

A Victim-centered Appraisal of Restorative Justice Victoria

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i EXECUTIVE SUMMARY

Restorative Justice Victoria (RJV) is a non-profit, community-based program that provides restorative processes and services to the Greater Victoria community. RJV engaged me as a researcher to design a procedure for conducting interviews with RJV participants from 2012. These “check-in” interviews were to occur six months after participation in a process and aimed to achieve two objectives. The first objective was to provide a primarily victim-centered evaluation of RJV’s practices and processes, and the second was to develop a set of procedures to guide the conduct of check-in interviews in future years.

Prior to this project, RJV’s evaluation methodology consisted of a short written survey, required for completion by every participant at the end of an RJV process. The purpose of the survey is to assess each member’s immediate feelings and reactions after going through the restorative process. In an effort to develop a longer-term evaluative tool, RJV added a question to the survey in August 2011, asking if participants would agree to allow RJV to contact them in six-months for a ‘check-in’. Resourcing shortfalls have prevented RJV from following through with the 2012 check-ins.

Accordingly, I was asked to develop a procedure, as part of a 598 Project, for identifying, contacting, and interviewing those participants from 2012 who had consented to the six-month check-in. I was also tasked with conducting the check-ins using the procedure I developed. The check-ins are intended to support a victim-centered evaluation of RJV’s practices and processes, by providing information about:

- the longer-term effects of RJV’s process on participants,
- participants’ longer-term impressions of the restorative process
- the extent to which RJV’s processes fulfill the needs of all participants and maximize benefits for victims.

I was also to complete a victim-centered evaluation of RJV’s practices and processes based on the six-month check-ins. However, problems arose with this plan, with the result that it could only be partially executed. While we had hoped to conduct up to 31 interviews, only two participants could be engaged. This seriously limited the utility of the interviews as a foundation for a comprehensive evaluation. Consequently, the project was reorganized on the basis that I would pursue the same outcomes and the same deliverables, but would rely more heavily on the literature review and an analysis of RJV’s existing informational documents and preparatory guides, including:

- Restorative Justice Dialogue Explanation: This checklist itemizes all points that a facilitator should cover concerning the nature and structure of the RJD.
- Preconference Interviews with Affected Party Checklist: This checklist itemizes all points that must be discussed with a victim before a Restorative Justice Dialogue. It may be completed in one meeting, or over several meetings. The checklist includes an explanation of RJV, the basic structure of the process,

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- emotional preparation of the victim, and potential restitution for their harm. It also contains everything on the Restorative Justice Dialogue Explanation and Facilitator Checklist (listed below).
- Facilitator Checklist – Restorative Justice Dialogue (RJD): Restorative Justice Dialogue (RJD): This checklist is divided into three parts: pre-RJD, during RJD and post-RJD. It is a guide for facilitators to help ensure that all the required steps in a RJD have been met and that the process has been fully explained to the participants.
 - Caseworker Manual: General information, Role Descriptions, Resources, Policies and Procedures: General information, Role Descriptions, Resources, Policies and Procedures: The Caseworker Manual is a resource manual for volunteers for RJV processes and procedures. It contains general information such as RJV's history, mandate, structure, and program authority; explanations of each of the roles and the general steps of each type of process; communication skills and tools; and policies and procedures for caseworkers.

The contents of these four reference documents represent the foundation of RJV's processes. They lay out RJV's process structures and what they aim to achieve.

In the absence of a larger number of interviews, the next best option for exploring the research objectives was to supplement the limited interview content by critically examining these reference documents. This helped determine how RJV's written policies and guidelines measure up against standards articulated in the literature. The literature review looks at studies of victims' needs in the aftermath of crime as well as reports of victims' experiences with restorative justice. RJV policies, guidelines and informational documents were tested in light of the information in the literature describing best practices for victims.

This provides less information than would be preferred on the question of what impact local RJV processes have had on participants' lives. However, a literature – based analysis of the reference documents will provide a better foundation for understanding the impact of RJV's current work on participants, and for collecting information from participants in the future. When a larger number of six-month interviews can be conducted, the results from those interviews can be compared with this project's results to see if the participants' experiences correspond with RJV's intended results, and whether the guidelines for involving and treating participants were carried out as intended.

Ultimately, the deliverables for this project have evolved to be:

- a) a critical analysis of RJV's reference documents in light of two participant interviews and the literature review in this paper
- b) recommendations respecting changes to RJV documents and/ or protocols
- c) procedures or protocols for conducting six-month check-ins in the future, with accompanying recommendations.

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Content analysis was used to examine the four reference documents and the interviews. The documents were analyzed using a framework for appropriate victim inclusion in restorative justice processes developed by two influential restorative justice theorists. The framework consists of 10 signposts for appropriate victim inclusion in restorative justice programs. The literature review and referral document analysis using the 10 signposts provided specific feedback on RJV's victim involvement on the process design level. The interviews were searched for similarly recurring words and themes.

The findings from both sets of analyses were positive. Out of the 10 signposts of appropriate victim involvement in RJ processes, RJV strongly fulfilled eight, and minimally fulfilled two. These last two do not negatively reflect on RJV. This is because, due to the nature of the signposts, it cannot be determined from a documental analysis whether or not RJV fulfills them. One of the signposts is actually fulfilled by the work of the permanent staff members, whose duties and responsibilities are not articulated in the caseworker's reference documents. To discover whether or not the last signposts is fulfilled would require an evaluation of RJV's caseworkers personally, an evaluation I recommend be undertaken in the Recommendation section. Both of the participants interviewed reported general satisfaction with their restorative justice experiences, and also provided useful critical feedback regarding follow-up procedures. Suggestions on how to improve follow-up procedures are made in the Recommendation section.

