#	%	#	%	#	%
Simple Assault	31	4.9	91	8.4	27	6.5	174	8.4	423	5.2
Theft Under \$5,000	247	39.1	362	33.4	88	21.1	301	14.5	722	8.8
Possession Under \$5,000	156	24.7	153	14.1	54	12.9	183	8.8	427	5.2
Public Order	5	0.8	12	1.1	13	3.1	33	1.6	111	1.4
Mischief / Damage	56	8.9	138	12.7	31	7.4	139	6.7	424	5.2
Provincial Statutes	74	11.7	126	11.6	22	5.3	83	4.0	816	10.0
Sub-Total:	569	90	882	81	235	56	913	44	2923	36
Other Criminal Code	14	2.2	17	1.6	20	4.8	123	5.9	336	4.1
Drug Possession	17	2.7	35	3.2	18	4.3	15	0.7	126	1.5
Theft Over \$5,000	-	-	1	0.1	1	0.2	20	1.0	66	0.8
Weapons	1	0.2	4	0.4	3	0.7	32	1.5	112	1.4
Break & Enter	12	1.9	68	6.3	40	9.6	164	7.9	632	7.7
Fraud	5	0.8	18	1.7	13	3.1	33	1.6	119	1.5
Major Assault	1	0.2	16	1.5	28	6.7	105	5.1	274	3.3
Admin. Justice	4	0.6	7	0.6	6	1.4	235	11.3	854	10.4
Drug Trafficking	-	-	8	0.7	9	2.2	12	0.6	117	1.4
Other Federal (YOA)	-	-	1	0.1	11	2.6	251	12.1	1294	15.8
Motor Vehicle Act	5	0.8	4	0.4	12	2.9	12	0.6	719	8.8
Joy Riding	2	0.3	15	1.4	12	2.9	43	2.1	147	1.8
Possession Over \$5,000	1	0.2	2	0.2	3	0.7	27	1.3	105	1.3
Robbery	-	-	-	-	2	0.5	42	2.0	129	1.6
Sexual Assault	1	0.2	-	-	1	0.2	11	0.5	94	1.2
Arson	-	-	3	0.3	2	0.5	2	0.1	15	0.2
C.C. Traffic	-	-	-	-	-	-	26	1.3	110	1.3
Morals (Sex)	-	-	3	0.7	1	0.2	2	0.1	15	0.2
Kidnapping	-	-	-	-	1	0.2	3	0.1	14	0.2
Other	-	-	1	0.2	-	-	-	-	4	0.1
Total:	632	100	1085	100	418	100	2071	100	8205	100

TABLE 3.8**PROFILE OF YOUTH CASES BY CJS OPTION, 2000, NOVA SCOTIA****(Number and Percentages)**

Offences	Police Caution		Police Referral		Crown / Other Referral		Charges Laid: RJ Checklist		Court Processed: JOIS	
	#	%	#	%	#	%	#	%	#	%
Simple Assault	24	6.2	61	9.1	39	15.5	100	12.1	317	6.3
Theft Under \$5,000	235	60.4	321	47.8	80	31.7	222	26.9	583	11.6
Possession Under \$5,000	6	1.5	7	1.0	4	1.6	21	2.5	64	1.3
Public Order	12	3.1	4	0.6	6	2.4	11	1.3	42	0.8
Mischief / Damage	24	6.2	94	14.0	26	10.3	82	9.9	278	5.5
Provincial Statutes	32	8.3	47	7.2	14	5.6	42	5.1	836	16.6
Sub-Total:	333	86	534	80	169	67	478	58	2120	42
Other Criminal Code	14	3.6	8	1.2	4	1.6	34	4.1	147	2.9
Drug Possession	5	1.3	15	2.2	11	4.4	4	0.5	131	2.6
Theft Over \$5,000	1	0.3	6	0.9	6	2.4	30	3.6	7.6	1.6
Weapons	5	1.3	4	0.6	4	1.6	6	0.7	35	0.7
Break & Enter	2	0.5	51	7.6	14	5.6	71	8.6	360	7.1
Fraud	4	1.0	12	1.8	5	2.0	16	1.9	53	1.1
Major Assault	2	0.5	10	1.5	10	4.0	30	3.6	117	2.3
Admin. Justice	1	0.3	2	0.3	2	0.8	46	5.6	290	5.8
Drug Trafficking	-	-	3	0.4	2	0.8	1	0.1	48	1.0
Other Federal (YOA)	7	1.8	2	0.3	5	2.0	48	5.8	661	13.1
Motor Vehicle Act	10	2.6	6	0.9	4	1.6	3	0.4	690	13.7
Joy Riding	1	0.3	10	1.5	8	3.2	17	2.1	56	1.1
Possession Over \$5,000	4	1.0	-	-	2	0.8	10	1.2	53	1.1
Robbery	-	-	2	0.3	3	1.2	13	1.6	66	1.3
Sexual Assault	-	-	-	-	2	0.8	2	0.2	67	1.3
Arson	-	-	5	0.7	1	0.4	6	0.7	22	0.4
C.C. Traffic	-	-	1	0.1	-	-	3	0.4	28	0.5
Morals (Sex)	-	-	1	1.0	--	--	7	0.8	16	0.4
Kidnapping	-	-	-	-	-	-	-	-	2	0.1
Other	-	-	-	-	1	0.4	1	0.1	3	0.1
Total:	389	100	672	100	252	100	826	100	5041	100

TABLE 3.9**PROFILE OF YOUTH CASES BY CJS OPTION, 2001, NOVA SCOTIA****(Number and Percentages)**

Offences	Police Caution		Police Referral		Crown / Other Referral		Charges Laid: RJ Checklist		Court Processed: JOIS	
	#	%	#	%	#	%	#	%	#	%
Simple Assault	28	6.2	87	10.5	25	9.8	131	12.0	298	6.6
Theft Under \$5,000	242	53.3	330	39.9	63	24.8	228	20.8	481	10.6
Possession Under \$5,000	4	0.9	13	1.6	3	1.2	17	1.6	75	1.7
Public Order	4	0.9	8	1.0	8	3.1	15	1.4	50	1.1
Mischief / Damage	53	11.7	114	13.8	24	9.4	77	7.0	195	4.3
Provincial Statutes	63	13.5	116	14.0	15	5.9	58	5.3	722	15.9
Sub-Total:	394	86	668	80	138	54	526	48	1821	40
Other Criminal Code	14	3.1	11	1.3	10	3.9	54	4.9	150	3.3
Drug Possession	17	3.7	31	3.7	16	6.3	9	8.0	99	2.2
Theft Over \$5,000	-	-	1	0.1	1	0.4	16	1.5	37	0.8
Weapons	1	0.2	4	0.5	2	0.8	11	1.0	32	0.7
Break & Enter	11	2.4	50	6.0	23	9.1	97	8.9	309	6.8
Fraud	4	0.9	13	1.6	4	1.6	13	1.2	42	0.9
Major Assault	1	0.2	16	1.9	23	9.1	75	6.8	137	3.0
Admin. Justice	3	0.7	5	0.6	3	1.2	109	10.0	335	7.4
Drug Trafficking	-	-	7	0.8	4	1.6	6	0.5	41	0.9
Other Federal (YOA)	-	-	-	-	5	2.0	81	7.4	579	12.8
Motor Vehicle Act	5	1.1	3	0.4	8	3.1	6	0.5	631	13.9
Joy Riding	2	0.4	13	1.6	9	3.5	36	3.3	90	2.0
Possession Over \$5,000	1	0.2	-	-	1	0.4	5	0.5	24	0.5
Robbery	-	-	-	-	2	0.8	33	3.0	89	2.0
Sexual Assault	1	0.2	-	-	1	0.4	8	0.7	55	1.2
Arson	-	-	3	0.4	2	0.8	2	0.2	10	0.2
C.C. Traffic	-	-	-	-	-	-	6	0.6	38	0.9
Morals (Sex)	-	-	2	0.2	1	0.4	-	-	7	0.2
Kidnapping	-	-	-	-	1	0.4	2	0.2	4	0.1
Other	-	-	1	0.1	-	-	-	-	-	-
Total:	454	100	828	100	254	100	1095	100	4526	100

TABLE 3.10

POLICE AND POST-CHARGE REFERRALS, BY SELECTED FEATURES

November 01, 1999 to December 31, 2001

CHARGES				
	Police		Post-Charge	
	#	%	#	%
Gender:				
Male	1294	60	670	67
Female	843	40	428	33
Age:				
12 – 13 yrs	498	23	183	18
14 – 15 yrs	852	40	406	47
16 – 17 yrs	787	37	347	35
# Charges:				
One charge	1585	75	599	60
Two or more charges	552	25	371	40

CASES				
	Police		Post-Charge	
	#	%	#	%
Gender:				
Male	1011	63	395	66
Female	574	37	204	34
Age:				
12 – 13 yrs	354	22	114	19
14 – 15 yrs	638	40	256	43
16 – 17 yrs	593	38	229	38

TABLE 3.11

**FIRST CASE PROCESSING, AGE AND GENDER, RJIS,
NOVEMBER 1, 1999 TO DECEMBER, 31 2001***

MALE				
First Case Processed As	12 – 14 Years		15 Plus Years	
	#	%	#	%
Caution	206	26	214	16
RJ Referral	403	52	663	50
Court Charge	171	22	457	34
Total:	780	100	1334	100

FEMALE				
First Case Processed As	12 – 14 Years		15 Plus Years	
	#	%	#	%
Caution	187	35	161	24
RJ Referral	272	51	370	54
Court Charge	72	14	150	22
Total:	531	100	681	100

*X₂ values < .000

PATTERNS OF RECIDIVISM

Table 3.12 refers to recidivism within the restorative justice referral system itself, over the twenty-six months from November 1, 1999 to December 1, 2001. It describes patterns in these referrals, shedding light on repeat referrals. It does not include any cases where youths received formal police cautions or were prosecuted. The table indicates that recidivism was modest; roughly 10% of the referred youth cases involved youths who had previously, for a different criminal incident, received a restorative justice (rj) referral. In 30 instances (1.6% of the 1941 cases), the youths had received three or more rj referrals. Recall that recidivism within the court-processed cases, over the same period of time, (table 3.3) was roughly four times as great (i.e., 40%). There were no significant differences in the level of rj referrals by the seriousness of the first offence recorded or by the age of the youth at the time of the first recorded offence. There was a slight difference by gender in that males were more likely to be recidivists in the rj referral system. Subsequent analyses revealed that approximately one in fifteen police referrals involved rj recidivism whereas one in every five referrals at the crown or higher entry point involved rj recidivism (i.e., the youth referred had earlier received an rj referral for a different incident). Less than ten rj referrals were "bouncers", cases where the youth had previously been referred for the same incident/offence at another referral source.³

Table 3.13 provides an examination of general recidivism (i.e., whether resulting in a caution, an rj referral or a prosecution) using solely RJIS data. Recidivism, based on cases rather than charges, was calculated and cross-tabulated with mode of first case processing (i.e., how an offender's first case recorded in this data set was processed). It is clear that cautions have been least likely to lead to recidivism (92%), followed by

restorative justice referral (78%). The court-processed category is well behind - about 51% recidivated and many continued to do so, as indicated in the high level of double and triple-plus recidivism (i.e., 12% and 16% respectively). Table 3.14 carries the analysis a little further, controlling for gender while considering the relationship between first case processing and recidivism.

The male and female breakdowns in the various categories - how the first case was processed, the level of recidivism in cautions, restorative justice referrals and court-processed cases - were almost identical on a percentage basis, though clearly there were a lot more male offenders. The pattern of more recidivism being associated with the court-processed option was strong for both male and female, supporting the idea that how one's first case was processed might indeed have an impact on the likelihood of recidivism.

Table 3.14B takes the analysis of recidivism further in several respects. First, the RJIS data set was re-ordered in terms of the referral date for incidents (it was also alternatively re-ordered by offence date but results were very similar) to ensure that the first case processed in the data set was the youth's first case in actuality. Secondly, rj referrals were broken down into police referrals and those referrals coming from the post-charge CJS entry points (overwhelmingly the crown prosecutor level). The expectation of course was that the patterns of recidivism associated with police referrals would be more similar to those associated with police cautions. Thirdly, the relationship between patterns of recidivism and mode of first case processing was examined for male and female youths.

Table 3.14B reveals quite similar patterns of recidivism as in tables 3.13 and 3.14, though the number of cases associated with

each option is modestly different (e.g., there are now 830 instances where the first case processed led to a caution, rather than the 772 recorded in table 13.3). The recidivism patterns associated with police cautions and police referrals were almost identical, in terms of none (85% and 82% respectively) and multiple recidivism. This latter finding is very consistent with the earlier findings about the similarity of these two options in terms of dealing with first time offenders and minor offences. The post-charge referrals also had related recidivism patterns that were much more similar to those of the cautions and police referrals; that is, the same high level of non-recidivism (i.e., 79%) and low levels of multiple recidivism in comparison to the recidivism patterns associated with cases processed through the courts. This finding is particularly significant for the advocacy of restorative justice since it suggests that restorative can be effective in reducing recidivism even in cases involving more serious offences and repeat offenders (recall that the post-charge referrals are much more likely to deal with repeat offenders than are the pre-charge alternative justice options). These patterns held up even when gender was controlled for as table 3.14B clearly shows. Females receiving alternative justice recidivated less than their male counterparts; by option, 88%, 87% and 86% compared to 84%, 79% and 76% for females and males respectively. Also, the similarity of the recidivism patterns for cautioning and rj referrals, whether pre or post charge, in contrast to the "court", was especially striking for female youth but it was also unmistakable for male youth too. Youths whose first case (in this data set) was processed through the courts recidivated much more than those whose first case was subject to alternative justice.

It must be acknowledged that, in the NSRJ program, cases were not randomly assigned to the restorative justice or court paths, so one definitely cannot assume that the lesser recidivism associated

with the restorative justice options would hold up when other factors are considered whether singly or in combination. Also, there is the problem of the bias in the RJIS data set as discussed above, and, of course, its limited recording of cases processed through the courts. Then, too, the time frame for the offences is limited to twenty-six months. Still, the findings are interesting and, overall, in keeping with the objectives and hopes of the NSRJ program. Future research can determine whether they hold up when controls for offence and other variables are introduced.

Overall, then, the RJIS data gathered through the NSRJ program indicates that males and older youths are proportionately more likely than females and younger youths to receive a restorative justice referral than a caution. Post-charge referrals enhance that difference, not surprisingly given that these types of referrals are less likely to focus on level one or minor offences. Recidivism in terms of repeated rj referrals has been quite modest. Recidivism in general terms (i.e., repeated offence incidents) was shown to be less likely if one's first case processed, in this data set, was done so as either a caution or restorative justice referral. And while there are many caveats to acknowledge concerning these findings, at the very least, there are consistent with restorative justice objectives.

TABLE 3.12

PATTERNS OF YOUTH RECIDIVISM, R.J.-PROCESSED CASES

November 01, 1999 to December 31, 2001, RJIS

AMOUNT OF RECIDIVISM		
LEVEL:	#	%
No Recidivism	1732	89
Once Re-offended	179	9
Twice Re-offended	27	2
Three/Four Re-offences	3	-
Total:	1941	100 %

FIRST OFFENCE SERIOUSNESS						
LEVEL:	Minor		Ambiguous		Major	
	#	%	#	%	#	%
No Recidivism	1299	89	159	87	272	92
Single Repeat	137	9	20	11	22	7
Multiple Repeat	25	1	3	2	2	1
Total:	1461	99 %	182	100 %	296	100 %

GENDER				
	Female		Male	
	#	%	#	%
No Recidivism	667	93	1065	87
Single Repeat	46	6	133	11
Multiple Repeat	6	1	24	1
Total:	719	100 %	1222	100 %

AGE OF FIRST OFFENCE						
	12 – 13 yrs		14 – 15 yrs		16 – 17 yrs	
	#	%	#	%	#	%
No Recidivism	371	90	696	88	665	89
Single Repeat	33	9	75	10	71	10
Multiple Repeat	8	1	16	2	6	1
Total:	412	100 %	787	100 %	742	100 %

TABLE 3.13

**RECIDIVISM BY FIRST CASE PROCESSING, RJIS
NOVEMBER 1, 1999 TO DECEMBER 31, 2001**

LEVELS OF RECIDIVISM *	FIRST CASE PROCESSING					
	Caution		Restorative Justice		Courts	
	#	%	#	%	#	%
None	708	92	1332	78	420	49
Once	48	6	251	15	191	22
Twice	10	1	80	5	103	12
Three Plus	6	1	45	3	136	16
TOTAL:	772	100	1708	101	850	99

- X_2 value significant at $<.000$

TABLE 3.14

**RECIDIVISM BY FIRST CASE PROCESSING AND GENDER, RJIS,
NOVEMBER, 1 1999 TO DECEMBER 31, 2001**

FEMALE						
Level of Recidivism	FIRST CASE PROCESSING					
	Caution		Restorative Justice		Courts	
	#	%	#	%	#	%
None	326	93	534	83	105	47
Once	17	5	79	12	55	25
Twice	3	1	20	3	28	13
Three Plus	2	1	9	2	34	15
Total	348	100	642	100	222	100

MALE						
Level of Recidivism	FIRST CASE PROCESSING					
	Caution		Restorative Justice		Courts	
	#	%	#	%	#	%
None	381	90	798	75	315	50
Once	31	7	172	16	136	22
Twice	7	2	60	6	75	12
Three Plus	4	1	36	3	102	16
Total	423	100	1066	100	628	100

TABLE 3.14B

**RECIDIVISM BY FIRST CASE PROCESSING AND GENDER, RJIS,
NOVEMBER, 1 1999 TO DECEMBER 31, 2001**

Level of Recidivism	FIRST CASE PROCESSING							
	Caution		Police RF Referral		Other RJ Referral		Courts	
	#	%	#	%	#	%	#	%
None	709	85	1122	82	210	79	420	49
Once	72	9	146	11	34	13	238	28
Twice	27	3	62	4	7	3	97	11
Three Plus	22	3	42	3	14	5	109	12
Total	830	100	1372	100	265	100	864	100

FEMALE								
Level of Recidivism	FIRST CASE PROCESSING							
	Caution		Police RF Referral		Other RJ Referral		Courts	
	#	%	#	%	#	%	#	%
None	326	88	457	87	77	86	105	47
Once	29	8	46	9	10	11	66	29
Twice	10	3	14	3	1	1	26	12
Three Plus	7	2	9	1	2	2	29	13
Total	372	101	526	100	90	100	226	100

MALE								
Level of Recidivism	FIRST CASE PROCESSING							
	Caution		Police RF Referral		Other RJ Referral		Courts	
	#	%	#	%	#	%	#	%
None	382	84	665	79	133	76	315	49
Once	43	9	100	12	24	14	172	27
Twice	17	4	48	6	6	3	71	11
Three Plus	15	3	33	4	12	7	80	13
Total	457	100	846	101	175	100	638	100

* X_2 value significant at <.000

HALIFAX REGIONAL POLICE PROCESSING OF YOUTH CASES

It was possible, as a result of the collaboration of the Halifax Regional Police Service (HRPS), to examine case processing in greater specificity. HRPS accounted for 60% of all police cautions issued in Nova Scotia between November 1, 1999 and December 31, 2001 and for 36% of all police referrals to restorative justice over the same time period. In addition to being the major contributor in these respects among the police services, HRPS processing is important because the metropolitan Halifax area contains significant ethnic/racial heterogeneity and because of the existence there of quasi-gangs and a youth criminal subculture, all phenomena uncommon in the rest of Nova Scotia and important factors to consider when evaluating the value and impact of the NSRJ program.

In examining the HRPS's processing of youth crime, it is useful to describe the subset of offences that were identified by the police service as ineligible for cautioning or referral. Table 3.15 describes the HRPS youth cases in 2001 that were so considered (at the police level, ineligible offences are defined in the NSRJ protocol as level 3 or level 4 offences). The bulk of these ineligible cases (30 of 41 or 73%) involved robbery which, for youth, is basically a metropolitan Halifax phenomenon.⁴ As the features portion of the table reveals, youths charged with robbery typically also faced weapons charges and were usually repeat offenders and disproportionately Afro-Canadian. Other offences deemed ineligible by HRPS for cautioning or referral involved serious assault, certain motor vehicle offences, and, less obviously, drug and weapon charges. The majority of youths charged with these latter offences were repeat offenders even in the year 2001, and only one of the eleven youths involved was Afro-Canadian. Overall, 4 of the 41 youths committing ineligible and, by

definition, more serious offences, had in the same year received a caution or rj referral on a different and earlier matter.

According to HRPS records, the police service issued 196 letters of caution in 2000 but only 179 (i.e., 10% fewer) in 2001. RJ referrals were also down, declining from 195 in 2000 to 165 in 2001 (i.e., a 15% reduction), while the number of youths charged in court remained roughly the same (i.e., 401 in 2000 and 392 IN 2001). The court option accounted for slightly more than 50% of all youth cases dealt with over the two year period. However, in both years, in the case of the cautioned and referred youths, the police files, thereby accounted for, matched their own numbers (basically one to one ratio) whereas, in the case of the court grouping, the number of police files accounted for far exceeded the number of youth charged (basically a two to one ratio); such a finding clearly points to the greater criminal involvement among youths whose cases were processed through the courts.

It was possible to take a snap-shot of HRPS's 2001 case processing for an approximately eleven month period and to explore the circumstances related to which option - caution, rj referral or court charges - were pursued. Table 3.16 presents these results. Youths accused of an offence in 2001 who had a 2000 record of any sort (whether conviction or extra-judicial involvement) were overwhelming (about 90%) sent on to court processing. Almost all exceptions involved theft under (usually shoplifting items under \$50) and these were sometimes cautioned and sometimes referred to restorative justice. Offenders or accused youths with a 2000 record of multiple incidents were virtually shut out of extra-judicial measures. Roughly half of the youth cases in 2001 sent on to court involved level one offences such as theft under, summary assault and mischief while property crimes and breaches of probation (and other undertakings) constituted the lion's share of the other half.

Table 3.16 shows that single offence offenders without a record for 2000 were more likely (60%) to receive alternative justice (either a formal caution or an rj referral) than to be processed through the courts. The extra-judicial measures were typically reserved for those accused of a level one offence. The table indicates, too, that approximately 20% of the repeat offenders in 2001, who had no record in 2000, received either a caution or rj referral, usually for level one offences which, in turn, were usually the first incidents in the youths' 2001 record (i.e., they were first time offenders at the time of that incident). There were few exceptions. In sum, in this sample, the alternative justice option was largely restricted to first time offenders (at least those without a recent record) accused of a level one offence but, occasionally, a repeat offender charged with a level one offence was also re-directed from the court path. Exceptions to these patterns were quite rare.

Additional HRPS records were accessed which shed further light on why the court option may have been exercised rather than have the youth's case directed to alternative justice. While offence type and record were most important in determining how a youth's case was processed, other factors were significant in the case of first time offenders charged with level one offences. Two reasons advanced by HRPS police for selecting the court option were first, that the youth's parent or guardian reported that the youth was "out of control" and needed the attention and "jolt" that the court would provide; secondly, that, by the time the police could make a decision on how to deal with an incident, the youth was facing charges on a different incident, thus rendering the alternative justice option less salient in police thinking. Police files indicated that in some instances, a youth, while not having a conviction or even a caution / referral, was "known" to police as

an accused or a suspect in other incidents; although not as important as the factors just stated, this consideration was apparently taken into account in dealing with some first time offenders accused of level one offences.

Tables 13.7 and 3.18 analyse the patterns of cautioning, rj referring and laying charges for 2001. There were slightly more cautions than rj referrals (i.e., 179 to 165). As in 2000, females were especially likely to receive letter of caution, in virtually all instances for theft under or shoplifting where the value of the object stolen was usually well under \$50. The same offence accounted for the cautions issued to males but here there was a little more diversity (a few LCA and trespassing violations). Afro-Canadian youths, making up presumably about 5% of the area's youth aged 12 to 17, received close to 20% of all the cautions; males and females received equal numbers of cautions and the latter were for the same offences as in the case of "Whites". Girls also received more rj referrals than boys, although the difference was more modest. Shoplifting remained the primary offence even at the rj referral level but other offences - diverse, though, with few exceptions, level one offences as defined by the NSRJ protocol - accounted for 40% of the cases. There were significant differences between males and females. The latter were held responsible mostly for shoplifting (with trespassing and summary assault distant seconds) while males committed a wider range of offences. Afro-Canadian youths accounted for 10% of all rj referrals.

The second half of table 3.17 depicts the pattern of charges laid by ethnicity and number of incidents. The number and types of offences involved were noted above. Males here far outnumber the females (i.e., almost by a 3 to 1 ratio) and Afro-Canadian youths accounted for disproportionate 25% of all the cases. Significant recidivism is evidenced in the table as 18% of the females and 27%

of the males had been accused in three or more different incidents in 2001. The frequency of such recidivism is roughly similar for "Whites" and Afro-Canadian girls but Afro-Canadian boys had more multiple recidivism than their "White" counterparts (i.e., 33% to 23%). Table 3.18 provides an overall summary of the HRPS' s processing youth cases by gender and ethnicity. Clearly, Afro-Canadian youth are disproportionately (based on population figures) likely to receive either alternative justice or court processing, but especially so the latter.

CONCLUSION

Overall, then, analyses of the processing of youth cases in Nova Scotia have found that cautions and referrals have reduced the court load by some 6% compared to the alternative measures era but that about one-third of the court load still involves minor or level one offences. Recidivism is high among those going to court and those going to court are especially likely to be males and aged 16 or 17. Both cautions and restorative justice referrals have increased significantly since 1999 and together now account for between 20% and 25% of all youth charges or cases. Cautions and police referrals have remained focused primarily (over 80%) on minor, level one offences where the offender is a first-time offender. Still, there was significant variation in police use of discretion in this regard. Crown and other referrals typically involved more serious offences and repeat offenders but the numbers here have shown little increase over the first two years of the NSRJ program. There is some evidence that cautioning and restorative justice referral reduce recidivism, compared to court processing, but it is difficult to draw firm conclusions given the limitations of the data sets and lack of random assignment in the NSRJ program. Detailed analyses of HRPS processing of youth crime underlined the point that police cautions and rj referrals were basically given to first time offenders for level one offences.

That combination has accounted for more than 90% of all HRPS cautions and referrals since November 1999. The HRPS data also point up significant differences by gender and by ethnicity. In particular, the high level of accused among Afro-Canadian youths, in both alternative justice and court venues, merits serious attention and underlines the need for creative and perhaps more macro-level strategies to supplement the NSRJ initiative.

¹ Roughly ten percent of all police cautions were issued for ostensibly non-level one offences, technically outside the NSRJ guidelines. Examination of these "outliers" reveals that almost all were issued by RCMP officers. RCMP officers, interviewed on their cautioning policy, considered that they had discretionary authority outside the NSRJ protocol but they also noted that the incidents cautioned were "low end" offences. A few RCMP officers commented, too, that YOA and drug possession offences were federal offences, presumably more subject to their discretionary authority.

² There has been increasing compliance with the NSRJ guidelines, calling for officers to submit NSRJ checklist forms for all level one and level two offences that they are sending on to prosecution (i.e., laying charges). It can be noted that, for both charges and cases, the percentage increase in 2001 was about 30%, well above the percentage increase in cautions and restorative justice referrals. With a few minor exceptions accounting for few charges or cases (e.g., Military Police, Unamaki Tribal Police, Springhill Police), virtually all police services were more in compliance with the NSRJ guidelines in 2001 than they were in 2000. Among the municipal police services, Cape Breton Regional, Kentville and Amherst all submitted at least 50% more checklists in 2001 and even Halifax Regional, which had a high level of compliance in 2000, increased its submissions by more than 10% in 2001. RCMP detachments in metropolitan Halifax and in the Annapolis

Valley submitted roughly 50% more checklists than in 2000 to the NSRJ office. Clearly, then, more checklists were submitted in 2001 making the "charges laid" recorded in the RJIS more representative of the total charges processed through the court; however, there is still a large gap and less than a third of the charges and cases processed in court are recorded on NSRJ checklists and entered into the RJIS. Moreover, there is a bias in the RJIS sample in that it appears that incidents involving 16 and 17 year old youths and/or more serious level two offences are particularly under-represented. The frequency distribution in the RJIS by age for non-cautioned and non-referred charges indicated that the 16 and 17 year old youths accounted for 48% of the charges, while a corresponding analysis of the JOIS system, for the same period, indicated that these older youths accounted for 58% of all charges.

³ "Bouncers" refers to rj referrals where there was a second police referral for a youth on the same incident or both a police and crown-other referral on the same incident. The former conceivably could occur where the referral was returned to police by the rj agency because it was unable to contact the youth but the police subsequently did locate the youth and sent the matter back to the agency. The latter could occur where the police referral for some reason was not successful and thus charges were laid but the crown prosecutor subsequently referred the case to the rj agencies. No cases of the former were uncovered but a handful of the latter were; that is, police and crown referrals of the same youth on the same offence and incident.

⁴ Fully 88% of all robberies recorded in the RJIS for the period November 1, 1999 to December 31, 2001 were reported by metropolitan Halifax police services. Police are not required under the NSRJ protocol to submit checklists for robbery which is defined as a level three offence. Examining the court data, through JOIS,

reveals that there were almost three times as many robbery cases as were recorded in the RJIS. Referring to the latter, the same patterns appear to hold though, as the metropolitan police services advanced some 85% of the robbery cases and police officers attested to the disproportionate number of Afro-Canadian offenders for this offence. It appears then that table 3.15, taken as a sample, conveys an accurate picture of robbery.

TABLE 3.15

HALIFAX REGIONAL POLICE YOUTH CASES CLASSIFIED AS INELIGIBLE FOR RESTORATIVE JUSTICE REFERRAL AT THE POLICE LEVEL, 2001*

TYPE	NUMBER OF CASES	FEATURES
ROBBERY	30	
		<ul style="list-style-type: none">• Usually accompanied by a weapons charge• 14 were repeat offenders in 2001• 2 received a caution or RJ referral for other offences in 2001• 14 of the 30 (and 10 of the 14 repeaters) were Afro-Canadians
SERIOUS ASSAULT	4	
		<ul style="list-style-type: none">• Usually accompanied by other charges• 1 of the 4 was sexual assault• 2 of the 4 were repeat offenders in 2001• 1 of the 4 received an RJ referral for a different offence in 2001• 1 of the 4 was Afro-Canadian
OTHER	7	
	Motor Vehicles (2) Drugs (2) Weapons (3)	<ul style="list-style-type: none">• 5 of the 7 were repeat offenders in 2001• 1 of the 7 received a caution for a different offence in 2001• none of the 7 were Afro-Canadian

* These data do not include RCMP charges for metropolitan Halifax and may understate offences processed at the provincial criminal court.

TABLE 3.16

**A SNAPSHOT OF YOUTH CASE PROCESSING, HALIFAX REGIONAL POLICE,
JANUARY 1 TO DECEMBER 5, 2001***

OFFENDERS IN 2001 WITH A 2000 RECORD		
ONE 2000 OFFENCE # = 58	TWO 2000 OFFENCES # = 18	THREE OR MORE 2000 OFFENCES # = 35
48 = Charges Laid	17 = Charges Laid	33 = Charges Laid
7 = Referred to RJ 4 CC334b 1 CC430 1 CC335 1CC267a	1 Referred to RJ CC334b	
3 = Letter of Caution 3 CC334b		2 = Letter of Caution CC334b 31EPPA

OFFENDERS IN 2001 WITH NO 2000 RECORD		
ONE 2001 OFENCE # = 426	TWO 2001 OFFENCES # = 49	THREE OR MORE 2001 OFFENCES # = 46
164 = Charges Laid	38 = Charges Laid	38 = Charges Laid
147 = Letter of Caution	6 = Letter of Caution 1 CC334b 2 31EPPA 1 CC430	2 = Letter of Caution 1 CC334b 1 CC31EPPA
115 = Referred to RJ	5 = Referred to RJ 1 CC267A 3 CC334b 1 CC430	6 = Referred to RJ 1 CC264 2 CC266 1 CC430 1 CC335 1 CC267

* The offences identified here are CC334b (theft under), CC430 (mischief), 31EPPA (provincial statute), CC335 (motor vehicle), CC264 (uttering), and CC266/CC267 (assault)

TABLE 3.17

HALIFAX REGIONAL POLICE: CAUTIONS AND RJ REFERRALS, 2001*

CAUTIONS (N=179)							
FEMALES (N=104)				MALES (N=75)			
“Whites” (N=87)		Afro-Canadian (N=17)		“Whites” (N=58)		Afro-Canadian (N=17)	
Shoplifting (N=85)	Other (N=2) CC 264 EPPA	Shoplifting (N=16)	Other (N=1) EPPA	Shoplifting (N=50)	Other (N=8) 4 EPPA 4 LCA	Shoplifting (N=13)	Other (N=4) 2 EPPA MVA CC430

RJ REFERRALS (N=165)							
FEMALES (N=89)				MALES (N=76)			
“Whites” (N=82)		Afro-Canadian (N=7)		“Whites” (N=66)		Afro-Canadian (N=10)	
Shoplifting (N=61)	Other (N=21) 8 CC 266 3 CC 430 3 CC 380 CC 264 3 EPPA 2 LCA	Shoplifting (N=5)	Other (N=2) 2 CC 266	Shoplifting (N=33)	Other (N=33) 8 CC 266 13 CC 430 3 CC 348 3 CC 267 CC 264 LCA EPPA CC 213	Shoplifting (N=2)	Other (N=8) 3 CC 335 2 CC 430 CC 266 CC 267 CC 88

* Based on HRPS Monthly Reports, 2001

TABLE 3.17 (...continued)
HALIFAX REGIONAL POLICE, YOUTH CHARGED BY GENDER AND
ETHNICITY, 2001*

	Female (N=109)		Male (N=283)	
	“Whites” (N=85)	Afro-Canadians (N=24)	“Whites” (N=208)	Afro-Canadians (N=75)
One Incident	58	17	121	37
Two Incidents	13	2	38	13
Three or More Incidents	14	5	49	25

***Based on HRPS Monthly Reports, 2001**

TABLE 3.18

**OVERALL SUMMARY, HALIFAX REGIONAL POLICE YOUTH CASE
PROCESSING, AFRO-CANADIAN YOUTH BY GENDER AND PROCESSING TYPE,
2001***

Processing Type	Afro-Canadian Female	Afro-Canadian Male
Letters of Caution	16% (of all Female Cautions)	23% (of all Male Cautions)
RJ Referral	7% (of all Female RJ Referrals)	13% (of all Male RJ Referrals)
Court Processed (Incidents)		
One Incident	23% (Of all Female Single Incidents)	23% (of all Male Single Incidents)
Single Repeater	13% (of all Female Single Repeaters)	25% (of all Single Repeaters)
Multiple Repeater	26% (of all Female Multiple Repeaters)	34% (of all Male Multiple Repeaters)
All Incidents	22% (of all Female Court Cases)	27% (of all Male Court Cases)

*Based on HRPS Monthly Reports, 2001

EXERCISING DISCRETION: CJS RESPONSES TO THE NSRJ OPTIONS

The NSRJ program has built upon existing structures, practices and philosophies in implementing its restorative initiative in Nova Scotia. Central to the success of the initiative, at least in the sense of the program representing much "value-added" vis-a-vis its alternative measures predecessor, is the response of CJS personnel. Cautions at present can only be issued at the discretion of the police officers. Referrals to the restorative justice agencies have to be initiated by CJS personnel at the various entry points - police, crown attorneys, judges and correctional officials. While the restorative justice agencies can try to influence these CJS officials to send cases to them - and do so in a variety of ways, such as by orientation sessions, being present at court, and sometimes even reviewing files along with the CJS role players - they have to be aware (and undoubtedly are) of the limits in how far they can go in taking the initiative. It is important then to analyse how the CJS role players exercise their discretionary authority in deciding whether or not to utilize the alternative justice options. At this stage in the implementation of the NSRJ, as documented above, the police entry point is where most of the action has been, and, accordingly, police discretion has been the focus of the evaluation. In this section, police discretion will be examined utilizing several samples. First, there will be examination of a follow-up to the analyses of Year One based largely on the responses police were required to provide on NSRJ checklist forms when they were not cautioning or referring a level one or level two youth offence, but rather laying charges. Included here, as in Year One, will be examination of limited but interesting background data, on sample cases, which were provided directly to the evaluator by HRPS and CBRPS. Secondly, there will be an examination of police discretion

exercised at Family Court in Halifax where cases of youths aged 12 to 15 are processed. This is a valuable sample because here the youth docket involves younger youths accused generally of minor offences, and the issue of whether it is best for the youth and for society at large to proceed through the courts or by alternative justice could be expected to be challenging for the police officers. Thirdly, there will be a brief examination of police and crown attorney divergences in recommending or not recommending alternative justice. Drawing upon special data describing pre-charge screening consultations between police and prosecution at the Family Court, this analysis can shed light on the different perspectives that these two types of CJS role players may bring to the exercise of their discretion with respect to the options provided in the NSRJ program. Implications for future research as the rj referrals become more widespread throughout the CJS will be considered in the conclusion.