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1.0 INTRODUCTION

Restorative justice practices are an increasingly utilized supplement to criminal justice systems around the world. One of the greatest perceived benefits of restorative justice as an alternative to the court system is its focus on the needs of those who are directly impacted by an offense: victims, offenders, and the community. Victims and their needs are “of special concern to restorative justice” (Zehr, 2002, p.14), whereas in the traditional justice system “crime is regarded as an offence against the state, so the state takes the place of the victims” (Zehr, 2002, p. 14). This often leaves victims and their needs marginalized or ignored by the courts. While proponents of restorative justice claim that it better addresses the needs of victims, there has not been a great deal of research done to critically examine this assertion, as most research has been focused on offenders (Bolivar, 2010, p. 248).

A lack of consensus over what restorative justice is further complicates matters. Because RJV’s practices and processes are based on Howard Zehr’s theories of restorative justice, I have adopted his definition of restorative justice: “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (Zehr, 2002, p. 37). There are various forms this involvement can take. RJV facilitates multiple restorative justice processes. The four most commonly utilized models internationally, and in RJV specifically, are the Restorative Justice Dialogue (RJD); the Community Accountability Dialogue (CAD); Victim-Offender Mediation (VOM); and Peacemaking Circles. More detailed descriptions of these processes are in part 2.0, the Background section.

All of these processes approach crime as a violation of people and of relationships that must be put right, as opposed to a punishable offence. They focus on the harm done and the resulting needs of the victims, the community and the offender. These processes are informal, collaborative and flexible. They rely on encounter, dialogue and openness to achieve mutually satisfactory outcomes by agreement.

1.1 Rationale

RJV engaged me to develop a procedure for, and to carry out six-month interviews with individuals who had participated in an RJV process in 2012, with a special focus on victims’ experience and treatment. The only formal evaluation tool in place prior to this project was a brief survey, to be completed by all participants at the end of every RJV process. These surveys are meant to assess the participants’ immediate feelings and reactions to the restorative process just carried out. RJV wanted to develop an evaluative tool that measured reactions at a greater distance from the event. To facilitate this, a question was added to the survey in August 2011, asking if participants would allow RJV

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to contact them in six-months for a follow-up interview, described as a “check-in”. Resourcing shortfalls prevented RJV from following through with the 2012 check-ins.

Accordingly, I was asked to develop a procedure, as part of a 598 Project, for identifying, contacting, and interviewing participants from 2012 who had consented to the six-month check-ins, and then to conduct the check-in interviews with consenting participants.

The check-ins are intended to support a victim-centered evaluation of RJV’s practices and processes, by providing information on:

- the longer-term effects of RJV’s processes on victims and other participants,
- participants’ longer-term impressions of the restorative process,
- the extent to which RJV’s processes fulfill the needs of all participants and maximize benefits for victims’.

Ultimately it was possible to interview only two participants from 2012.

1.2 Objectives and Deliverables

Ideally, this project will provide RJV with a primarily victim-centered evaluation of RJV’s practices and processes and develop a set of procedures for standardizing and replicating check-in interviews in future years. In order to meet these objectives, three deliverables have been identified for this report:

- a) a critical analysis of RJV’s current reference documents in light of two participant interviews and a review of the relevant literature
- b) recommendations for changes to RJV documents and/ or protocols
- c) a protocol or set of procedures for conducting six-month check-ins in the future.

1.3 Organization of the Report

This report is divided into eight primary sections:

- 1.0 Introduction
- 2.0 Background
- 3.0 Literature Review
- 4.0 Methodology
- 5.0 Findings
- 6.0 Discussion
- 7.0 Recommendations
- 8.0 Appendices

To give context to the project, section 2.0 provides background information on Restorative Justice Victoria as an organization, including the nature and number of the cases it handles. Section 3.0 provides a brief overview of restorative justice theory and how it relates to alternative dispute resolution. Additionally, the literature review covers best practices in victim’s services, and existing research on how restorative justice processes impact victims. Section 4.0 outlines the methods utilized and the limitations of

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the project. Section 5.0 provides summaries of the findings from the interview and document analysis, with my interpretation of the information. Section 6.0 lists recommendations for RJV concerning their policy flowing from my research. Section 7.0 details the recommendations. Section 8.0 is the appendices, including copies of all supporting reference documents and relevant RJV paperwork to the project.

2.0 BACKGROUND

Beginning in 2002, and over a period of three years, a core of approximately 10 volunteers established the Victoria Restorative Justice Society, now operating as Restorative Justice Victoria. Working with the Victoria Police Department (VPD), this group launched a pilot project and trained 20 volunteers to facilitate restorative circle conferences. In 2006 the society accepted its first referrals from VPD (About Us, n.d.). Since then, RJV has also signed a memorandum of understanding with the B.C. Ministry of Attorney General (now the Ministry of Justice) to take referrals from Crown prosecutors and to become “community partners” with Crown Counsel, Volunteer Victoria, and School District #61 in offering community justice conferences and related services (History of RJV, 2013). As part of this understanding, RJV agreed to expand its roster of facilitators and community members to over 70 volunteers.

RJV now deals with a great variety of offenses including minor crimes such as shoplifting and graffiti, through to more serious offences such as sexual assault and vehicular manslaughter. Juvenile offenders comprise the majority of RJV’s participants, with Mischief Under \$5000 and Theft Under \$5000 being the most common offenses handled. Over the past four years RJV has averaged 75 cases per year. The lowest intake was 62 cases in 2011 and the highest was 92 in 2012. Fifty-two cases have been conducted in 2013 as of the beginning of October.