INITIAL FINDINGS CONCERNING POLICE PATTERNS OF DISCRETION

Examination of a representative sample of over 500 checklists, available through the NSRJ program for 2000, found that police reasons for not cautioning or referring a case fell into one of five broad categories, each having a few subcategories, namely

(a) victim-oriented reasons (30 times or 6% of all comments)

victim wishes

aggravating factors in victimization

(b) "legally relevant" reasons (270 times, 54% of the comments)

criminal record

breached court conditions/requirements

facing other court charges

seriousness of the offence

(c) youths' attitudes/characteristics (160 times, 32% of all comments)

lack of remorse, uncooperative

"out of control", violent

no responsibility taken for the offence

(d) officers' judgment (20 times, 4% of all comments)

(e) special conditions or factors (20 times, 4%)

It is clear, that the police officers' reasons for proceeding with charges and court action primarily focused on generally accepted legally relevant factors and on the attitudes and disposition of the youth. The former included the youth having a criminal record (almost always the comment referred to several convictions, not simply one), breach of probation or other court-directed undertakings, seriousness of the offence (e.g., "a violent crime", "a high speed chase"), other charges laid or pending (usually the comments stated that such charges involved more serious offences than did the incident under consideration), and previous opportunities having been provided for cautioning and referrals (here the officers typically wrote that these options had been not deterred the youth). In citing youths' negative attitudes and disposition regarding the offence, the comments were roughly equally divided among those emphasizing a lack of remorse and cooperation ("displayed a lack of caring", "lied"), those suggesting the youth was violent and out-of-control at home, school and in general ("out of control" was a commonly used expression), and those reporting the youth did not take responsibility for the offence and thus was ineligible by the NSRJ protocol (often here it appeared that the youth simply refused to say anything about the incident).

Other reasons provided by police officers for not diverting youth from court processing were less frequent. For some officers victims' wishes were quite important, especially if the incident involved a repeat violation (e.g., shoplifting at the same store where previously caught, persistent threatening). In a small number of cases the police officer expressly cited his or her judgment on the matter (e.g. "accused needs court-imposed conditions", "the writer feels that the [NSRJ] program will not help her"). Finally, there was a score of cases where the comments were specific but more idiosyncratic (e.g., "can't locate the youth", "the protection of society", "car theft is a problem plaguing society") or suggested that "post-charge referral may be considered" (the implication here appears to be that officers think that sometimes laying the charge is itself a deterrent).

In addition to the above sample, special forms were completed by two police services (Halifax Regional and Cape Breton Regional) which went into greater depth concerning how they perceived the offender and his/her family, social life etc and why they did or did not divert in particular cases. In both police services the most important factors in their discretion were the nature of the offence and whether or not the youth had a criminal record; for example, level two offences were rarely subject to diversion and shoplifting was diverted almost as commonly as not when the youth was deemed to have a negative attitude, poor home environment and high prospects for re-offending. In both police services' samples, it was rare to find a youth with a criminal record receiving either a caution or restorative justice referral. But there were occasional anomalies where it was unclear on what basis the case was diverted or where the type of victim seemed to be important (e.g., school officials wanting diversion). Perhaps the most important finding was how different the two police services were

in opting for either cautions or referrals. HRPS gave as many letters of caution as they did referrals, while the Cape Breton Regional (CBRPS) unit gave no cautions whatsoever.

PATTERNS OF POLICE DISCRETION IN 2001: WHY THE COURT OPTION?

A random sample of 167 checklists was selected where the police had decided to lay charges rather than caution or refer the youth, and the written reasons provided on the checklist for that decision were scrutinized. For the most part the officers highlighted one particular reason but in some cases several factors were cited with apparent equal emphasis. As in 2000, the most common reason for laying charges fell under the broad category of "legally relevant" (i.e., factors that would be expected in law to justify more severe sanction). On almost 60% of the checklists the officers justified the decision by noting that the youth had a criminal record or had committed a quite serious offence or had breached probation / other court-directed order or was facing other charges.

Typically, when citing a criminal record, the officer indicated that it included multiple convictions, often for the same offence; for example, in the case of a 17 year old youth charged with uttering threats, the police comment was "prior history of similar offences and serious potential for bodily harm". Pithy expressions such as "chronic offender" and "extensive criminal history" were commonly used by officers. When calling attention to the offence itself as the key reason for laying charges, officers wrote a variant of one officer's comment, namely "serious charges, need court action". In a few instances the offence was a level three offence such as robbery or sexual assault, ineligible in any event for police referral; for example, one officer wrote, "This is an armed robbery where an imitation

weapon was used by the accused while being masked, too serious an offender for restorative justice". Clearly, a breach of probation or other undertakings while awaiting court adjudication is regarded by most officers as a serious offence in itself, and also as virtually prohibiting diversion on other offences. Breaches were frequently cited; for example, in charging a 17 year old female, an officer wrote "she is on probation and bound by an undertaking; she repeatedly violates both orders", while, in another case, an RCMP officer wrote, "X is not making any effort to improve his situation. Disregard for efforts of Family Children Services, relatives etc. Disobey court order by judge. Very serious". It was also common for officers to justify laying charges in an incident by noting that the youth was facing other charges, sometimes re-offending even while the officer was contemplating what to do about the earlier incident; for example, in one not-atypical case, an officer wrote, "not a good candidate for restorative justice, presently in custody for numerous offences"; in another instance, an officer, in charging a 16 year old youth for a breach, commented, "there are three pending charges before the court. Accused has shown that he does not wish to follow rules set by the court i.e. curfew". Where youths faced other charges, had re-offended or breached probation, the common police view apparently was that diversion on the incident under consideration was rendered meaningless.

Somewhat on the margins of "legally relevant" reasons, was the officers' citing "unofficial" criminal involvement on the part of the youth, and the need for court action to deal with this situation. Here, in about ten instances, reference was made to the youth being a suspect in previous incidents, to police files and other data detailing the youth's criminal associations, and to the need for strong sanctions to deter the youth. Being formally

charged and having to appear in the presumably intimidating court milieu appear to be the major components of the strong sanctioning in the police perspective. One RCMP officer in laying charges for illegal possession of liquor against a 16 year old, without any kind of official record, wrote: "she is known to drink often and has bragged about getting away with it. Member believes charges are best to deter further drinking and/or possession of alcohol". The long reach of police information is evident too in the following police comment when charging a fifteen year old with no record (whether court or diversion) with theft of goods valued at \$550, "this individual is not cooperative in returning the stolen item ... this party has been charged before with property damage but CNI indicates there was no prosecution". In a similar vein, another officer wrote, "Y does not have a criminal record but PIRS shows his involvement in several violent crimes".

In roughly 25% of the checklist forms, the officer emphasized the negative attitude of the youth, his or her lack of remorse and lack of cooperation with police, or refusal to take responsibility for the offence, as the pivotal reason for charges being laid. In the case of a youth charged with "damage under", the officer commented, "the accused is completely out of control and has no respect for people, property or law. Uncooperative all the time". In the case of a 17 year old, who had previously had an rj referral and was now charged with shoplifting, the officer wrote, "the offender was resisting and uncooperative with security and expressed that she was going to continue stealing when released". A 16 year old without any kind of record was charged with uttering threats (i.e., threatening his mother with a knife) as the officer noted, "on-going problem between mother and accused; violence may escalate". In charging a 16 year old for trespassing - violating an order to stay away from a mall - an officer wrote, "accused has

no regard for the privilege of being on private property, disrespectful to police and security, verbally abusive". In another case, an officer, in charging a 15 year old (who had previous convictions and an rj referral) with a liquor act violation, observed, "very uncooperative with police; police gave chase to catch him. Banging knuckles on the wall in lockup. Appeared not to care about charges pending". In two other instances, 16 year old youths with no record of any sort, were charged with liquor violation apparently basically because of their negative attitude; in one case the officer wrote, "X resistant to arrest, uncooperative, treated the incident as a joke, told members he'd drive whenever he wanted. He had been drinking and the smell of marihuana was in the vehicle"; in the other case, another officer wrote, "accused admitted to the offence but doesn't believe he did anything wrong. Indicated this would not be the last time he would be involved in this type of situation". In a few cases the officers simply wrote that the accused did not take responsibility for the offence; in the NSRJ guidelines taking responsibility is a prerequisite for alternative justice processing.

There were two other general types of reasons advanced, with roughly equal frequency, by officers when deciding to lay charges against youth in level one or two offences, namely the wishes of victims or parents, and the previous exposure to rj processing. Each type of reason accounted for 13% of the checklist comments. Examples of the former included the case of a 17 year old youth, with a previous caution and rj referral who was charged with theft under, where the officer wrote, " been through before on the same charge at the same place. Uncooperative. Zellers are demanding charges in this case. X fought with staff causing quite a stir"; in a similar incident the officer's stated reason coupled

unofficial police knowledge and victim's wishes as follows: "accused [no record of any kind] has been criminally active in Bedford during the later part of 2000 although not listed on the in-house ... Empire Theatres wished party ticketed for violation". Police officers clearly often heeded the views of apparently responsible parents who contended that the incident was symptomatic of underlying behavioural problems and urged the "strong sanctioning" of laying charges. In one case, for example, a 16 year old with one previous conviction was charged for a liquor violation and the officer wrote, "X's father feels a charge is justified because of X's continued downward behaviour pattern, drinking, not living at home"; in a similar case, a 16 year old with a previous rj referral was charged with theft under and the officer noted, "subject went through restorative justice for theft. Mother does not feel subject will benefit from it again". Another youth, without any kind of record but charged with stealing his father's rifle, was charged with theft and the officer wrote, "Indication of ongoing problems with subject. Father adamant about the theft charge".

Heeding the views of victims and of parents and guardians, according to some police officers, led them to lay charges since by doing so they were able to attach undertakings which facilitated some control over the youth (e.g., curfew, places and people to avoid), The undertakings would be applicable till arraignment in court and violations could lead to further charges (i.e., cc145(1)). Subsequent to arraignment, any undertakings would have to be established by the court, usually at the recommendation of the crown prosecutor.

The general theme drawn from reading the many checklists was that recourse to alternative justice was seen more as a "break"

for the youth than as a real opportunity to meet victims' needs and to delve deeper into the youth's problems, hopefully building up a normatively supportive social network for him or her if necessary. There were common references implying 'okay the offender has had a crack at alternative justice, now let's get serious'! Officers in laying charges frequently wrote simply, "previously through alternative measures", "do not feel rj will be sufficient to deter this behaviour". Court was seen as providing more of a "wake-up call" than an rj referral, as is evidenced in the following remarks of an officer (who laid charges against a 17 year old with no previous record of any kind, accused of a liquor violation), "highly uncooperative, verbally abusive, no comprehension or acceptance of wrongdoing. Even in the presence of his father who appeared to have no or little concern as well. Writer believes the formal court process would be beneficial to accused". In a few cases, charges were laid perhaps more in frustration that alternative justice has not deterred the youth; for example, one officer, charging a 16 year old youth with theft under, wrote, "subject already received formal caution, is in the process for restorative justice for another matter. Offender is not learning from his past behaviour".

Overall, then, in analysing the reasons police offered in 2001 for not proceeding on a youth's case through alternative justice, the similarity to Year One (i.e., 2000) is most striking. "Legally relevant" considerations and youths' "negative" attitudes were the chief reasons advanced and they were advanced in roughly the same proportion of the checklists as earlier (i.e., 60% and 30% respectively). Modestly more frequent than in 2000 were comments by the police officers that the youth had previously been cautioned or referred to the restorative justice agencies, implying either that the youth had used up any credit or that the

non-court option was an ineffective deterrent. There was evidence for a police culture response pattern that emphasized the likelihood of charges in the case of recent repeat offences, breaches, blatantly rebellious youth, and where responsible parents were at wits' end and themselves urging charges. The court, not restorative justice, was seen as delivering appropriate, strong sanctions and there clearly was more of a punishment rather than reconciliation/support construction of dealing with youth problems; under this perspective, there were major limits on the utilization of the diversion option by the police officers.

SPECIAL POLICE SAMPLES

With the collaboration of HRPS and CBRPS, it was possible once again to delve more deeply into police use of their discretionary authority in handling youth cases. The two police services completed special forms, and/or were interviewed, for a sample of their youth cases, whether sent to the court or dealt with via alternative justice (i.e., cautioned or referred to rj agencies). The information conveyed revealed the in-depth knowledge that police often, if not usually, have of the young accused and his or her social milieu. CBRPS's sample included 45 cases of which 25 went to rj referral, and 20 to court; there were no cautions issued by this division of CBRPS. Twenty-one of rj referrals were for shoplifting and the remainder for liquor control act violations. In all but two of the referrals, the youth reportedly had no previous record of any kind, good or unknown parental involvement, no criminal involvement, and no "bad attitudes". In one exception, the youth's family support was deemed poor and the youth seen as having an abuse problem. The more anomalous case among the referrals, concerned a youth with a record who still got referred; it may have had something to do

with fact that here the victim of the theft was a school board. As for the cases sent to court, half were for breaches while assault, shoplifting and threats equally contributed the remainder. In all cases but one there was a record of previous offences or reference to criminal activity or to "bad attitude", though family background was indicated as positive in nearly half these cases. There was one anomaly where charges were laid against a youth who had shoplifted from a corporate retailer but had no record nor any specified personal or familial negativity; this exception may have to do with the company's attitude on the incident.

In the case of HRPS, supplemental forms were only available on some 25 youth cases but there were six interviews where other cases were discussed with the officer exercising the ultimate discretion in the processing of youth cases. Like his CBRPS counterparts, this officer exhibited considerable knowledge of the youths based on his long experience as youth officer, access to different informational sources and telephone interviews with all parties to the incident, especially the youth's family or guardians. Cautions were as frequently rendered as restorative justice referrals and in both types of instances theft under (e.g., shoplifting) was the most common offence, particularly of course for the cautions. First time offenders of level one offences (e.g., theft under, provincial statutes) were routinely directed to these alternative justice options and the officer's general practice was to allow for repeat offenders to be so directed if some time (at least a year) had elapsed since the previous incident. Multiple offences, if seen as constituting a spree, did not rule out an rj referral. HRPS policy was to encourage formal cautions under the above circumstances and where there was no special aggravating factor, but often simple shoplifting cases were referred to restorative justice because the

local rj agency had what police considered to be a valuable "stoplifting" program. In another set of cases the officer indicated that he would have cautioned the youth but the parents or guardians convinced him that more than a letter of caution was required to impact on the youth's attitudes and behaviour. Generally, recourse to alternative justice options did not appear to be dependent upon the youth having a positive family background or even the youth's disposition, as seen by the officer (in more than half the referred cases family background and youths' attitudes were assessed as negative). There were few anomalies in the cautioning or rj referrals but, occasionally, the officer, a self-professed advocate of restorative justice, decided in a more serious matter (e.g., burglary of a train) that restorative justice could be effective and so referred the youth.

As in the case of CBRPS, there was more complexity and heterogeneity in the HRPS youth cases directed to court. In this sample, HRPS youth cases sent on to court often were more serious but, on the surface at least, were as likely to involve level one offences as level two ones. In about half these cases the youths had a recent criminal conviction as well as a previous caution or rj referral; in the others the individual usually had a previous caution or referral but there were several instances where there was no record of any kind and the offence was a level one offence. In almost all these cases directed to court the youth's family background was deemed by police to be quite negative as was the youth's own attitudes and peer group. Typically, too, the youth was deemed to be oriented to crime (often evidenced in police eyes by being a suspect in other incidents). In a few instances where minor shoplifting was involved (i.e., items less than \$25 were stolen), charges were laid partly because the youth had a record of previous offending and partly because the youth's parents

contended that the "out of control" youth might profit more from a court experience. Clearly, then, the decision by the officer to proceed to court was based on a complex of factors, chiefly record and offence, but also including the youth's attitudes and social milieu, and the views of presumably supportive parents or guardians who were trying to effect more appropriate youth behaviour.

Overall, the HRPS and CBRPS special sample follow-ups yielded similar patterns to those found in 2000. Offence type and criminal record dominated their exercise of discretion exactly as noted earlier. In 2001, it remained uncommon for a youth to receive a caution, and only slightly less uncommon to receive a referral to restorative justice, if s/he had a prior criminal record or diversion experience. The Halifax police service was more liberal in diverting repeat offenders and youth with "negative" attitudes. And, as in 2000, while HRPS issued as many cautions as referrals, the CBRPS unit in this sample gave no cautions even in the case of minor shoplifting done by a remorseful youth, without any criminal record and having a strong, positive family supporting her or him. Both police services possessed much information on the accused youth. While it was unclear how information about family background and the youths' "unofficial" criminal proclivities impacted on police discretion, there is little doubt that when combined with other factors (e.g., previous offending, wishes of supportive parents, evidence of serious behavioural problems) it did have an impact on whether a case would be processed through court. It is of course not inappropriate for police to consider all these factors in deciding how to process cases nor is there any evidence at hand suggesting the discretionary decision was unwise. At the same time, it does raise issues about whether some offences should be presumptively directed to extra-judicial

measures, the accuracy and relevance of some unofficial police information, and the possibilities for and feasibility of affirmative action policies.

In conclusion, then, examination of police discretion in both 2000 and 2001, and incorporating both checklist and special follow-up data, establishes that police most commonly cite legally relevant factors as reasons for neither cautioning nor referring young accused persons. It is very uncommon for a youth to be diverted - certainly to be cautioned - where the offence is level two or greater or where the youth has a criminal record including previous diversion opportunities or where the youth has breached probation or a court undertaking. Officers also appear to rigorously apply the NSRJ protocol which requires that the youth take responsibility for the offence in question and this bars many from being diverted. Indeed the line between taking responsibility and not cooperating or showing remorse seems to be a rather shifting one. Certainly youths' attitudes and dispositions, as perceived by police, are also important factors.

While there appears to be significant variation among police officers and police services in the use of cautions vis-a-vis referrals, there is a recognizable set of norms (with some allowance for special circumstances) about the conditions under which the alternative justice option itself is appropriate or not appropriate. Diversion is generally seen as an earned privilege and there appears to be a widespread sense that it is a "soft" option. Given the police mandate (e.g., do not induce admissions of responsibility by promises of benefits, some acknowledgement of responsibility is required, be sensitive to the needs and wishes of victims), the police subculture (e.g., break and enter is a major crime, criminal subsystems are difficult to wean youths

from, respect on the street is important), and the police responsibility to exercise discretion, it is not surprising that so many youths have been directed to the courts. Also, at the police-accused youth contact point, one can well often expect to find youths denying responsibility and being uncooperative and without apparent remorse (such police-accused contact relationships appear common between police and Afro-Canadian youths). Certainly, officers appear to understand what is permitted under the cautioning and restorative justice protocols and are acting on their sense of what is appropriate at their level of CJS. There seems little doubt that, at this level, the "cream offender pool" is being diverted but, in so far as that concept refers to youths with minor offences, no criminal record and with attitudes that the police consider cooperative and remorseful, one could expect nothing less. It may be possible to socialize police into adopting a more expansive liberal view of alternative justice but it would seem that the crown prosecutors, and less so, the judges, are pivotal if more different youth and offences are to be handled through extra-judicial approaches. At these levels one might expect both to encounter more youth cooperation and apparent remorse, and to balance the divergent societal objectives bearing on the various offences (e.g., punishment, rehabilitation, cost-reduction etc).

POLICE DISCRETION IN A FAMILY COURT MILIEU

This analysis is based a snapshot sample of cases where the outcome of police discretion was to lay an information and have the case processed through the court. This sample is interesting since it involves largely minor offences (cc266, cc334, cc430 and, later, cc348) where the accused youths were between 12 and 15 years of age. There are 129 cases, a roughly 10% sample of the total number of these four offences that HRPS and RCMP officers

filed between June and December 2001 at the Devonshire court which handles all criminal cases for such youth in the Halifax Regional Municipality. In the following analysis the focus is on the reasons the police officers provided for their decision to lay a charge rather than caution the youth or refer the matter to a restorative justice community agency.

Approximately half of the 129 accused youths were identified as having "priors", whether these be criminal code convictions, police cautions or restorative justice referrals. The other half were equally divided between those youths for whom it was known that they had no "priors" of any kind, and those for whom such information was unavailable or incomplete. As noted, the 129 cases were distributed over a six to seven month period with almost two-thirds being filed in the three months of September, October and November. Simple or summary assaults accounted for 49 cases while theft under (typically shoplifting) cases numbered 41, mischief 17 cases, and break and enter 25 cases. A reason for laying the charge was provided by the officers in 113 of the 129 instances, and the distribution by reason is provided in the following table

4.1

TABLE 4.1

**FACTOR EMPHASIZED BY OFFICER IN LAYING CHARGES
DEVONSHIRE COURT SAMPLE, 2001**

FACTOR	NUMBER	PERCENT
NO RESPONSIBILITY TAKEN	18	16
BAD ATTITUDE OF YOUTH	19	17
PARENT/VICTIM WISH	17	15
OTHER CHARGES PENDING	19	17
CRIMINAL RECORD	23	20
THE OFFENCE ITSELF	6	5
OTHER OPTIONS INADEQUATE	11	10

Officers, in about one third of the cases, wrote that they were laying a charge because the young accused person had either refused to take responsibility for the offence or exhibited a bad attitude by showing flippancy or no remorse or by lying on some pertinent issue (e.g., lying about not having had a previous rj experience). While these two reasons are distinct in theory and in justice policy (i.e., an accused "taking responsibility" is a formal prerequisite for an officer cautioning or referring a case), in practice they blended into one another. Some officers, for example, defined taking responsibility as clearly admitting guilt while others employed a more liberal operationalization of the concept. Failure to cooperate in the investigation was also taken by some officers as evidence of a bad attitude, if not shirking responsibility. The range of police comments reflects the shifting boundaries; in one instance an officer commented straight-forwardly that "this youth does not accept any responsibility for his activities in this matter", while, in another case, an officer wrote "accused's attitude at the time appeared indifferent to being charged", and, in still another

case, the officer noted, "accused showed no remorse, refused to cooperate with police to get back the missing property". One officer's comments expressed well the view of many other officers who laid charges in these youth cases, namely "suspect does not show any remorse and in the opinion of this officer will re-offend".

As noted, the officers were required to state reasons only when laying a charge, not when resorting to alternative justice strategies. Still, in a few cases, referrals were accompanied by comments and these underlined the emphasis on attitude and atonement (e.g., "offender very emotional, sorry for the incident, seemed to be afraid of the consequences"; "the accused paid for any damage done to the vehicle that occurred from the theft"). In a case of burglary where none of the three accused youths had a record of priors, two were referred to restorative justice because they were deemed to be remorseful, while the third youth faced charges because "[he] was uncooperative, untruthful and would not take responsibility for his actions". In some instances the allegation of "bad attitude" referred to a serious disorder or behavioural problem, as in the comments of one officer, namely "accused is very violent and becoming more threatening over time ... determined to harm the victim, feels no remorse" or, as another officer wrote in a different case, "accused took pleasure in assaulting a defenceless victim by kicking victim in the head, leaving the imprint of sneaker on victim's forehead, choked and punched victim". There is evidence in the officers' remarks that they have become very sensitive to societal concerns about bullying among youth; several officers referred to bullying to justify laying charges, as in the following comments, "accused involved in numerous incidents and intimidating other youth".

In roughly one-sixth of the cases, officers in rejecting alternatives to court action, cited the wishes of the parents/guardians or other victims. In the former instances it was often stated that the youth "was out of control". While sometimes it was not clear what the parents' wishes were (e.g., "officer believes accused will continue violence and rebellion with parents and police; she fled from police and parents"), in most instances the officers indicated that the parents were at the end of their tether (e.g., "dad fed up and frustrated; kid has mental health and drug problems"; "abusing mom in all ways for a long time and this time she finally called police"). Police, like many parents, tended to contend that processing the case through the courts was necessary to bring the youth "back into line". One officer, recommending court action for a thirteen year old with no record of any kind, who had been accused of simple assault, commented that "it is a domestic situation [violence against parents] that will escalate unless steps are taken to control the problem". In another case the officer wrote, "ma wants a charge as [accused] has been getting into lots of trouble and there have never been any consequences". In a variety of comments the police officers exhibited sensitivity and sympathy to victims, especially to the wishes of parents, guardians and counsellors (e.g., group home staff) and apparently believed that, given the victimization of these presumably supportive, authority figures, neither cautioning nor restorative justice referral would be an effective intervention.

In over 40% of the cases the police officers rejected cautioning or restorative justice referral on the stated grounds that the youth had a criminal record and/or was facing other charges ("other charges pending"). This factor was especially common where the pending charges involved more serious offences

than the offence under consideration or where the youth had breached probation or an undertaking or where the youth had re-offended within a year or less; such features caused some police officers to define the youth as a more serious offender whose actions required courtroom sanctioning. In a few instances the officer specifically focused on the offence itself as requiring court action; for example, in one case where a youth charged with simple assault was neither cautioned nor referred, the officer wrote "accused spit in mom's face, has been charged numerous times".

In about 10% of the cases the police officers specifically indicated that, in their view, alternatives to court processing would be inadequate. In a few instances, the officers wrote that the youth had previously been referred, unsuccessfully, to the restorative justice agencies (e.g., youth did not complete all the rj requirements or continued to commit the offence). One officer, for example, rejected cautioning or referral on a provincial statute offence, noting "many repetitions of the same offence. Been through the [rj] program; obviously no help". It would appear, too, that some police officers think the restorative justice alternative is out-of-its-depths when youths with serious problems are involved. A common comment in the police remarks was "youth out of control". This latter theme is reflected in the remarks of one officer who did not refer once more a youth who earlier had been cautioned and also sent to restorative justice, namely "kid violent parents say; restorative justice can't handle all his problems". In another case where the youth had no criminal record but had received an earlier caution, the officer commented, "police are having dealings with the accused, charges are pending, mother can't control him". In still another case, where the youth had prior convictions and restorative justice referrals, the

officer's commented, "a bully, needs to have some CT [court] measures to curtail her activities". Clearly, the police remarks suggested that, in their view, court direction provided "something" that restorative justice did not, as far as dealing with problem youth was concerned. It was never specified what this "something" was but the implication was at least a good scare if not probational supervision.

In conclusion, the sample, drawn the police handling of the formally most minor offences committed by youth aged 12 to 15, yielded patterns similar to those found with other samples of police discretion discussed above. Legally-relevant variables were highlighted by police (e.g., criminal record (whether prior convictions or alternative justice involvement), the seriousness of the offence, breaches, and "other charges" pending) as were "bad attitudes" and "taking responsibility". And the same essential norms that limited recourse to cautioning and rj referral were in evidence. A few themes were more pronounced in this sample. The blending of negative attitudes or dispositions with reported failure to accept responsibility (a prerequisite for diversion under the NSRJ protocol) was quite evident. The wishes of the victims seemed to be heeded more, especially if the victim was seen by police as supportive and in an authority relationship vis-a-vis the youth (e.g., parent, group home counsellor). The need to bring more sanctions to bear on problem youths acting up was also highlighted. It seems reasonable to conclude that police on the whole see cautioning and restorative justice referral as a "break" (e.g., providing a less intimidating milieu, yielding no criminal record), something that the youth has to deserve (e.g., by completing well any previous participation in the NSRJ program, by not re-offending too quickly, by cooperating with police and so on), and limited in their interventionist efficacy (e.g., not able

to deliver a stern message, unable to cope with potential serious offenders or youths rebelling against parents and guardians).

It is interesting, then, to speculate on how cautioning and rj referral coming from different entry points (e.g., the crown attorney level) might differ from police-level discretionary acts and premises. What would crown-level cautioning and pre-charge screening - both encouraged in the new Youth Criminal Justice Act - bring to the table for appropriate diversion? Perhaps the central advantages of crown cautioning centre around the different context of crown-case contacts or relationships (e.g., the passage of time and more formal relationship may discount negative attitudes or dispositions on the part of accused youth) and the issue of "taking responsibility". With respect to pre-charge screening, what would crown prosecutors bring to the consultation that would be different from police officers' views and priorities? As will be reported below, perhaps the central difference might be the crown's re-focusing the issue of discretion by highlighting the act more than the context (e.g., the specific offence more than the criminal record or the youth's disposition and social environment). This section on discretion and alternative justice concludes with an assessment of some of these considerations drawn from studying pre-charge screening consultations between police and a crown attorney representing the Nova Scotia Public Prosecution Service (PPS) in 2001.

RECOMMENDING ALTERNATIVE JUSTICE: POLICE AND CROWN ATTORNEY DIFFERENCES ON EXERCISING OPTIONS

In 2001 the Public Prosecution Service (PPS) initiated a pilot project calling for pre-charge screening consultations with police handling youth cases in metropolitan Halifax. It was largely an exploratory initiative occasioned by the encouragement

of such practice in the new YCJA. In Nova Scotia the autonomy and integrity of the respective roles or domains of police and prosecution (i.e., PPS) had been a major theme of the CJS since the famous Marshall Inquiry in the late 1980s. The police were deemed to have complete and exclusive authority with respect to the investigation of criminal behaviour and the subsequent laying of charges. The Marshall Inquiry was a watershed event in this regard. Police-crown, pre-charge consultations did not vanish, and in fact by time this PPS project was launched, might well have been back to the pre-Marshall levels; however, the consultations since Marshall were basically at the discretion of the police officers. Nova Scotia also has an unusual court structure in that cases involving youths aged 12 to 15 are adjudicated in a family court milieu while accused youths 16 and 17 years of age are processed at the regular provincial court. At the Devonshire family court, where all metropolitan Halifax criminal cases for 12 to 15 year olds were processed, there was an informal team approach among the CJS role players so, clearly, consultations were extensive and intensive there. The PPS, mindful of the tradition of autonomy, wanted to examine in a sensitive fashion how the YCJA's imperative might play out given the Nova Scotian legacy. It was anticipated that "any significant change to the current roles of police and crown would be met with resistance". Accordingly, discussions were held with senior officers of the metropolitan police services (i.e., HRPS and RCMP) where their support for a pilot project was obtained. Also, the pre-charge screening was only to be carried out in the Devonshire court and only for minor level one offences.

There was much uncertainty concerning how the pre-charge screening project would work out. The very term, pre-charge screening, found in the YCJA, was considered problematic by both

police and PPS officials since it connoted veto authority, over the laying of charges, by the crown prosecutors, quite contrary to the Nova Scotian policy. A PPS memo sent to police officers at the outset of the pre-charge screening project specified the procedure agreed upon by PPS and the police services. If the police at the Devonshire court were not going to caution a criminal case of the designated type or refer the matter to restorative justice agencies, they would be expected to contact the PPS project coordinator and discuss the case with her. No charges were to be laid until this discussion had taken place. Subsequent to this discussion, the project coordinator was to convey her views to the police officer on how the case might be processed, and the officer, then, would make the final decision.

Compliance with the above protocol varied by police service and was noticeably less among RCMP officers; only a modest proportion of the eligible cases that were to have been directed to the project coordinator were so directed. For the RCMP officers at least, it appears that compliance fell somewhere between an order and a voluntary decision. Contact between the project coordinator and the police officers advancing the criminal cases was either by telephone (primarily so in the case of RCMP officers) or in person (usually so in the case of HRPS). Essentially, in the contact, the project coordinator and the officer discussed why the case was being directed to court. While the information exchange was perhaps the major priority of the project, clearly the project coordinator was always concerned about the possibilities of extra-judicial measures and, not surprisingly, the police officers generally considered that they were explaining and justifying their decision to send the case to court. In the course of the exchange, officers and the project coordinator often raised different arguments and conveyed

different priorities; for example, while both parties might agree on the intimidation factor for young youths in laying charges and going to court, officers might argue that it was needed in these cases to discipline the youth, whereas the project coordinator might have stressed the traumatic (negative) implications of being charged and/or appearing in court, in suggesting otherwise. In any event, usually at the conclusion of the conversation, and without delay, the project coordinator's position and the officer's final decision were communicated; invariably, when the former disagreed with the latter, the latter (i.e., the police officer) maintained his/her initial decision to lay the charge.