Restorative justice processes can take multiple forms, including but not limited to victim-offender dialogues and peacemaking circles. RJV primarily utilizes four models. They are:

- **Restorative Justice Dialogue (RJD):** One of the most common restorative justice processes. The participants are:
 - two trained volunteer facilitators who are responsible for organizing and preparing the RJD;
 - the victim(s) and any supporters they wish to bring;
 - the offender(s) and any supporters they wish to bring;
 - a mentor who provides guidance to the offender;
 - one or more community members; and
 - sometimes, RJV volunteers

Restorative Justice Dialogues can be used to address a wide range of offences, from shoplifting to sexual assault. At an RJD, the participants sit in a circle. The facilitators manage the dialogue in three phases. In the first phase the facilitators set ground rules for the meeting and explain the limits of confidentiality. Then, everyone introduces themselves and expresses their hopes for the dialogue. During the second phase, one of the facilitators goes around the circle asking each participant pre-determined questions depending on their role (offender, victim, supporter, etc.) until each person has had an opportunity to speak. Depending on the specific dialogue, sometimes the facilitator calls for an open conversation where participants can ask each other questions. When everybody has said everything they wish, the facilitators move the group to phase three, the

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agreement phase. The second facilitator guides the discussion towards an agreement. The agreement is reached through consensus. It lists the actions the group agrees the offender must take to repair the harm caused by the offence. When an agreement has been reached and the facilitator has written it out, every participant signs it as a party to the process. While the agreement is being written out and copied, every participant completes a post-process survey. The dialogue ends when the facilitators thank everyone for their time. All the participants leave except the facilitators, mentor and the volunteer community members. These individuals then fill out a self-evaluation form and discuss their impressions of the meeting.

- **Community Accountability Dialogue (CAD):** This format is used when there is no participating or surrogate victim. The majority of RJV's CAD's are shoplifting cases where large retail stores are the victims. For the most part, these stores prefer to not be involved in the restorative process, in which case there is a CAD instead of a RJD. The participants in CAD's are the same as RJD's with the exception of the victim and victim supporters. The facilitators ask the offender(s) questions, and often a conversation ensues between the offender(s) and community members. As with RJD's, all participants reach an agreement through consensus on what the offender will do to repair the harm.
- **Victim-Offender Mediation (VOM):** This model is most often used for offenders who have already been charged and convicted by the criminal justice system. VOM's require a specially trained facilitator to mediate a conversation between the victim(s) and offender(s). Sometimes a plan for restitution is made; other times, the conversation alone satisfies the victim's needs.
- **Peacemaking Circles:** This model is among the most flexible and is used to address multiple forms of criminal and non-criminal conflict. Circles are unscripted and thus less formal. Each Circle is different depending on the participants and the conflict being addressed, though most require the use of a "talking piece". The talking piece can be any object, though feathers are common. The rule is that a participant may only speak when holding the talking piece. Participants pass the talking piece to the next person in the circle when they finished speaking. Circles, much like restorative conferences, can address a wide range of incidents from school disputes to accidental deaths.

The two permanent staff members of RJV are Program Coordinator Gillian Lindquist, and Program Assistant/Volunteer Coordinator Shanna Grant-Warmald. They are principally responsible for operating RJV, with the guidance and support of a Board of Directors.

For the last few years, RJV has contracted researchers to build improved evaluative models. Crystal White, a graduate of the University of Victoria, School of Public Administration, Master's of Dispute Resolution Program, recently completed a 598 Project for RJV entitled, "Evaluation from the Ground Up: The (Co) Creation of a

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Restorative Justice Evaluation Tool”. This project developed the post-process surveys used to determine which participants to contact for a six-month check-in.

The research undertaken here builds on Ms. White’s work by using check-in interviews as a mechanism to provide new information specifically to refine RJV’s understanding of the impacts and effectiveness of its work. The referral document analysis will respond to the growing recognition that the restorative justice community has neglected research and evaluation on victim involvement in restorative justice processes. Noting this lack in the literature, RJV requested a project be carried out to address this issue and to provide feedback – primarily, but not exclusively, on the experience of victims- respecting RJV practices and processes.

Following a brief introduction to restorative justice theory and its relationship with alternative dispute resolution (ADR), research on victim involvement and experience with restorative justice programs will be further explored and investigated in the following literature review.

3.0 LITERATURE REVIEW

3.1 Alternative Dispute Resolution

ADR refers to a continuum of approaches to resolving disputes outside of litigation, ranging from adversarial to collaborative in nature (Mayer, 2000, p. 117). As litigation is becoming more expensive and time-consuming, ADR is becoming more popular (Alford & Kaufman, 1999, p. 1). There are many different forms of ADR that fulfill different needs depending on the case in question. The three most common forms of ADR are arbitration, negotiation, and mediation.

Arbitration is very similar to court adjudication in that it involves an individual or panel of neutral third parties being presented proof and arguments by conflicting parties, after which the arbitrator(s) make a binding decision (Mayer, 2000, p. 235). This makes arbitration adversarial, in that instead of conflicting parties working together to come to a conclusion to their dispute, they take their arguments to a neutral third party to make a decision for them. Arbitration can be approached in various ways, though there are two main methods, rights-based and interests-based (Mayer, 2000, p. 235). An arbitrator working from a rights-based perspective uses legal principles or contractual obligations as guides to settling a dispute, basing their decision on the rights involved (Mayer, 2000, p. 235). An arbitrator working from an interest-based perspective makes the disputants' concerns the priority and works to address them within the legal framework (Mayer, 2000, p. 235).