There was no contact by the PPS project coordinator with the accused youths, their parents or their victims in the pre-charge screening project. The coordinator basically depended upon the material provided by the police officers in laying the information and elaborated upon when she interacted with them. In the original project proposal it was indicated that the categories of offences to be considered could be broadened or narrowed depending upon the cross-jurisdictional review and the experience of the pilot project. By June, 2001, virtually at the outset of the project, cc348, break and enter, was added to the list of mandated offences (Quigley, 2001). Another implementation modification was the decision to extend the pre-charge screening consultations by one month, to the end of December 2001. Overall, in the later months, more serious youth cases were discussed with police than in the earlier months. Perhaps this pattern partially accounted for the fact that the project coordinator virtually always concurred with the police officers' decision to lay a charge in the last three months (October through December) whereas, in the first four months, the project coordinator disagreed, in about 40% of the cases, with the police decision to lay a charge rather than

process the matter through cautioning or restorative justice referral. Other factors that may have impacted the changing level of disagreement include the police officers' possibly changing their patterns of discretion and cautioning or referring more frequently the more minor eligible cases, or the coordinator's focusing on other issues in the face of the officers' reluctance to change their initial positions; the latter (i.e., the coordinator's change) would seem to have been more likely than the former (i.e., changes in patterns of police discretion).

In the case of HRPS, the project coordinator met regularly with the police service's designated youth officer, stationed at the Devonshire Courthouse, who for several years had been the conduit through whom passed all HRPS youth cases processed through the court or via alternative / restorative justice. While the investigating officers were encouraged to make recommendations for the processing of their cases, the youth officer, experienced and very knowledgeable about youth and youth justice matters, could change their recommendations and, indeed, usually took responsibility for determining the appropriate course of action, especially for youths aged between 12 and 15 years old. In the case of the RCMP, three detachments were the primary contributors to youth cases at Devonshire, namely the Lower Sackville, Tantallon, and Cole Harbour detachments. Here the pattern of contact between the RCMP and the project coordinator varied somewhat by detachment and the project coordinator dealt with investigating officers as well as, sometimes, with the court officers. These RCMP officers did not have offices at the Devonshire courthouse and their contact with the project coordinator was usually by telephone.

It is not clear what percentage of the designated offences dealt with by the Devonshire court were actually subject to this pre-charge screening process but, clearly, 129 cases over a six month period would be a modest percentage, probably about 10% to 15%. The following discussion of the consultation process and outcomes assumes then that a reasonably representative sample of designated offences were considered, an assumption consistent with the available information. Both the project coordinator and the police officers interviewed indicated that no more than a very few cases, if indeed any at all, were redirected to cautioning or restorative justice, but that the major benefit of the consultations was in the consultations themselves (e.g., appreciating one another's perspectives, learning more about police and prosecutorial imperatives vis-a-vis youth cases).

Analysis of the cases, where the project coordinator and the police disagreed on the best course of action to follow in handling a youth accused of crime, sheds light on the exercise of discretion from the different perspectives and could be valuable for appreciating cautioning and restorative justice initiatives at these different levels in the CJS. After examining the coordinator's files, 32 instances of disagreement were identified, 9 of which could be labelled "reluctant agreement" rather than "disagreement". With one exception, the disagreements concerned the mandated offences of theft under (14 cases), simple assault (13 cases), and mischief (4 cases).

There were several considerations that the project coordinator, representing a crown prosecutor's perspective, raised about the police decision to lay charges. In a few instances charges were being laid basically because the accused youth could not be located either by the police or the restorative justice

agency to which the police had earlier referred the matter; here, the coordinator was inclined to suggest "try harder". In a few other instances the basis for disagreement was whether a repeat offender should be given further opportunities to go to restorative justice; as the project coordinator contended in one instance, "just because the youth had a previous restorative justice experience is not a good reason not to refer again". In several other instances, the divergence related more perhaps to different viewpoints concerning the significance for justice processing of matters such as "other charges pending" or "being wanted on a warrant"; examples of these latter issues would be the coordinator's critique in one instance that "the [police] decision seems to be made on the basis that [a different police service] may have pending charges", and the coordinator's contention in another case that the out-of-province warrant was a quite minor issue which, given the minor offence under review here and now, should not veto a possible restorative justice referral. Police typically were reluctant to caution or refer on charges when other charges were pending, while the coordinator was more likely to focus on the charge in question, even to the point sometimes of suggesting a split in a multiple charge scenario, with the minor offence being diverted. Police appeared to be of the view that if the youth had committed a more serious offence too then restorative justice would be meaningless on the minor one.

This latter divergence reflected another, related one, namely how best to teach the youth a lesson or get the youth help - where and how to intervene. It appears that police, in their exercise of discretion, were more likely to posit that some deviant behaviour would escalate "unless steps were taken" via court action, while the coordinator, occasionally even in the case of a multiple repeat offender, might ask "could this accused have a referral and

then [thereby] see if any help was possible". Police seemed particularly more inclined to contend that where authority figures were the victims (e.g., agency or group home staffers), then court sanctions (including the intimidation of actually being in court) would be valuable in bringing the youth back in line, while the coordinator saw some value of restorative justice in such cases, especially given the age of the offender and the modest nature of the offence.

Without doubt the area where disagreement between police and coordinator was most common was with reference to the matter of the youth's negative attitude and failure to take responsibility. These were very common reasons police officers advanced for laying a charge. Given the NSRJ guidelines for police cautioning and referrals, a prerequisite was the youth's "taking responsibility"; if the officer did not perceive such an admission, then presumably there was, at the police level, no appropriate course of action but laying a formal charge. Often the police would indicate simply then that the youth "won't take responsibility" or some version of "his attitude is bad, [is] indifferent to being charged". It may be recalled from the discussion of police discretion above that not taking responsibility, having a negative attitude and not cooperating in the investigation often blended into one another so "taking responsibility" was not quite as cut-and-dried as may first appear. Clearly this could be frustrating for a coordinator looking at a modest offence frequently committed by youngsters without a record or a very limited one - remember that the mandated offences for this project were basically the most minor criminal offences, what the Nova Scotia restorative Justice Initiative would define as level one offences. Frequently, the coordinator requested more information on these cases, wondered whether the options had been fully explored by the police, and

speculated on whether it would be appropriate, or too much of an imposition, to ask the investigating officer to do a follow-up on the matter. Certainly, as a crown prosecutor, the coordinator was very sensitive to the changes that time, new pressures and new thoughts bring to bear on accused persons (and victims), and appreciated that, subsequent to the police contact, youth might be more inclined to express remorse and take responsibility in the matter.

In the most general terms, analyses of the pre-charge screening consultations revealed that police officers were focused more on the context and relationships entailed by the youth's act, while the project coordinator (prosecutorially based) focused more on the act itself. Police, with their more detailed knowledge of the youth, his or her social milieu, the criminal context, and the victims, quite reasonably, considering their role in the CJS, took all these factors into account in deciding whether to lay charges or divert. The coordinating prosecutor lacked that rich detail and had inadequate informational access but, perhaps more importantly, by professional training and sense of what is legally relevant to prosecution, focused more on the fact that what was being considered were "minor offences by young kids". Where police and the PPS project coordinator disagreed on a case, police explained their decision to charge in terms of this larger contextualism; perhaps only a counter-argument based on different or re-considered contextual factors could have changed their minds; clearly, arguments based solely on the act and the value of extra-judicial measures were not effective in doing so.

There was virtual unanimity among the police officers interviewed that the pre-charge screening program was neither necessary nor desirable in Nova Scotia. While, typically, officers

did not think it would be valuable even for particular types of offences, they did support the kind of informal team approach that, they suggested, characterized the Devonshire court scene. Officers identified the pre-charge screening consultations as situations where they explained to the project coordinator why they were laying a charge in a particular case. From their perspective, it was more or less a matter of their marshalling the rich detail they had and of which the project coordinator was unaware, in demonstrating that extra-judicial measures (i.e., cautioning or referral) would be inappropriate. All officers participating in consultations, reported that the consultations had never resulted in their changing their initial decision to lay charges.

Officers considered that pre-charge screening was superfluous ("an extra-step that did not accomplish a whole lot"), and an expensive and time-consuming "add-on", which, if made widespread, would require significant new resources for both police services and the PPS. A few suggested that, for ambiguous offences or circumstances, clear guidelines would be more effective. Several officers mentioned that there was much grumbling among officers about the "requirement" to consult. Of course, given the Nova Scotian legacy on charging, it was not surprising that some police criticisms were more generalized. One officer, for example, expressed a common view in contending that pre-charge screening, if regularized, would negatively impact on police status in the community, weakening the police in the eyes of the offenders and the victims, by forcing them to obtain crown approval before charging (clearly an overstatement of the pre-charge screening protocol). Other officers argued that the word "screening" implied that, in the eyes of the PPS, the police were not referring

appropriate cases to cautioning or restorative justice; the implication was deemed to be erroneous.

While essentially critical of the pre-charge screening concept, the police officers were typically quite supportive of the PPS project coordinator. There was no personal animus. In fact, several officers commented on the value of information she gave regarding how a case might play out in court, and also on the useful advice they had obtained on some cases outside the project's frame of reference. A few officers queried why the project focused on the Devonshire court (where, it was posited, there was smooth running collaboration among the police, the crown and legal aid) and not the provincial criminal courts where the challenges would have been greater and some "value-added" perhaps found with respect to police-crown consultation. Despite their criticisms, it did not seem that police would be much opposed to more pre-charge "conferencing" on an adhoc basis (i.e., for specific offences for specific time periods in order to sort out problematic issues).

There was not much enthusiasm for pre-charge screening expressed by other CJS respondents. The prosecutors were mindful of the Nova Scotian legacy and uncertain about any advantages associated with circumventing it. One prosecutor asked rhetorically, "an issue for the crowns might be, do I want to know about rumours, family background, the times that the accused was a suspect etc". Another crown attorney contended that while police-crown consultation is probably not as great as before the Marshall Inquiry, still it exists, and "there is no great value in demanding that police confer before laying a charge; it would be like we are supervising their work and would also require a lot of meetings and resources". Typically, the prosecutors did not

believe that pre-charge screening could hold up to a cost-benefit analysis and some had principled objections to the idea. At the same time, they perhaps even more than the police officers, were open to the strategy of adhoc pre-charge conferencing in problematic sub-areas (e.g., sexual assault, bullying).

Citing the Marshall Inquiry and its legacy for police-crown relations, other interviewees expressed gratification that the ill-named pre-charge screening project ("conferencing" was much preferred to "screening") experienced positive police-crown collaboration and may have facilitated a more realistic and complex normative model of police-crown relations. It was contended, too, that there could be positive benefits for both parties. These latter benefits would include sensitizing the police more to equity concerns and encouraging more PPS involvement in the NSRJ program. They also considered that pre-charge conferencing might be most beneficial if applied to special and more serious offences.

Overall, the pre-charge screening project would appear to have had limited value if redirecting youth cases headed for court was the major objective. At least in the short-run, there was little impact on the police discretionary styles in advancing or diverting youth cases or on crown prosecutors' referring youth cases to restorative justice agencies. However, if, as was the case, the objectives were to set the stage for more formal and regularized conferencing by police and prosecutors, to ascertain commonalities and differences in how police and prosecutors consider youth cases, to identify informational and resource needs (e.g., paralegal assistance?) at the PPS level in the event of future, extensive pre-charge conferencing, then the pre-charge screening project has well-served the PPS. There was not much

enthusiasm from any quarter for an extensive, institutionalized, pre-charge conferencing program, which was seen as unnecessary, expensive and threatening to an important Nova Scotian legacy (i.e., independence of roles and domains). There was greater openness to the concept for particular offences and particular issues. For example, all parties responded positively to the suggestion that, in light of the current moral panic about bullying and given that the bullies are also youths and subject to the concerns of the YCJA and Nova Scotia's NSRJ program, such assaults or threats might be directed to pre-charge conferencing for a limited period of time to explore the best Justice solutions. And all interviewees praised the informal team style that has characterized the Devonshire court system's handling of youth criminal cases. Clearly, too, the project illustrated that cautioning and rj referral at the crown attorney level, while not based on radically different premises or norms, would be at least modestly different than at the police level and draw into extra-judicial measures a more challenging pool of young offenders

As a result of the institutionalization of the NSRJ program there will be much likelihood of increasing referrals to the rj agencies from the prosecutorial and corrections levels, and more discussion and debate at these levels about appropriate factors to consider in making referrals, and perhaps about the agencies' role in suggesting appropriate cases for referrals, It will be interesting and informative, then, to examine further the perspectives among personnel at these two levels of the CJS to discern the basis for their exercising such discretion.

THE VIEWS OF THE PARTICIPANTS

INTRODUCTION

This section deals with the views of those participating in the extra-judicial or alternative justice programs in one of the following roles, namely offender, offender's supporter, victim, victim's supporter, community representative or representative of the CJS. The chief data sources discussed are the exit surveys filled out by all rj/am session participants save the facilitators, and the follow-up telephone interviews carried out with session participants who indicated their willingness to be interviewed on their exit sheet. In addition, the views of a small sample of accused youths, parents or guardians, and victims, drawn from youth incidents that have been processed through the courts will be examined. A very small sample of parents and youths who have received letters of caution will also be discussed.

THE POLICE CAUTIONS

While police letters of cautions may not embody the philosophy and practice of restorative justice to any significant degree, they do constitute a form of alternative justice or extra-judicial measures. More importantly, perhaps, if formal police cautions can be effective for certain types of offences - typically, throughout Canada as well as in the NSRJ program, they are only issued for the kinds of minor offences which used to be directed to alternative measures programs - then, presumably, CJS personnel could direct more serious youth cases to the rj agencies which would warrant the latter's mobilization of scarce resources. Accordingly, the restorative justice initiative could represent significant "value-added" in the development of alternative justice. To examine some of these premises, the views of a small sample of parents and youths who had been issued letters of

caution were obtained through telephone interviews and with the collaboration of Halifax Regional Police.

Since youths were involved, HRPS officials determined that the appropriate procedure would be for the evaluator to select a small representative sample of twenty-five cases from the lists of youths cautioned in the winter of 2001/2002 and then the HRPS youth officer would contact the parents / guardians and seek approval for the evaluator to interview by telephone them and/or the youths. This procedure was implemented and in all but two cases, the parent / guardian agreed to participate. There was one refusal and one instance where the youth and his family moved to another country. The offending youths were quite evenly split between males and females (10 to 13). In all but two cases, the offence in question was "theft under", always involving dollar theft amounts of less than \$50. The victims in the thefts, with one exception, were corporate retailers (e.g., Zellers, Shoppers). Two of the twenty-three youths had records for previous offences and two had re-offended since the incident which generated the caution. An interview guide was created for the telephone interviews. The guide, found in the appendix to this report, dealt with four themes, namely, (a) the situation attendant on the offence but prior to receiving the letter (e.g., awareness of options, expectations), (b) assessment of the caution letter (e.g., clear and meaningful? to be filed by police?), (c) impact of the caution experience (e.g., on family relationships, on the youth, consequences for the youth), and (d) assessment of the caution option (e.g., plus and minuses, how extensively should letters of caution be used, were the objectives of the caution option met?). It was understood between the evaluator, the HRPS and the consenting parent that the telephone interview would be brief. Unfortunately, in five cases, telephone contact could not

be established, despite repeated calls, and thus only eighteen interviews were obtained, fifteen with parents and guardians and only three with the young offenders. Nevertheless, the final sample appears quite representative of the kinds of persons to whom caution letters are typically sent.

Caution participants typically had no awareness of the caution option prior to being so informed in person by the investigating police officer or the HRPS youth officer by telephone. Often the guardian was called down to the corporate retailer to collect his or her youth but in a few instances the officer brought the offender home to inform the guardian. In the sole instance where there was stated foreknowledge of the diversion option, it was expressed by a young offender who commented; "I was unsure [about what was going to happen] but I wasn't worried because I had gone through it [restorative justice] before". Typically, there was a period of suspenseful waiting before the offender and his or her guardian could be certain that the youth was going to receive a caution rather than a referral to restorative justice or be charged in court. Most adults (and the other two youths) indicated that the waiting, while creating some tension, was beneficial since it produced appropriate anxiety on the part of the young offender, causing him or her to reflect on the wrongdoing. One youth's mother commented, "I hoped he would get a caution but glad about the uncertainty .. it gave him time to think about what he got involved in". Clearly, all these participants, adults and youths, hoped that the caution option would be exercised by the police. Almost one-third of the adults indicated that police officers (probably the HRPS youth officer) presented them with the choice of the youth going to restorative justice or being cautioned. They preferred the caution option but their stated reasons for doing so were rather idiosyncratic if not

obscure (e.g., "the caution would be more of a wake-up call"), reflecting perhaps their lack of familiarity with the restorative justice process. All these guardians expressed appreciation for being allowed some input into selecting the option.

The participants typically thought that the letter of caution was clear and straight-forward; as one parent commented, "you don't need a high IQ to understand the letter". A few persons claimed never to have read the letter, either because they had not received one or because another household member read it and explained matters to them. The letter itself was considered as a simple, straight-forward message but a few respondents highlighted its symbolic importance by, for example, temporarily at least, tacking it on the wall in the youth's room. Virtually everyone indicated that they understood the letter would be on file at HRPS and would be recalled in the event of another offence on the youth's part but a few had questions about how long it would be on file and so forth; the few who raised such questions were critical of the letter's lack of detail in this regard. More common was the sentiment that direct contact from the police officers - whether in person or by telephone - was far more informative and meaningful for deterring further offending than the letter.