Negotiation is an interaction between people who are each trying to accomplish something by reaching an agreement with each other (Mayer, 2000, p. 142). Though negotiation can be collaborative as well as adversarial, negotiation is commonly thought of as being a zero-sum game, with the best technique being to give way as little as possible (Mayer, 2002, p. 143). A dilemma all negotiators face is how to protect their own interests while also trying to develop cooperative relationships with others (Mayer, 2000, p. 144). The main difficulty is that approaches that maximize effectiveness in one manner have a corresponding decrease in effectiveness in another (Mayer, 2000, p. 145). For example, to engage collaboratively with someone, it is important to share information and be honest about one's situation, interests, and alternatives (Mayer, 2000, p. 145). However, such candidness can be disadvantageous should the other party decide to engage in hardball negotiation and use the information to their benefit. This dilemma is not unsolvable, as trained negotiators do not have to choose one extreme over the other and can maneuver between them (Mayer, 2000, p. 145). For those who do not wish to navigate this dilemma and negotiate on their own behalf, or do not wish to hire a representative to negotiate for them, mediation is another option.

Mediation is an assisted negotiation in which a neutral third party helps those in conflict come to a solution collaboratively so that the agreement benefits everyone involved (Mayer, 2000, p. 191). It differs from arbitration in that the disputants are the ones to come to a resolution, and that resolution is self-enforcing. A mediator does not make any decisions or impose an opinion. Instead, mediators help the participants communicate effectively and reach their own agreement. That participants develop their own resolution

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also makes it more likely that they will make it work and less likely they will sabotage the agreement, as they feel ownership over it (Mayer, 2000, p. 191).

Mediation attempts to “bridge the gap between resolving one’s own conflicts and surrendering the power to do so to others” (Mayer, 2000, p. 192). In doing so, mediation allows people to maintain their influence over important life decisions, while also providing the mediator as a guide through a difficult conflict. The mediator brings collaborative energy and presence, a set of specialized skills and procedures, and a certain set of values and ethics to a mediation, which can change the course of a conflict (Mayer, 2000, p. 192-193).

The mere presence of a neutral third party can alter the course of an interaction between disputants, as their behaviour changes to accommodate the new dynamic in the room. Greater extremes of behaviour and emotion are often either tamped down due to the presence of a third party, allowing for more calm and reasoned interaction, or given freer reign due to the security of having someone present responsible for guiding the interaction (Mayer, 2000, p. 192).

Mediator’s skill sets also help them in dealing with extremes of emotion and difficult discussions. Reframing, problem solving, crisis management, and conflict analysis are some skills mediators can bring to the table to help guide the negotiation productively, as well as a set of procedures specific to each mediator (Mayer, 2000, p. 192-193). Most mediators have a personal set of ground rules for the mediation, and a particular set of stages to go through which serve as a guide for the meeting (Mayer, 2000, p. 193). Having a clear structure gives a sense of security to many disputants, as it helps them know where they are in the process. Additionally, it gives the mediator some control over the mediation.

Arguably the most important thing the mediator brings to the table are certain values and ethical standards. Though disputants may not personally hold the same values and standards as the mediator, in agreeing to work with the mediator “they implicitly acknowledge them and therefore cannot help to buy into them to some extent” (Mayer, 2000, p. 193). For example, generally mediators are committed to helping the parties reach a resolution that accounts for everybody’s needs. When the disputants agree to enter into mediation, they too agree to seek a solution that addresses each party’s concerns (Mayer, 2000, p. 193).

Presence, skills, process, values, and ethical standards are things all mediators bring to mediation; how these things manifest varies between mediators. There is no singular formula describing how mediation should unfold, and even mediators that have a preferred procedure are often very flexible and may alter their process to better suit the specific situation.

ADR has greater benefits than saving time and money. The inherent flexibility of the less formal ADR methods allow participants to tailor processes to best suit their needs (Lawrence, 1996, p. 392). In being able to share their experiences and contribute directly

to their outcome, there is potential for parties to strengthen their sense of self-determination at coming to a solution themselves rather than have one imposed upon them, and improve their relationships and empathy for each other (Lawrence, 1996, p. 392-3).

3.2 Alternative Dispute Resolution and Restorative Justice

ADR is comprised of a wide variety of non-traditional, collaborative approaches to resolving conflict. Though restorative justice processes most often work within the framework of the criminal justice system as opposed to the civil context like most forms of ADR, other forms of ADR can also be utilized in both the criminal and civil contexts. Mediation is one example. Comparing restorative justice and mediation best illustrates how restorative justice compares and contrasts with other forms of ADR.

Restorative justice differs from most other forms of ADR in that restorative justice is used within a criminal justice context, as opposed to a civil context like arbitration, negotiation and mediation. Though restorative justice can be used to address conflict between private citizens, it is most often used to facilitate conversations between victims and offenders in the aftermath of crime. In these cases there is not a specific dispute to be resolved, but a conflict to be discussed and an agreement concerning restitution to be made. Other than this facet, restorative justice and mediation is remarkably similar.

Though restorative justice takes many different forms, the role of the facilitator (which equates with that of a mediator) is a constant through all of them. Facilitators are much like mediators in that they bring a sense of security and stability to meetings with their presence; they are trained in a specific skills and set of procedures; and they represent certain values and ethical standards to which everyone at the meet must adhere.

Any conflict situation is at risk of being antagonistic and adversarial; this is especially the case in restorative processes, as the participants are not on equal moral ground. There is a definite moral imbalance, as the offender(s) have already admitted responsibility for their harmful actions against the victim(s). Having a procedure to follow also helps maintain stability and security in restorative justice processes. Facilitators are trained in various restorative processes depending on the case in question, and as with mediation, the participants are made aware of the basic structure of the meeting so they know what is going on.

The way in which restorative justice facilitators' set of values and ethical standards impact the process is also similar to how mediators' values impact mediations. Just as participants in mediation implicitly agree to adopt a certain set of values embodied by the mediator, though perhaps just for the duration of the mediation, so too do participants in restorative processes agree to act in accordance with the ground rules and ethical standards held by the restorative organization with which they are working. For instance, a central value of restorative justice is accountability. To participate in a restorative justice process, it is essential that everyone take responsibility for his or her actions. Without accepting responsibility for one's actions, one would not be permitted to

participate in restorative justice.

Though restorative justice and other ADR processes use different language to describe their perspectives on conflict, there are similarities in how they approach conflict resolution. For instance, restorative justice processes focus on the relationships that have been affected by whatever has happened, as opposed to the law that was broken (Llewelyn & Howse, 1999). However, though some ADR processes such as arbitration are more closely linked to law, some types of mediation are very similar to restorative justice in that they too focus on relationships and the effects of conflict on them rather than the relevant rule of law. One example is family law mediation. Divorcing couples are more commonly using mediation instead of divorcing through court. In some cases involving children, mediators help divorcing parents develop co-parenting strategies in an effort to lessen the impact of the divorce on the children. Though custody law has a role in these discussions, the mediation focuses on the relationships involved and the discussion revolves around how to maintain and strengthen those relationships in the aftermath of the split.

Restorative justice can also be used as an alternative or parallel process to court. In some instances, as is the case with RJV's referred cases from the local criminal justice system, restorative justice can serve as a divergent process. Just as courts can refer certain cases such as divorce cases to mediation, so too do many criminal justice systems refer certain cases to restorative justice organizations as an alternative measure to court, if they think it appropriate. This next section on restorative justice will illustrate how restorative justice theory differs from the traditional court process, and how those differences can make the justice in restorative justice more inclusive of those affected, and be of more benefit to them personally than the courts.

3.3 Restorative Justice

3.3a Restorative Justice as an alternative to the criminal justice system

RJV provides restorative processes for affected parties, responsible parties, and the community in the aftermath of crime and other harmful behaviour that occurs throughout the City of Victoria and the Township of Esquimalt (About Us, n.d.). In accordance with the philosophy of restorative justice, RJV is victim-centered and community oriented; though RJV addresses the needs of all its participants, restorative justice's perspective of crime as a wrongdoing against an individual as opposed to a violation of a law means that restorative practices seek more than justice for those harmed by it. Restorative justice perceives crime as a harmful act perpetrated on a person, as opposed to the court's view of crime as disobedience of the law in an act against the state. Restorative justice focuses on the persons affected and aims to restore what was lost or harmed by the crime to those persons. In this way, restorative justice is commonly conceptualized as an alternative or supplemental measure to the court system.

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The greatest difference between the court system and restorative justice processes is structure. Though there are many different types of restorative processes, including victim-offender mediation, peacemaking circles and restorative conferences (this last is the process in which RJV primarily engages), most have certain aspects in common. The first is that every participant in the process has the opportunity to speak and to be listened to by the rest of the group. In restorative conferences as an alternative measure to the courts, the group (comprised of a facilitator and perhaps co-facilitator, the offender(s), victim(s), community members and any supporters) also collaborates to develop an agreement that the offender can complete that will repair the harms they have committed. Ideally, these aspects are intended to provide closure and healing for all the participants, but especially for the victim.

One of the greatest differences between the traditional court system and restorative justice theory is the way in which victims are treated. In the court system, the state and the offender are the primary parties in the conflict. The victim is often only peripherally involved, to give evidence of the crime. In restorative justice the victim is the primary focus, as the person(s) who have been most affected by the crime or harmful behaviour. Restorative justice theory espouses this focus by emphasizing the necessity of attending to the victim's needs. Braithwaite, a prominent restorative justice scholar, asserts that in addition to physical restoration of property and injuries, restorative justice should "also restore dimensions such as a sense of empowerment, deliberative democracy, harmony, and social support" (Bolivar, 2002, p. 243). It is intended that this emotional restoration be gained by the victims' ability to influence the final outcome by being a part of the decision-making process, to share their experience and perspective, and to be heard (Bolivar, 2002, p. 245).

Unfortunately, restorative justice processes are not always as successful in attending to the victim's needs as the literature suggests. Problems such as a strong offender-bias, inadequate preparation, lack of information, and insufficient leadership by the facilitator can lead to victim dissatisfaction with restorative processes. Though not much research has been done on restorative justice and victims experience with it, many studies that have been done have found that nearly all of these issues can stem from facilitators' inadequate training in working with victims (Bolivar, 2010; Achilles & Stutzman-Amstutz, 2005; Evan, 2006; Hill, 2009; Mika, Achilles, Halbert, Stutzman-Amstutz, & Zehr, 2009). Consequently, it is important to research best practices when working with victims of crime. The traditional criminal justice system has provided some research in this area through government funded Victim Services and Crime Prevention Divisions. The B.C. Provincial government has published handbooks for victim liaison officers, victim advocates, and anyone else involved with victims and victims' services. A survey of best practices from British Columbia's Solicitor General's manuals, and research on victim needs from studies in the United States follows in the next section.