In almost all cases - even in the few households where the parents and other family members had criminal records and were themselves well-known to the police - the guardians and the youths reported that the arrest and the letter of caution had had an impact. Deep family discussions were reported ("it was a big deal in this household") and behavioural sanctions (e.g., grounding for a period, no television viewing allowed, no co-accused friends allowed in the house, no sleep-overs) were directed at the youth. In most cases, these family discussions reportedly had improved

guardian-youth relationship. Commonly, it was reported by parents and youths that being arrested and receiving a letter of caution would be an effective deterrent for the youth. They all contended that the youth was remorseful and expressed confidence that the youth would not re-offend.

Parents and youths saw the caution option in very positive terms in their own instance. None suggested negative implications for their family or their youth but, interestingly, they frequently expressed the opinion that the option could be abused if parents did not really care and/or if the youth perceived it - and some would they contended - as an easy way out. Indeed, in a number of instances, the youth's offence had taken place in a group context (e.g., several kids shoplifting together) and the parents and youths interviewed suggested that the co-accuseds and their parents were more flippant about the arrest and letter of caution. Few participants, adult or youth, felt that the cautioning option should be extended to repeat offenders (some allowed for a few chances) or to more serious crimes.

Overall, the participants identified the objectives of the caution option as to "scare, warn and give a break to" typically good kids whose offence was well within the normal experience of youths (e.g., "a fluke thing", "part of growing up", "she did it for a thrill as kids do"). And, in these respects, they considered that the police cautioning program had indeed met its objectives and would deter future crime in their case anyways. A grandparent commented, "This little crime scared the shit out of him and made him realize he did not want to be involved in criminal activity and to stop associating with [the co-accused]". Most participants reported that there were meaningful consequences accompanying the

caution letter. There was a very positive valuation of the caution option by the offenders and their parents / guardians.

Clearly, on the basis of these few interviews, a letter of caution for a minor offence can be an effective, and of course quite cost-effective, tactic in alternative justice. Interestingly, though, the parents and guardians, and even the few youths interviewed, stressed the importance of the direct contact they had had with the police as an integral part of the cautioning. More intense social contact, conveyed in a supportive yet authoritative context, may be required for more serious cases.

THE EXIT ASSESSMENTS: VIEWS AT THE END OF RJ SESSIONS

In Year One, on the basis of an exit data file that included about 500 records (each record containing a person's responses to a twelve question survey) it was found that there was a solid, positive consensus among all types of participants concerning the rj structure, process and outcomes. Similarly, there was a high level of agreement about the concept and direct implications of restorative justice, but some variation between offender and victim groupings about the likelihood of recidivism and whether to recommend such an rj alternative in other instances of similar crime. Victims were less positive here but the differences were modest and did not seriously challenge the deep consensus. Variation was most significant concerning the larger context of restorative justice - who benefits most? are one's views of crime changed? Here the findings were congruent with a conventional view on restorative justice which interprets it as primarily offender-oriented. Victims, and even, to a lesser degree, offenders and their supporters, were inclined to see offenders as benefiting more. A majority of neutral participants, on the other hand, disagreed that offenders benefited more than victims. Not

surprisingly, and perhaps even as restorative justice advocates might wish, offenders and offenders' supporters were much more likely to say that they now see this crime/offence differently as a result of their rj experience.

Table 5.1 describes, by selected features, the exit forms that were available for analysis in 2001. There were 2159 exit one page questionnaires submitted from the four restorative justice agencies. The agencies in the larger population centres accounted for 62% of the total (i.e., 30% in the Halifax area and 32% in the Sydney area). Percentage-wise, the distribution by agency in 2001 was similar to that in 2000; the rank order of the agencies by number of exit sheets was similar and the major difference was that the smaller agencies accounted for a larger percentage in 2001 (i.e., 37% compared to 31% in 2000). Offenders and offenders' supporters (usually the parents) accounted for 70% of all the exit forms while victims and their supporters (often parents) accounted for 16%. Police accounted for 5% and "others" for 6%. These percentages virtually replicated the distribution by participant role in 2000 and testify to the continuing greater involvement of offenders than victims in the restorative justice program. Property crime offences accounted for roughly 45% of the offences referred to in the exit sheets, followed in order of frequency by assault level one (20%), mischief (11%) and violations of provincial statutes (8%). Accountability sessions accounted for 34% of the exit forms while 53% of the records were generated by victim-offender conferences (21%) and restorative justice/community forums (32%). Overall, the exit sample available in 2001 was more than four times as large but very similar in distributional traits to the exit sample in 2000. The chief differences were a larger share by the smaller agencies and a

smaller share by alternative measures-style, accountability sessions.

Table 5.2 provides an overview of the session participants' assessment of their rj experience. It clearly indicates that a strong, widespread, positive consensus prevailed. Over 90% of the participants agreed that "I had my say", "I had support there", "My position was understood", "I was treated fairly", "I am satisfied with the outcome", and "I would recommend the restorative justice alternative". An equally large percentage disagreed with negatively phrased statements such as "the conference was disappointing" and "the conference outcome was confusing". Indeed, in many of these instances the participants were most likely to emphatically state their agreement with positively-slanted questions and their disagreement with the negative ones (i.e., to strongly agree or strongly disagree). Fully 80% of the participants considered that the rj experience would deter the youth from future criminal activity.

Some statements did produce variation in response. While the majority of participants (i.e., 70%) agreed that they knew what they were getting into by participating in a restorative justice session, a third disagreed or were unsure. Similarly, about a third of the participants either were unsure about the impact of the rj experience on how they might perceive crime now or disagreed that it had impacted on their views in this regard. The views on whether restorative justice helps the offender most (and not the victim equally or even more so) were normally distributed around the plurality response "unsure". Below there will analyses shedding light on the sources of this modest variation but the central theme here is the strong positive consensus. Comparing this year's results to those reported in the first evaluation

report, it is clear that there has been little change (at most a slight, consistent decline in superlative assessments) in overall patterns even though now the sample is much larger and includes more victims and neutrals.

In order to ferret out patterns associated with the modest variation that was uncovered in the exit file frequencies, many re-codes were undertaken where extreme responses were differentiated from "middling" ones and where different combinations of sessions and offences were considered for their possible impact on the attitudinal or perspective statements discussed above. Essentially, it was all to little avail as the high level of consensus was always dominant. With one important exception, there were no statistically significant patterns of attitudes/perspectives by session type or offence type. The one anticipated - and found - significant pattern was that in the more restorative justice type of sessions (i.e., victim-offender conferencing and community forums), respondents were twice as likely as those in accountability sessions to disagree with the statement, "these kinds of conferences help offenders the most" (i.e., 39% to 22%). Such a finding supports the underlying program premise that restorative justice has value for all participants.

Table 5.3 highlights selected response patterns by participant role. Again the widespread consensus is clear though, as in 2000, there were some modest differences concerning who benefits most from such rj sessions, and whether the offender would recidivate. There was virtually no difference with respect to recommending restorative justice in similar crime situations; rather there was strong positive agreement in all participant roles. There were some statistically significant differences found when participant's role was cross-tabulated with emphatic

responses (i.e., where the participant either strongly agreed or strongly disagreed with a statement or question). Young offenders, for example, were less likely than other participants to indicate that they understood what they were getting into by participating in the rj session. They were also less likely to strongly disagree that the conference was disappointing or to strongly agree that they were satisfied with its outcome. The young offenders were much less likely than victims, victim supporters and neutrals to disagree with the statement that the conferencing helps the offender the most, surely a positive finding for the restorative justice approach. The young offenders also were more likely than other participants (statistically significant at $<.000$ level) to strongly agree that the conferencing experience would deter themselves from future crime, and also that they now see the crime differently. Again these effects are congruent with the expectations and objectives of the restorative justice initiative.

In sum, then, the exit data for 2001 (year two) reveal a strong pervasive positive consensus among all types of participants and over the different types of sessions and offences. The patterns found strongly echo those found in the year one data. Where there is variation, the factors producing it are participant's role and, to a lesser extent, type of session. The interpretation of the variation advanced above suggests that where differences exist these differences are ones supporting the premises and objectives of the restorative justice initiative.

TABLE 5.1

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

	Number	Percentage
Restorative Justice Agency:		
Halifax	657	30
Cumberland	369	17
ICJS Cape Breton Valley	695	32
	438	20
Total:	2159	99%
Alternative Measures Agency:		
Truro	281	100%

	Number	Percentage
Restorative Justice Participant:		
Offender	747	35
Offender's Supporter	751	35
Victim	226	10
Victim's Supporter	143	6
Police	112	5
Other *	119	6
Missing	61	3
Total:	2159	100

	Number	Percentage
Type of Session:		
Accountability	744	34
Victim – Offender	461	21
RJ Forum	675	32
Stoplifting	114	5
Other	82	4
Missing	83	4
Total:	2159	100

TABLE 5.1 (...continued)
DISTRIBUTION OF EXIT FILE FORMS
BY AGENCY, PARTICIPANT ROLE AND OTHER SELECTED FEATURES

	Number	Percentage
Type of Offence: **		
Mischief	240	11
Assault	433	20
Public Order	42	2
Breaches	24	1
Provincial Statutes	165	8
Minor Property Crime	757	35
Major Property Crime	216	10
Fraud / Forgery	57	3
Other	104	5
Missing	121	6
Total:	2159	101%

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

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

TABLE 5.2

PARTICIPANTS' VIEWS ON THEIR RJ EXPERIENCE, EXIT SHEETS

(N=2159) (%)

Aspects *	Strongly Disagree	Disagree	Unsure	Agree	Strongly Agree
Sound Expectations	3%	6%	21%	45%	25%
Conference Was Disappointing	51	37	5	4	3
I Had My Say	1	1	2	40	56
I Had Support There	1	1	7	49	42
Satisfied With Outcome	1	1	4	46	48
I Was Treated Fairly	2	1	2	41	54
It Helps Offender Most	10	21	30	27	11
Will Deter Future Crime	1	3	16	47	33
Conference Outcome Was Confusing	57	35	4	2	2
My Position Was Understood	1	2	8	58	31
I See The Crime Differently Now	6	15	15	44	19
Would Recommend RJ	1	1	7	36	56

* For the complete actual statement see Appendix.

The total row percentage may not add up to 100% because there were a few missing values.

TABLE 5.3**PARTICIPANTS' VIEWS OF THEIR RESTORATIVE JUSTICE EXPERIENCE****(N=2103) (%)**

Aspects *	Offender N=747	Offender Supporter N=751	Victim N=231	Victim Supporter N=143	Neutral N=231
Sound Expectations					
Agree	45	48	41	51	37
Strongly Agree	15	26	28	32	50
Unsure	26	20	22	14	10
Conference Was Disappointing					
Strongly Disagree	43	57	47	45	55
Disagree	39	33	42	42	35
I Had My Say					
Agree	42	42	36	39	27
Strongly Agree	52	56	61	56	71
I Had Support There					
Agree	47	54	41	54	41
Strongly Agree	40	40	47	40	40
Satisfied With Outcome					
Agree	47	46	45	42	42
Strongly Agree	42	51	50	49	55
I Was Treated Fairly					
Agree	41	42	39	40	33
Strongly Agree	52	54	55	52	58
It Helps Offender Most					
Agree	30	30	25	13	22
Strongly Agree	12	11	16	11	6
Unsure	40	23	22	25	22
Will Deter Future Crime					
Agree	46	49	46	42	43
Strongly Agree	41	33	22	21	23
Unsure	10	15	3	25	25
Conference Outcome Was Confusing					
Strongly Disagree	51	60	58	51	62
Disagree	36	34	34	37	34
My Position Was Understood					
Agree	55	62	54	58	54
Strongly Agree	26	31	36	30	34
I See The Crime Differently Now					
Disagree	7	16	22	18	26
Agree	47	49	34	34	31
Strongly Agree	26	15	12	16	13
Would Recommend RJ					
Agree	36	35	35	35	35
Strongly Agree	53	60	50	52	57

* For complete actual statement sentence, see [Appendix](#). Select response categories are used for convenience.

TRURO COMMUNITY JUSTICE

Truro Community Justice was not a first phase rj agency but rather continued to provide, until the mid-fall of 2001, the alternative measures program, basically holding, what is referred to in NSRJ terminology, as accountability sessions for usually first time offenders of minor offences. These accountability sessions, with few exceptions, involved the youth and his/her parent/guardian meeting with agency facilitators, discussing the offence and reaching agreement upon an appropriate disposition (e.g., apology, essay etc). Victims and victims' supporters were rarely involved in these sessions though sometimes police officers attended. Year One comparisons of the same exit survey data found that offenders and their supporters in the samples from the restorative justice agencies gave very similar responses to their counterparts from the Truro agency. The lack of significant difference between the restorative justice and alternative measures (Truro) samples was not especially surprising since many of the sessions held by the rj agencies in 2000 were also accountability sessions (i.e., limited to the same participant roles); moreover, the Truro agency had a deserved reputation for being a well-managed service that worked well with the area's youth. While the Truro agency was a phase 2 agency and adopted the NSRJ program in October 2001, the 2001 Truro data considered here are from cases handled while the agency was using the alternative measures program. It was considered that as the rj agencies held proportionally fewer accountability sessions and expanded their services to offenders and victims, perhaps the 2001 comparisons with the Truro sample might generate significant differences between offenders and their supporters in the two types of programs. On the other hand, given the findings from 2000, the continued excellent service provided by the Truro agency, and the fact that the organization was in transition to restorative

justice programming for most of 2001, there was good reason to hypothesize that the 2001 comparisons would also yield no significant differences in the exit views of offenders and their supporters between the rj agencies and the Truro samples. The latter hypothesis carried the day as will be detailed below.

Table 5.4 presents the results of the analyses of the Truro exit data. Selected responses, corresponding to those described in table 5.3 for the rj agency exit data, are provided for the participant roles of offender, the offender supporter (usually parent) and "others"; this latter category includes mostly police officers. There was a combined total of only sixteen victims and victims' supporters in the Truro exit sample, testimony to the fact that these alternative measures sessions were indeed accountability sessions. There was much consensus among all participants that the conference was not disappointing, nor the outcome confusing, from their perspective; that he/she "had their say" and that their position was understood by others. The respondents indicated they felt supported by other participants, treated fairly and were satisfied with the outcome. The consensus was usually over 90% on all these items. The very positive assessment was reflected too in the high proportion in each group (i.e., over 90%) who said they would recommend the conference process to others; indeed, in all participant categories, the majority of respondents "strongly agreed" that "I would recommend conferences like this to deal with offences like this one".

Where there was variation in the exit responses by participant roles, it was expected and could be interpreted in a positive vein. The participants varied by grouping in terms of whether they felt confident that they knew what they were getting into by agreeing to participate in the alternative measures

conference. The young offenders and their supporters were often unsure if not completely in the dark. Less than 50% of the youth agreed that they had a good idea of what to expect and only 63% of the adult supporters were confident in their expectations. On the other hand, in the "others" category, almost 90% agreed that they knew well what to expect, a not surprising finding given that many of the "other" participants were police officers. The participants differed too in their assessment of whether "this kind of conference helps the offender more than the victim". The offenders' adult supporters were most likely to take that position (i.e., 51%) while 39% of the youth agreed too that the offender profited most. Among "other" participants - the police and victims - there was the least agreement, a positive finding for those contending that alternative measures has been much more than simply a bonus for offenders. As table 5.4 indicates, participants in all the roles also generally agreed that the alternative measures conference would likely be effective in deterring the youth from future criminal activity, though it is clear that such a perspective was most strongly held by the offenders themselves and their adult supporters. Finally, there was significant diversity in whether the participants agreed that their views on crime had changed as a result of the alternative measures experience. Participants in the "other" category were least likely to agree (i.e., some 39%), again not surprising given that in many instances these participants were police officers. More significantly, perhaps, offenders were most likely to indicate that they now see crime differently (i.e., 77%), a finding that is congruent with the objectives of alternative justice, namely that the offenders comes to appreciate more fully the significance of his/her actions.

A more detailed examination of the two main groupings in the sample - the offenders and the offenders' supporters - with their counterparts from the rj sessions, reveals almost identical frequency distributions for agreeing or agreeing strongly with the statements asked in the exit survey. This is true also with respect to the three items where there was significant variation in both samples, namely who the conference helps most, the likelihood of the offender re-offending, and whether the respondents perceives the crime differently as a result of the conference (compare tables 5.3 and 5.4).

Overall, then, the Truro participants assessed their alternative measures experience quite positively and in ways congruent with their roles and with the objectives of the alternative measures philosophy. As in 2000, their response patterns were very similar to those participating in alternative justice through the restorative justice agencies. Since the Truro agency is now part of the NSRJ program, it will be interesting to see what implications this brings for participant satisfaction among the different role players as victims become more integral to the conferences.