3.3b Best practices when working with victims:

The literature provided for and by Victim Services programs first emphasizes that not all victims of crime are alike, nor will they react to their experience in the same manner

(Hill, 2009, p. 17). Consequently, the most effective way in which to support crime victims is to respect them, and “trust their self-assessment of their internal state” and needs (Hill, 2009, p. 17). One particular barrier to this respect and trust common with victim support workers is a ‘trauma bias,’ in which people may automatically assume that all crime victims are traumatized by their experience, when in fact, they may not be (Hill, 2009, p.17). However, while efforts to standardize victim needs and reactions to crime should be approached cautiously, research has shown common patterns in what victims have said and shown they require in the aftermath of victimization, despite whatever level of personal trauma they have experienced.

The Victims of Crime: Victim Service Worker Handbook: Information + Resources For Victim Service Workers produced by the Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General lists 13 needs that are almost always present, though the extent to which they exist depends on the individual in question (Ministry of Public Safety and Solicitor General, 2011). These needs are:

- **Safety.** Victim safety is paramount. This can take the form of safety planning or crime prevention strategies.
- **Inclusion in the decision-making process.** Victims’ views should be actively solicited and their comments taken into account.
- **Respectful treatment.** Validation of victims experience and ability to cope are crucial elements in empowering them to deal with victimization.
- **Practical, accurate, and comprehensive information.** Timely information, presented in plain language, is one of the most basic needs of victims of crime.
- **Timely responses.** Timeliness of police response, the charging and court process, and provision of support services and referrals are all essential for victim safety and successful utilization of the justice system.
- **Access to a wide range of resources.** Workers should be aware of supports in their communities, the services they provide, and how to refer effectively.
- **Support throughout the legal process.** Victims need emotional and practical support from police report through to post-sentencing.
- **Advocacy.** Victims may need an advocate if they are not able to access the services they need or if the system is not working for them as it should.
- **Culturally appropriate services.** Victims from different cultural backgrounds need services that are not only accessible in terms of language but also sensitive to various cultural pressures and conflicts.
- **Services that meet their special needs.** A basic need of all victims is sensitivity to their particular circumstances. Victims from all diversity groups have distinct needs.
- **A sense of security.** As much as possible, victims need to have their sense of security restored. Workers need to be aware of community resources that can help meet this need.
- **Closure.** It is important to keep the victim informed of the final outcome of the case and to debrief on the outcome and the process.
- **Follow-up.** It is important to check in regularly with victims to see how things

are going and let them know what is happening with the offender. (Ministry of Public Safety and Solicitor General, pp. 110-111)

Above all, what victims of crime feel they need is information (MofPS, 2009, p. 110). Information is empowering, as it helps victims make informed decisions, assuming responsibility for their lives and enabling them to make choices for themselves that are in their best interests (MofPS, 2009, p. 110). This is especially important, as one of the common reactions to people in the wake of crime is a sense of lost autonomy and control.

In 1999, Professor Gordon Bazemore conducted a study involving focus groups of victims of juvenile crime across four US states to examine their satisfaction rates in dealing with the juvenile court system. With only one exception, there was unanimous conclusion amongst the victim participants that there was “a lack of respect for their dignity as human beings,” and “in the most severe cases victims reported being accused of lying, were told that they were being inappropriate or vindictive, and were denied even the most basic information about their cases” (p. 303). Bazemore asserted that a “rich body of research” conducted on victims of crime in the United States concluded that besides a “basic restoration of their immediate sense of safety and security,” (p. 306) there were three main needs presented in victims when dealing with the justice system: information, “being heard and being believed, and being treated with respect” (p. 306). The victims in his focus group felt the juvenile courts with which they dealt overwhelmingly failed in providing for those needs.

Current western restorative justice theory has grown from the realization that traditional western criminal justice systems have great limitations and failures to match their strengths. Restorative justice seeks to address those limitations, as the theory argues that “victims needs *should* be addressed, offenders *should* be encouraged to take responsibility, those affected by an offense *should* be involved in the process” (Zehr, 2002, p. 10). There are well-documented best practices when working with victims, examined above, and yet there are equally well-documented examples of our court system failing to utilize them. Alternatively, restorative justice theory (and hopefully practice) greatly parallels victim treatment practices, and offers a great deal in meeting victims needs in the aftermath of crime.

3.3c Victims' needs and restorative justice theory

Due to the theoretical foundation of restorative justice, restorative justice processes are already more supportive of victims and their needs than the traditional criminal justice system (Achilles & Stutzman-Amstutz, 2005, p. 217). As previously mentioned, the criminal justice system conceives of crime as an offence against the state; restorative justice theory perceives crime as a violation of a relationship with the victim and the community, and thus makes the offender primarily accountable to those parties for their actions. This elevates the victims' standing from merely evidence of a crime having been committed, to a position of great influence in the process of justice in the aftermath of crime committed against them (Achilles & Stutzman-Amstutz, 2005, p. 217).

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Additionally, restorative justice theory runs parallel to the standard victim support techniques used by governmental Victims Services, and meets basic victim needs in the aftermath of crime. The chart below illustrates this commonality by comparing the Fundamental Principles of Restorative Justice, as articulated by Howard Zehr, with common victim's needs. It demonstrates how restorative justice theory recognizes and accommodates those needs.

Victim's Needs	Matching restorative justice theory/practice
1. Safety	3.1.1. The safety of victims is an immediate priority.
2. Inclusion in the decision-making process	3.1.2. Victims are empowered by maximizing their input and participation in determining needs and outcomes. 3.2.2. Victims have the principal role in defining and directing the terms and conditions of the exchange. 2.1.1 ... empowers victims to effectively participate in defining obligations.
3. Respectful treatment	3.1 The needs of victims for information, validation, vindication, restitution, testimony, safety, and support are the starting points of justice.
4. Information	3.1 The needs of victims for information, validation, vindication, restitution, testimony, safety, and support are the starting points of justice. 3.2 The process of justice maximizes opportunities for exchange of information, participation, dialogue, and mutual consent between victim and offender.
5. Timely responses	Whereas cases can take years to reach court, restorative processes move much more quickly, and can take as little time as a couple of months depending on the needs of the participants involved.
6. Access to a wide range of resources	Victims have the absolute right to ask for whatever they should require, and facilitators are trained to encourage requests for anything victims need.

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7. Advocacy	<p>2.2.1 The community has a responsibility to support and help victims of crime to meet their needs.</p> <p>2.2.2 The community bears a responsibility for the welfare of its members and the social conditions and relationships which provide both crime and community peace.</p> <p>Additionally, in restorative conferences victims are encouraged to bring a supporter or advocate. If they do not know anyone they wish to bring, the restorative process facilitators can introduce other advocates should the victims want the support.</p>
8. Culturally appropriate services	<p>3.5.2 Fairness is assured, not by uniformity, but through provision of necessary support and opportunities to all parties and avoidance of discrimination based on [including, but not limited to] ethnicity, class, and sex.</p>
9. Services that meet their special needs	<p>Victims have the absolute right to ask for whatever they should require, and facilitators are trained to encourage requests for anything victims need.</p>
10. A sense of security	<p>3.1.1. The safety of victims is an immediate priority.</p> <p>Additionally, confidentiality is absolutely assured, and agreements promising such are signed at the beginning of every process.</p>
11. Closure	<p>3.2.4 Opportunities are provided for remorse, forgiveness, and reconciliation.</p>
12. Follow-up	<p>3.5 Justice monitors and encourages follow-through since healing, recovery, accountability, and change are maximized when agreements are kept.</p>
(Achilles & Stutzman-Amstutz, 2005, p. 219)	(Zehr, 2002, pp. 64 -69)

In theory, restorative justice practices fall in line with what current research has said

victims need: security, information, and decision-making power in the pursuit of justice. This has been demonstrated by matching up a list of victims' needs compiled by the Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General, and a Fundamental Principle of Restorative Justice articulated by Howard Zehr.

However, research into victims' practical experience with restorative justice processes is limited, and the results of previous research have been mixed, though generally reinforce the belief that restorative justice processes are more beneficial for victims than the tradition criminal justice system. The next section will examine current research into victims' reactions to restorative justice processes and whether or not the reality of their participation fulfills the promises made by restorative justice theory.

3.3d Victims and their experiences with restorative justice programs

This section will provide an overview of what research has been done into victims' experiences with restorative justice processes; the practical benefits and limitations of the process; and potential improvements to the manner in which restorative justice works with and for victims.

Daniela Bolivar's 2010 article *Conceptualizing victims' 'Restoration' in restorative justice*, provides an excellent survey of the research to date on how restorative justice effects on victims has been evaluated (Bolivar, 2010). Her findings are that general satisfaction is the most widely reported benefit regarding both victims' restorative processes and outcomes (Bolivar, 2010, p. 249). Concerning the process, satisfied victims emphasized the following as being:

1. Their opportunity to participate in the process;
2. To face their offender and speak with them about the incident;
3. The facilitator's role;
4. Their preparation;
5. The processes' flexibility;
6. The possibility of a follow-up if desired (Bolivar, 2010, p. 249).

Fulfilled agreements have also been widely reported as a source of emotional fulfillment for victims, despite that non-legal agreements do not provide as much material compensation. The opportunity to share their experience, have a personal impact on their offender, and get information from another perspective on what happened to them is more fulfilling (Bolivar, 2010, p. 249).

Other emotionally positive outcomes such as a feeling of "peace, a sense of participation, involvement and control, and the positive feelings of closure or having left their victimization behind" have also been commonly reported (Bolivar, 2010, p. 254). Victims also felt impressions of fairness and dignity, primarily when they were offered recognition from the mediators, as well as when they were given the opportunity to make decisions in the mediations (Bolivar, 2010, p. 254).

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There were also consistently reported limitations and frustrations with restorative justice processes including

... mediators' bias towards one of the parties, mediators' difficulties in appropriately leading the meeting, insufficient or inadequate victim preparation, disagreement between victim and offender regarding the facts, a non-cooperative offender or offenders and supporters who do not take responsibility, as well as a lack of follow-up or information about what happened after the agreement, especially in indirect mediation (Bolivar, 2010, p. 249-50).

Most of these issues are primarily due to poor training of the mediator (bias, leading the meeting, lack of follow-up) and inappropriate selection of offenders to participate in the process (non-cooperation by offenders, lack of accountability). These situational issues are not indicative of a fatal flaw to the restorative process. Rather, they demonstrate potential weaknesses of which restorative programs should be aware.

Dr. Janice Evans reinforced this view in her case study *Integrating Victims into Restorative Justice*. She evaluated the way in which the Victim Care Unit based in Milton Keynes in England introduced victims to restorative processes. The project was a partnership between the local Youth Offending team and Victim Support Group with partial funding by the Youth Justice Board (Evans, 2006, p. 279). As part of the research, she interviewed some of the victims and staff, and in particular the victim contact/liaison workers (Evans, 2006, p. 280).