TABLE 5.4**PARTICIPANTS' VIEWS OF THEIR TRURO AM EXPERIENCE****(N=281) (%)**

Aspects	Offender N=96	Offender Supporter N=115	Others * N=67
Sound Expectations			
Agree	35%	45	33
Strongly Agree	10	18	54
Unsure	31	25	7
Conference Was Disappointing			
Strongly Disagree	47	59	59
Disagree	36	31	29
I Had My Say			
Agree	43	42	39
Strongly Agree	53	57	57
I Had Support There			
Agree	41	44	46
Strongly Agree	49	50	39
Satisfied With Outcome			
Agree	40	37	41
Strongly Agree	54	59	52
I Was Treated Fairly			
Agree	38	36	41
Strongly Agree	57	59	55
It Helps Offender Most			
Agree	25	30	14
Strongly Agree	14	21	4
Unsure	46	20	17
Will Deter Future Crime			
Agree	40	42	64
Strongly Agree	50	49	15
Unsure	6	7	12
Conference Outcome Was Confusing			
Strongly Disagree	54	64	54
Disagree	40	31	44
My Position Was Understood			
Agree	50	56	62
Strongly Agree	29	41	26
I See The Crime Differently Now			
Disagree	7	12	35
Agree	49	43	33
Strongly Agree	29	14	6
Would Recommend AM			
Agree	41	36	36
Strongly Agree	57	62	57

* Others include Victims and Police participants since the number of these role players was small.

THE FOLLOW-UP INTERVIEWS

Upon completing the restorative justice sessions, participants, other than the facilitators, were asked to fill out the one page exit questionnaire and, if they were agreeable to a subsequent telephone interview by the evaluation team, to sign the bottom line and provide their name and telephone number. Overall, 63% of the 2160 RJ session participants who completed the exit form expressed their willingness to be interviewed. Table 5.5 indicates the variation that existed among agencies and by participant role in signing the agreement form. There was no clear pattern of difference by rural/urban type of agency, and the range at that level was from 56% in the Sydney area to 70% in the Amherst region. There was a wider range in the percentage signing by participants' role ¹. The young offenders and their parents/supporters were least likely to agree but even here a majority did so. Among victims and their supporters/parents the percentage was about 70%. Not surprisingly, agreement was greatest among police, other Justice personnel and community representatives.

Data were not available at the conference exit level on age, gender and ethnicity, but it was possible to determine whether those who signed the agreement and those who did not sign, differed in their other categorical or group profile characteristics. This is an important consideration since it speaks to the representativeness of the follow-up attitudes and perceptions that will be discussed below. The table indicates that there was little difference between the two groupings. In the selected comparisons depicted - comparisons selected for convenience and representativeness - the proportion of participants whose sessions involved minor property offences, serious property offences or minor assaults was almost identical

between "signers" and "non-signers". The differences by session type were also quite modest. The two groupings were also compared in terms of their responses to the twelve exit questions which sought their assessment of the rj experience they had had. Again, the findings (not presented in the table) revealed only modest differences on any specific item (e.g., 56% of the signers checked "strongly agree" to the statement "I was treated fairly", compared to 49% of the non-signers). There was a clear tendency, however, for the signers to have more positive views of their rj experience. On ten of the twelve items (e.g., "I had my say", "I was satisfied with the outcome" etc) they expressed more positive view than non-signers did, and on the other two items (whether the rj experience might deter future crime by the offender and whether the participant sees crime differently now) there was no difference at all. It would appear then that, if there the follow-up interviews are not fully representative of the rj participants, the bias is modest and in the direction of yielding more positive viewpoints.²

PRE-CONFERENCE ISSUES: ASSESSMENTS

As noted in section one above, the follow-up interviews examined respondents' views, at least two months after their participation at the rj session, with respect to pre-conference issues, the conference itself, the agreement reached, post-conference reintegration and closure, overall assessment and comparison with perceived court processing. Almost half the signers in each role category (i.e., those who agreed to be interviewed) were in fact interviewed but this percentage dropped to 43% for the young offenders. The low percentage of "interviewed" versus "signers" in the police and other category is largely an artifact of the evaluation decision not to do repeat interviews with officers and others who attended more than one

session. Few corporate retailers attended rj sessions so the victims and their supporters in this follow-up sample typically were involved in incidents other than shoplifting. In the tables accompanying this text the views of victims and victims' supporters have been combined since their numbers were few and their views quite similar. The following analyses represent a "first cut" of a very large follow-up data set. Copious interviewee comments have yet to be incorporated and the statistical analysis is limited to a comparison of frequency distributions by role of the participants.

Table 5.6 depicts some assessments of pre-conference issues by participants' role. It can be seen that the large majority of offenders and victims and their supporters indicated that they had had no previous knowledge of restorative prior to their involvement in the case at hand. Predictably, more than 75% of the police officers and others who make up the category labelled "neutrals" did have such foreknowledge. The young offenders' chief reason for agreeing to attend the rj session was to avoid the court and having a record (or adding to it), while in all other role categories the most frequent response was some version of "liked the idea of RJ". Approximately a quarter of the offenders' supporters and even some 13% of the victims/victims' supporters indicated that avoidance of the court scene was the major factor in their decision to attend the rj session. There was little difference among the offender and victim groupings as to the voluntary character of their participation; only between 5% and 8% in any category reported that their attendance was not "totally voluntary". The large majority of all types of participants indicated that the nothing that the rj case worker said or did persuaded them to attend but here there was some modest variation as the young offenders were more likely than other participants

(i.e., 24% to 12%, 8% and 14% for the other role categories) to report that the persuasion of the case worker was a significant factor. Interestingly, in light of the fact that most participants claimed to have known nothing about restorative justice before the incident, it would appear that agency staff may well have communicated the benefits of that alternative so well that offenders and victims and supporters did not perceive themselves as having to have been especially persuaded to attend the rj session.

Table 5.6 points up the increased contact with all parties that has characterized rj activity vis-a-vis alternative measures. Asked about their contact with the rj agency, a plurality of the participants in all role categories reported that they had had both telephone calls and in-person meetings (frequently more than one in each contact category). Roughly 50% of the offenders' supporters (usually parent or guardian) and victims' supporters (often the parent) reported such contact with agency staff. Still, almost half the participants in all role categories claimed that they had received only telephone calls and about 15% of victims, offenders and supporters reported that they had received but one telephone call prior to attending the rj conference.³

THE CONFERENCE ITSELF: ASSESSMENTS

Table 5.7 provides attitudinal data with respect to how participants viewed the actual session or conference they experienced. Asked what was the most important thing that happened at the conference, the young offenders and their parents/supporters generally shared the same viewpoints but there were some differences. The offenders were more likely (34% to 22%) to refer to getting a good resolution of the incident and avoiding court (and a criminal record), while their parents and other

supporters more frequently (36% to 19%) cited having an opportunity for the offender to express remorse and offer an apology. Among victims' parents/supporters (this specific question was not asked of victims themselves) the most important thing by far was the opportunity to talk about the offence; 58% spontaneously gave that response compared to 20% to 25% of the offenders and their supporters. In all participant roles, respondents most frequently indicated that they experienced no big surprise at the conference. The surprises that were encountered tended, among all roles, to be positive ones regarding the positive attitudes of "the others", the disposition reached or the general positive tenor of the conference itself. The young offenders were particularly likely to report positive surprise as compared to negative surprise (36% to 5%) while offenders' supporters and victims and their supporters were about twice as likely to report positive surprise as compared to negative surprise.

The large majority of all role players (i.e., over 90% in all groupings) considered that the conference was fair to all participants. Indeed, about two-thirds of the offenders and their parents/supporters, and three-quarters of the neutral persons were emphatically positive on this point. Less positive were victims and their parents/supporters but even here 50% considered the conference to have been very fair to all persons. This question was one of the few where there was noticeable divergence between victims and their parents/supporters, with the latter being more emphatically positive about the fairness than the victims themselves were (i.e., 56% to 35%).

When asked to identify the most positive feature of the conference from their standpoint, the responses were quite varied

and few clear patterns emerged. The most frequent facet spontaneously (i.e., without prompting by the interviewer) referred to by offenders, victims/victim supporters, and neutrals was the opportunity to discuss the incident and present their views (or in the case of neutrals to observe the victims and offenders doing so). Offenders more often also cited the agreement reached at the conference and the fairness and friendliness they encountered there. Their parents/supporters more frequently mentioned the positive attitudes of other participants and the fairness of the session. Victims and neutrals, to a lesser extent, shared those views. There were a large number of 'other' responses indicating that in about 20% of the overall sample the answers were rather idiosyncratic. Consistent with the overall positive assessment reported thus far, slightly more than half the participants in all role categories, replied "nothing" when asked what was the most negative feature of their restorative justice conference. The most frequently cited negative feature focused on the attitudes of the other participants; this was most commonly cited by victims and their supporters where 18% reported it.

Offenders and victims responded in essentially the same positive fashion to questions dealing with whether they understood well what was happening at the rj session, whether they were treated with respect, whether they had adequate support there and whether they considered the conference set-up or arrangements to be acceptable. Virtually all these role players said yes and over 60% in each category said yes emphatically. Table 5.7 indicates, too, that with few exceptions (a handful of offenders and offenders' supporters) the participants overwhelmingly agreed that they "were able to say what you wanted to say" and about two-thirds in each role category said that this was very much the case in their view. It appears that there was substantial direct

communication at the conferences. Over 90% of the victims and their supporters indicated that they spoke directly to the offender or to the offender's supporters at the conference. A similarly huge percentage of neutral persons reported that in their view there was "a frank and in-depth exchange among the offender and victim "sides" at the conference". The proportion of offenders and offenders' supporters who noted this direct exchange was substantially less since many of these persons were involved in accountability sessions or "stoplifting" and similar workshops where victims were not present.

ASSESSMENTS OF REINTEGRATION AND CLOSURE

Table 5.8 depicts views on selected post conference issues. There were few common questions in the questionnaires for the different role players as theory and research suggested different themes for the different roles. The common questions that did exist are captured in this table. Over 90% of all interviewed session participants reported that they were satisfied with the conference agreement (i.e., the disposition) at the time the conference ended. Neutrals aside, the offenders and their parents/supporters were more clearly satisfied than the victims and their parents / supporters (i.e., 64% of the offenders and 44% of the victims/supporters reported emphatic satisfaction) but the high level of common satisfaction was evident. Asked, at follow-up, about their satisfaction or happiness at how the agreement has worked out for themselves, the level of satisfaction remained quite high for the offenders (i.e., 66% said "very much" and 27% said "some"). Victims (victims' supporters were not asked this specific question) were less likely to report satisfaction with how the agreement had worked out but, still, 45% reported themselves "very happy" on this score; over time though the level of satisfaction did drop off for a minority of victims. Few

respondents had anything negative to say about the fairness of the facilitators and of the conference proceedings. There was little difference on this matter among offenders and their supporters and victims and their supporters; overall, in each role, the majority were emphatically positive and the remainder deemed the level of fairness to be at least adequate. Offenders were the most likely (i.e., 69% said "very much") to report that they had had an opportunity to contribute to the disposition reached at the conference but the majority on the victim "side" reported similar views.

The closure question of course had to be appropriately phrased for the different types of role players (compare questions 34, 33, 34, 33 and 32 in the offender, offender supporter, victim, victim supporter and other/neutral questionnaires respectively). The data in Table 5.8 indicate that 90% of the offenders reported the conferencing had brought them some closure in the sense that they were able to put the whole experience behind them; indeed, 61% emphatically agreed with that view. Their parents and other supporters at the conference reported less closure, though roughly 70% indicated that, at least to some extent (and 35% much), the conference helped them to cope or deal better with the incident. On the victims' "side", the overall patterns were similar to that of the offenders' supporters but over 40% reported much closure; victims and their supporters were more likely than the other role players to report uncertainty in the matter of putting the victimization experience behind them. As for the neutrals, they were asked a more generalized question, namely whether the conference helped community reintegration (i.e., help the offender get back into the good graces of the community), and here about 80% of these neutrals answered yes (over 50% emphatically so).

OVERALL ASSESSMENTS

Table 5.9 provides data on the participants' overall assessment of their restorative justice experience. Asked to indicate "what was the best thing about having the offence dealt with by a conference rather than by the court", offenders and their supporters emphasized "avoid court and/or getting a record", and "a fair and friendly session". Victims/victims' supporters, and neutrals, while acknowledging these facets, placed chief emphasis on "having my say" and "the offender and victim directly communicating with one another". Roughly 60% of offenders, victims and their supporters (and even more of the neutral participants) responded to the question, "what was the worst thing about having the offence dealt with by a conference rather than court", by saying "nothing!" A handful of the participants mentioned specific concerns such as having to face other people but there was no pronounced pattern in these responses for any grouping. In all categories, too, the participants were quite dismissive of the statement "looking back, do you think that this matter should have gone to court instead of to the conference". Very few participants in any category (i.e., offender, victim, neutral) considered that there would have been no difference if the matter had gone to court but at the same time their views about what that difference would be varied considerably and almost idiosyncratically so. Virtually no one advanced the position that the court alternative would have been better or fairer and the more commonly cited differences focused on the presumed greater intimidation of the court and the more severe sanctions potentially exacted there. Apart from the neutrals, many of whom were police officers, the majority of victims, offenders and their supported had no or limited previous experience with court processing of similar cases. Subsequent analyses will determine whether reported

experience with the court processing of crimes had any impact on the court comparisons made.

Almost all the interviewees answered yes to the question, "do you think that conferences like the one you were in should be used in most cases like this one?" but offenders rendered the most emphatic "yes" while victims were less enthusiastic though still quite positive (i.e., 78% of the offenders responded with an enthusiastic yes while only 44% of the actual victims did so). There was much less enthusiasm among all types of participants for utilizing "such conferences ... in more serious criminal cases". While victims were most likely to say "no" outright (i.e., 51%), only about one quarter of the offenders and their supporters supported the use of conferences for such offences even with some less than draconian qualifications. The most enthusiastic advocates of conferencing in serious crimes were the neutral participants but they too stressed qualifications or strict limits on the use of restorative justice in such matters. Respondents suggested few changes when asked about the redesigning the conferencing experience. Among all categories of participants, the majority opined that "nothing should be changed". The changes that were advanced ran the gamut from altering the time and place of the session to involving other persons and having more severe sanctions but none of these positions had more than a handful of advocates.

Overall, then, the interviewee sample appeared to be representative of the participants attending the rj sessions in the first phase agencies. Roughly half those in each role category who agreed to be interviewed were interviewed, though only some 43% of the offending youths were. The description and analyses of the follow-up interviews represented a "first cut", pending the

examination of interviewee comments and potentially more sophisticated statistical analysis. The follow-up data dealt with participants' assessments of pre-conference issues, the conference itself, the agreement or disposition reached, reintegration and closure issues, and overall assessment of the rj experience.

The rj participants indicated that for the most part they had little knowledge of restorative justice approaches prior to the incident being considered. Reasons for participating varied by role, with offenders and their parents/supporters emphasizing avoiding court and a criminal record while victims and their parents/supporters stressed that they liked the idea of rj as it explained to them. Evidence suggests that few participants needed much persuasion and certainly most considered their participation to be totally voluntary. The majority of rj session participants indicated they had significant contact with agency staff prior to the session and that this contact involved both telephone calls and face to face meetings. As for the conference itself, the perceived "most important thing about it" varied by role, with young offenders emphasizing the "good resolution" of the process and the avoidance of court, while their parents/supporters pointed to the opportunity for the youth to show remorse and apologize, and, on the victim "side", the opportunity to talk about the offence was highlighted. Few participants reported surprises happening at the conference but when surprises were noted, the positive surprises were more common than the negative ones, especially on the part of the young offenders themselves. The large majority of participants in all role categories could find nothing negative about the conference and, on the positive side, it was commonly noted that they had an opportunity to discuss the incident and present their views about it and what should be done. Virtually all participants considered that the conference was fair to all parties and most

interviewees were emphatic about this feature; the least emphatically positive were the victims but even 50% of them considered the conference to be "very much" fair. Both offenders and victims were equally likely to report (and with equal emphasis) that they understood what was happening at the session, were treated with respect, had adequate support there, and liked the conference set-up. On both the offender and victim "sides", large percentage of respondents emphasized that they had had their say. Most neutral participants reported that they witnessed a frank and in-depth exchange among offenders / their parents/supporters and the victims / victims supporters.

The participants, especially the offenders and their parents / supporters, indicated that in retrospect they were satisfied with the conference outcomes at the time of the session. The large majority reported themselves also to be happy with how the agreement has worked out for themselves, though there was some modest drop-off in enthusiasm on the victims' part. Offenders reported significant closure in "being able to put it all behind now", while their parents/supporters reported themselves better able to cope with the youth. Roughly 40% of the victims reported positive closure but a large minority indicated that they were unsure on this score. Most neutral participants considered that the conference had probably helped to reintegrate the offender in the community.

In assessing the rj experience as a whole, few participants could identify anything when asked about "the worst thing" but they were quick to cite various facets as "the best thing". Offenders and their supporters emphasized avoiding court and the fairness and friendliness of the session, while victims and their supporters highlighted having their say and the direct communication between

the offender and the victim. Few suggested that in retrospect the matter should have gone through the court process. Most respondents considered that, if the latter had happened, there would have significant differences, primarily that the court experience would have been more intimidating and yielded more severe sanctions. The participants overwhelmingly believed that, for offences such as the one featured in their incident, restorative justice was the desirable option. However, there was much less enthusiasm among all role types, save the neutral participants, for utilizing restorative justice in the case of more serious offences; this restrictive position was especially taken by the victims and their parents and supporters. In conclusion, the participants generally considered the rj experience to be quite positive and felt that no changes were required concerning its structure and processes.

¹ The total number for participants' role is less than the total number of exit records since some 61 of the latter could not be identified with a specific role because of missing data. These gaps are being rectified by examination of the RJIS file.

² Not all participants in the rj sessions filled out an exit sheet but this was rarely because of a refusal to do so; rather, it was primarily because the sheets were either unavailable or not distributed and, accordingly, there would be no bias in the follow-up sample at that level because of refusals and so forth.

³ Subsequent analyses will determine the types of offences and sessions that were most associated with limited telephone contact.

TABLE 5.5

**FROM EXIT QUESTIONNAIRES TO FOLLOW-UP INTERVIEWS
RJ PARTICIPANTS, 2000 - 2001**

SESSION PARTICIPANTS AGREEING TO BE INTERVIEWED			
BY RESTORATIVE JUSTICE AGENCY:	# Exit Sheets	# Signing	% Signing
Halifax	657	443	67%
Cumberland	369	257	70
Sydney	695	389	56
Kentville	438	275	63
Total:	2159	1364	63%
BY RESTORATIVE JUSTICE PARTICIPANT ROLE:	# Exit Sheets	# Signing	% Signing
Offender	747	419	56%
Offender's Supporter	751	473	63
Victim	226	163	72
Victim's Supporter	143	96	67
Police	112	83	74
Others *	119	94	80
Total:	2098	1328	63%

SELECTED COMPARISONS OF SESSION PARTICIPANTS AGREEING / NOT AGREEING TO BE INTERVIEWED		
By Session Type:	% SIGNERS	% Non-Signers
Accountability	34%	40%
Victim – Offender	24%	20%
By Offence Type:	% Signers	% Non-Signers
Minor Property Crime	36%	34%
Serious Property Crime	10%	10%
Minor Assault	20%	19%

* Others included community representatives, other CJS personnel and special guests. Roughly 60% of the others were from sessions held by Island Community Justice.

TABLE 5.6

PRE-CONFERENCE ISSUES

RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS, 2001

FACET	OFFENDERS (N=177)		OFFENDER SUPPORTERS (N=208)		VICTIMS/ SUPPORTERS (N=124)		NEUTRALS (N=36)	
	#	%	#	%	#	%	#	%
Previous Knowledge of RJ:								
Yes, Much	9	5	13	6	13	11	10	28
Yes, Some	38	22	40	19	31	25	18	50
No	129	72	154	74	79	64	8	22
Don't Know / NA	1	1	1	1	1	1	-	-
Why Participate:								
To Avoid Court / Record	85	48	55	26	17	13	-	-
Liked the Idea	38	22	92	44	42	34	14	39
Persuaded	6	3	17	8	19	15	5	14
Pressured	3	2	6	3	7	6	-	-
Curiosity	1	1	5	2	2	2	2	6
To Have A Say	8	4	3	1	6	5	2	6
Other	15	8	27	13	19	15	12	33
Don't Know / NA	21	12	3	1	12	10	1	3
Was Participation Voluntary:							Not Applicable	
Yes, Much	108	61	134	64	72	58		
Yes, Some	56	32	61	29	44	35		
No	13	7	10	5	8	6		
Don't Know / NA	-	-	2	2	-	-		
Persuaded by Caseworker to Attend:								
Yes, Much	15	8	8	4	2	2	1	3
Yes, Some	28	16	17	8	7	6	4	11
No	132	75	179	86	112	90	29	81
Don't Know / NA	2	1	4	2	3	2	2	5
Amount of Pre-Session Contact With Agency:								
Telephone Calls and In-Person Meeting	67	38	100	48	48	40	11	31
Just Telephone Calls	58	33	52	25	42	34	8	22
One Telephone Call	26	15	31	15	18	14	9	25
One Mailed Information	-	-	1	-	2	2	1	3
Other	18	10	14	7	9	7	6	17
Don't Know / NA	7	4	10	5	5	4	1	3

TABLE 5.7

**THE CONFERENCE, RJ PARTICIPANTS,
FOLLOW-UP INTERVIEWS, 2001**

FACET	OFFENDERS (N=177)		OFFENDER SUPPORTERS (N=208)		VICTIMS/ SUPPORTERS* (N=124)		NEUTRALS** (N=36)	
	#	%	#	%	#	%	#	%
Most Important at Conference:								
Avoid Court / Record	14	8	8	4	3	8	Not Available	
Opportunity to Talk	42	24	46	22	23	58		
Opportunity for Remorse	34	19	74	36	7	18		
Good Solution	46	26	37	18	2	5		
Other 'Side' Positive	4	2	3	1	-	-		
Other 'Side' Negative	1	1	-	-	1	2		
Supporters Positive	4	2	-	-	-	-		
Nothing	-	-	-	-	2	5		
Other	-	-	34	16	-	-		
DK/NA	32	18	6	3	2	5		
Biggest Surprise at Conference:								
Other 'Side' Positive	8	4	7	3	11	9	Not Available	
Other 'Side' Negative	5	3	5	2	8	6		
Disposition Positive	14	8	7	3	1	1		
Disposition Negative	1	1	9	4	2	1		
Session Positive	43	24	27	13	12	10		
Session Negative	2	1	7	3	6	5		
No Surprises	97	55	136	66	80	65		
DK/NA	7	4	9	4	3	2		
Conference Fair:								
Yes, Much	121	69	136	65	60	50	27	75
Yes, Some	45	26	66	32	50	41	8	22
No	3	2	5	2	10	8	-	-
Don't Know / NA	7	3	1	1	2	2	1	3

TABLE 5.7 (...continued)

THE CONFERENCE, RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS, 2001

FACET	OFFENDERS (N=177)		OFFENDER SUPPORTERS (N=208)		VICTIMS/ SUPPORTERS* (N=124)		NEUTRALS** (N=36)	
	#	%	#	%	#	%	#	%
Most Positive Feature								
Fairness/Friendly	23	13	39	19	14	11	5	14
Attitude of Participants	12	7	44	21	23	19	7	19
Agreement Reached	33	19	18	9	11	9	4	11
Facilitators	5	3	7	3	-	-	1	3
Opportunity to Give Views	39	22	24	12	37	31	11	30
Other	28	16	60	29	26	21	7	19
Nothing Positive	4	2	9	4	3	2	1	3
DK/NA	32	18	7	3	8	6	-	-
Most Negative Feature:								
The Agreement Reached	10	6	17	8	7	6	2	6
Attitude of Participants	10	6	19	9	22	18	2	6
Absence of Police	3	2	8	4	2	2	1	3
Facilitators	1	1	3	1	4	3	1	3
Lack of Support	2	1	1	-	2	2	-	-
Lack of Communication	-	-	2	1	-	-	-	-
Other	41	23	42	20	2	2	9	25
Nothing	98	56	113	55	64	52	21	58
DK/NA	11	6	2	1	19	16	-	-
Conference Setup Acceptable								
Yes, Much	122	69	Not Available		52	63	Not Available	
Yes, Some	50	28			28	34		
No	-	-			-	-		
Don't Know / NA	4	2			2	2		
Understand Okay								
Yes, Much	122	69	Not Available		53	64	Not Available	
Yes, Some	53	30			29	35		
No	1	1			-	-		
Don't Know / NA	1	1			1	1		
Treated with Respect								
Yes, Much	128	72	Not Available		55	66	Not Available	
Yes, Some	45	25			25	30		
No	2	1			-	-		
Don't Know / NA	2	1			3	4		

TABLE 5.7 (...continued)

THE CONFERENCE, RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS, 2001

FACET	OFFENDERS (N=177)		OFFENDER SUPPORTERS (N=208)		VICTIMS/ SUPPORTERS * (N=124)		NEUTRALS* * (N=36)	
	#	%	#	%	#	%	#	%
Adequate Support								
Yes, Much	120	68	Not Available		51	61	Not Available	
Yes, Some	48	27			28	34		
No	3	2			2	2		
Don't Know / NA	5	3			2	2		
Speak Directly to Others								
Yes, Much	39	22	73	35	69	56	27	75
Yes, Some	27	15	38	18	44	36	7	19
No	37	21	23	11	8	7	1	3
Don't Know / NA	73	42	74	36	1	1	1	3
Able to Give Views								
Yes, Much	122	69	142	68	79	65	27	75
Yes, Some	45	26	59	28	43	35	8	22
No	7	4	5	2	-	-	-	-
Don't Know / NA	2	1	2	1	1	1	1	3

* Both Victims and Victims' Supporter are included here. There was virtually no difference in the patterns of responses so for convenience, given their small numbers, the two groups were combined.

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

TABLE 5.8

**SELECTED POST-CONFERENCE ISSUES
RJ PARTICIPANTS FOLLOW-UP INTERVIEWS 2001**

Aspects *	Offender		Offender Supporter		Victim		Neutral	
	N=177		N=208		N=124		N=36	
	#	%	#	%	#	%	#	%
Satisfied With Agreement Then								
Yes, Much	112	64	121	58	53	44	25	69
Yes, Some	52	30	66	32	61	50	9	25
No	9	5	18	9	6	5	2	6
Don't Know, NA	3	1	2	1	2	1	-	-
Happy Re. How Agreement Has Worked								
Yes, Much	116	66	Not Available		37	45	Not Available	
Yes, Some	47	27			25	30		
No	8	5			16	20		
Don't Know, NA	4	2			4	5		
Opportunity to Contribute to Disposition Reached *								
Yes, Much	118	67	88	42	61	51	18	50
Yes, Some	48	27	38	18	31	26	5	14
No	5	3	69	33	19	16	11	30
Don't Know, NA	5	3	12	6	5	4	2	6
Facilitator Fair								
Yes, Much	122	69	136	65	74	61	27	75
Yes, Some	46	26	66	32	41	34	8	22
No	4	2	5	2	6	4	-	-
Don't Know, NA	4	2	1	1	1	1	1	3
Achieved Some Closure *								
Yes, Much	108	61	71	34	52	43	21	58
Yes, Some	51	29	72	35	43	35	10	28
No	12	7	55	27	11	9	1	3
Don't Know, NA	4	3	9	4	16	13	4	11

* There were slight differences in the wording of these questions as raised with the different types of participants (See Appendices and text), but all addressed about the same basic themes. In some instances, as indicated, data were unavailable for one or other of the participant roles.

TABLE 5.9

**OVERALL ASSESSMENT
RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS**

FACET	OFFENDERS (N=177)		OFFENDER SUPPORTERS (N=208)		VICTIMS/ SUPPORTERS* (N=124)		NEUTRALS** (N=36)	
	#	%	#	%	#	%	#	%
Best About RJ Route:								
Avoid Court / Record	67	38	83	40	19	16	6	17
Support There	3	2	10	5	3	3	-	-
Friendly and Fair	33	19	56	27	18	15	4	11
Had My Say	15	9	12	6	22	20	13	36
Better Outcome	15	9	2	1	9	8	-	-
Talk Directly	7	4	12	6	25	21	11	30
Other	14	8	25	12	19	20	-	-
Don't Know / NA	21	12	7	3	7	6	2	6
Worst About RJ Route:								
Facing People	11	6	13	6	3	2	-	-
Unfairness	2	1	6	3	6	5	-	-
Information	6	4	7	4	4	3	-	-
Time, Format	8	5	4	2	8	7	1	3
Other	16	9	39	19	19	16	4	11
Nothing	107	63	127	62	71	60	30	83
Don't Know / NA	20	12	9	4	11	9	1	3
Court Preferable:								
Yes, Much	4	2	7	3	7	6	1	3
Yes, Some	10	6	12	6	8	6	3	8
No	147	86	177	86	102	85	31	86
Don't Know / NA	10	6	10	5	4	3	1	3
The Court Difference:								
Disposition	27	16	27	13	15	12	4	11
Intimidation	22	13	26	13	20	16	10	28
A Record	45	16	25	12	29	24	5	14
Fairer	2	1	1	-	9	7	-	-
Other	23	14	68	33	26	21	13	36
No Difference	8	5	5	1	7	6	1	3
Don't Know /NA	44	26	45	22	15	12	3	8

TABLE 5.9 (...continued)

OVERALL ASSESSMENT - RJ PARTICIPANTS, FOLLOW-UP INTERVIEWS

FACET	OFFENDERS (N=177)		OFFENDER SUPPORTERS (N-208)		VICTIMS/ SUPPORTERS* (N-124)		NEUTRALS** (N=36)	
	#	%	#	%	#	%	#	%
Experience Re. Court:								
Yes	19	11	58	29	43	35	19	52
No	147	86	134	65	75	62	15	42
Don't Know / NA	5	3	15	7	4	3	2	6
Use RJ for Such Offences:								
Yes, Much	131	78	102	49	56	46	23	64
Yes, Some	29	17	91	44	54	44	13	36
No	4	2	8	4	5	4	-	-
Don't Know / NA	5	3	5	3	4	3	-	-
Use RJ for More Serious Offences:								
Yes	5	3	7	3	5	4	1	3
Yes Qualified	35	21	57	28	19	16	16	44
Yes Strict Limits	51	30	59	29	22	18	13	36
No	65	39	55	27	62	51	6	17
Don't Know / NA	13	8	28	14	12	10	-	-
Change Anything Re. Conferencing:								
Time / Place	7	4	12	6	14	12	1	3
People Involved	11	7	33	16	8	7	4	11
Outcomes	5	3	12	6	8	7	-	-
Nothing	116	69	114	56	61	51	26	72
Other	18	11	31	15	24	21	4	11
Don't Know / NA	11	7	3	2	5	4	1	3

* Both Victims and Victims' Supporter are included here. There was virtually no difference in the patterns of responses so for convenience, given their small numbers, the two groups were combined.

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

APPENDICES

APPENDIX A: CAUTION SURVEY THEMES Below are the themes and questions which structured the basic interview guide used with offenders (i.e., O) and offenders' supporters (i.e., OS, parent or guardian). The trained interviewer would raise these questions or themes in a manner appropriate to the sophistication of the person being interviewed, so the precise wording will be flexible and the interviewer will adjust language as appropriate.

Below are the themes and questions which structured the basic interview guide used with offenders (i.e., O) and offenders' supporters (i.e., OS, parent or guardian). The trained interviewer would raise these questions or themes in a manner appropriate to the sophistication of the person being interviewed, so the precise wording will be flexible and the interviewer will adjust language as appropriate.

CAUTIONS PROGRAM THEMES/QUESTIONS

A) PRIOR TO RECEIVING THE LETTER OF CAUTION

CONTACT WITH OFFICER (TYPE OF, FREQUENCY, WHO INITIATED)?
GIVEN ADEQUATE INFORMATION RE THE INCIDENT? (OS)
WHAT ABOUT ADEQUACY OF INFO RE THE CAUTION SYSTEM?
YOUR REACTION TO THE POSSIBILITY OF CAUTIONING - PLUSES AND MINUSES OF THAT OPTION?

YOUR EXPECTATIONS RE WHAT WOULD HAPPEN BEFORE YOU HAD THIS CONTACT?
HAD YOU HEARD OF THE CAUTION PROGRAM? HOW?
WHAT DO YOU THINK THE PURPOSES OR OBJECTIVES OF THE CAUTION PROGRAM ARE?

B) THE LETTER OF CAUTION

WAS THE LETTER CLEAR IN WORDS AND MEANING? ANY AMBIGUITY? ANY DESIRABLE FURTHER INFO THAT SHOULD HAVE BEEN ADDED?
WAS IT CLEAR THAT THE YOUTH HAD ACCEPTED RESPONSIBILITY?
WAS IT CLEAR THAT THE INCIDENT WOULD BE RECORDED IN POLICE FILES?

C) IMPACT OF THE CAUTION

ANY FAMILY DISCUSSION OF THE INCIDENT AND THE CAUTION LETTER?

REACTION OF O TO THE LETTER? OF OS TO THE LETTER?

ANY IMPACT ON ATTITUDE AND BEHAVIOUR OF O?

ANY IMPACT ON THE O-OS RELATIONSHIP?

D) ASSESSMENT OF THE CAUTION LETTER OPTION

THE PLUSES OF THE CAUTION LETTER OPTION?

THE MINUSES OF THE CAUTION LETTER OPTION?

WOULD YOU RECOMMEND THE CAUTION IN OTHER SIMILAR INCIDENTS? IN REPEATED INCIDENTS BY THE SAME OFFENDER? IN MORE SERIOUS INCIDENTS?

RECALLING OUR DISCUSSION RE THE OBJECTIVES OF THIS PROGRAM, DO YOU THINK THEY WERE MET IN THIS CASE?

NOW YOU HAVE HAD SOME EXPERIENCE WITH THE CAUTION LETTER PROGRAM, ARE THERE ANY CHANGES YOU WOULD RECOMMEND TO THE LETTER OR TO THE PRE-LETTER CONTACT OR TO THE WHOLE IDEA OF LETTERS OF CAUTION?

APPENDIX : HRP LETTER OF CAUTION



Halifax Regional Police
1975 Gottingen Street
Halifax, Nova Scotia
Canada B3J 2H1

David P. McKinnon
Chief of Police

Address all correspondence to:
The Office of the Chief of Police

1749-1999
250 Years of Policing
in the Community

To Serve and Protect

FORMAL CAUTION

Surname _____

Given Name(s) _____

You have accepted responsibility for committing the offence of:

contrary to section _____ of the _____ on _____

The investigating police officer has decided not to proceed with a formal charge for this offence. You have been granted this opportunity in the hope that this experience with the criminal law process will be a learning one.

Your parent/guardian will be given a copy of this letter, and the victim will be advised of the decision to caution you.

You will not have a criminal record as the result of this caution, however, the information about the caution will be maintained in a police file. Please be advised that if you are involved in further offences, this caution may be taken into account, and more formal measures, including youth court proceedings, may be initiated.

Police Officer (Print Name)

(Signature)

Police Agency

File Number

Date

cc. Parent/Guardian
Police _____