She found that despite preparatory training in speaking with victims, the liaison staff felt overwhelmed by their interactions with the victims. Liaison staff reported that working with victims was extremely different than working with offenders and required entirely different skills, mindset, and training (Evans, 2006, p. 280). Staff said that they were,

“...surprised at how much victims wanted and needed to talk about what had happened to them. Some of [the staff] suddenly found themselves confronted with difficult emotional issues and felt they did not have the training or knowledge or understanding to be able to deal with such situations” (Evans, 2006, p. 281). One staff member observed that, “we are opening up all this stuff and then do not know what to do about it” (Evans, 2006, p. 281).

Evans' suggested solution for such confusion and lack of preparation was specialized training, primarily in listening. It appeared that the victims' primary need at the first meeting with the liaison officer was to share their experience with someone. Consequently, Evans asserted that training in listening skills, mental preparation for potentially walking into a crisis zone, and knowledge of when and where to refer victims for further professional help are necessary when working with victims (Evans, 2006, p. 284).

Being able to speak and be heard is one of the only things with which victims will nearly universally be satisfied, and still one will inevitably meet a victim that does not need to

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talk. This is why Evans emphasizes specialized training for dealing with victims. Victim satisfaction is extremely complex and cannot be defined statistically (Evans, 2006, p. 286). She states that, “Victims want satisfaction, but it is satisfaction defined by them. They may want to be treated with respect, get it and be satisfied. They may want the offender to apologize, get it and be satisfied... it must be what they want and need, not what the system imposes upon them” (Evans, 2006, p. 286).

The Listening Project, a study conducted from 1999 to 2002, is an invaluable source of information concerning victims’ experience with restorative justice (Mika et al., 2003). The report details the findings of a team of victim and restorative justice advocates who travelled across seven states during those three years (Vermont, Ohio, Washington, Texas, Missouri, Wisconsin and Florida) (Mika et al, 2003). The Project was “specifically designed to confront the significant deficiencies of restorative practice pertaining to victim participation and impacts for victims, their advocates and victim services generally” (Mika et al, 2003). Consequently, the authors caution that the report “is prone to result in cautious reflection and emphasis of shortcomings,” that may present a “somewhat distorted view, perhaps an overly negative view, of the impact of restorative justice on the victim community” (Mika et al., 2002, p. 3).

Most of the feedback from victim advocacy and support groups was negative, with many saying that restorative justice provides little victim relief and participation. There seems to be three main complaints that were common throughout the project: a lack of victim participation in program development and planning; restorative justice advocates lacking appropriate training in working with victims and victims’ trauma, often resulting in re-victimization; and too great an emphasis on offender’s needs and timetable (Mika et al., 2003, p. 17).

One participant commented that, “people look at victims and advocates and say, ‘You are supposed to forgive and you will not.’ The system is designed around that. Victims are forgiving, forgetting and moving on, when in fact in the life of the victim that is not happening at all” (Mika et al., 2003, p. 9). This is a common conception of what restorative justice is to the victim community. A victim advocate noted that “there are people in my field who when they hear the term ‘restorative justice’ they think of a very offender-based system that is not informed by knowledge of victim issues. And that is a lot of the fear about restorative justice” (Achilles & Stutzman-Amstutz, 2005, p. 215).

Despite these dark reflections on what restorative justice has meant to some victims and their advocates, there is also recognition of restorative justice’s potential, should restorative justice advocates learn to listen to victims’ needs and focus on them as much as the offenders (Achilles & Stutzman-Amstutz, 2005, p. 215). One participant wished that restorative justice advocates would admit that practically speaking, current restorative justice programs “are not about victims” and are “more offender based than anything we have ever seen” (The Listening Project, 2005, p. 15). Then, work could begin on how to better integrate victims into restorative processes.

Achilles and Stutzman-Amstutz observed that though restorative *theory* was very victim

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supportive with the victims' experience as the starting point for justice, maintaining that focus on the victims throughout the process was quite difficult (p. 220). This was not surprising to many victims consulted during The Listening Project, as "offender rights have been defined and have been implemented for 200 years. Victim rights are just being defined and they are not implemented" (Mika et al., 2003, p. 12).

In response to these views, Mary Achilles and Howard Zehr, two Listening Project researchers, developed 10 signposts to guide restorative justice program development in including victims in restorative processes. Programs are successfully including victims appropriately when:

1. victims and victim advocates are represented on governing bodies and initial planning committees;
2. efforts to involve victims grow out of a desire to assist them, not offenders. Victims are not responsible to rehabilitate or assist offenders unless they choose to do so;
3. victims' safety is a fundamental element of program design;
4. victims clearly understand their roles in the program including potential benefits and risks to themselves and offenders;
5. confidentiality is provided within clear guidelines;
6. victims have as much information as possible about their case, the offense, and their offenders;
7. victims can identify and articulate their needs and are given choices;
8. victims' opportunity for involvement is maximized;
9. program design provides referrals for support and assistance;
10. services are available to victims even when their offenders have not been arrested or are unwilling or unable to participate (as cited in Achilles & Stutzman-Amstutz, 2005, p. 219).

Though restorative justice theory appears to run parallel to victim support theory and technique, practical research into victims' and victims' advocates' responses to and experiences with restorative justice range from very beneficial and healing, to extraordinarily disillusioned and almost betrayed. In conclusion, restorative justice, when practiced in line with the theory, has great potential for victim advocacy and benefit. However, when restorative justice programs lose the initial focus on the victim, stop listening to them and divert attention to rehabilitating the offender, they are perceived as no better than the traditional criminal justice system as far as victims' and their advocates' are concerned.

However, as the primary area of concern is not the foundational theory but how it is practiced, there is still great hope for what restorative justice can do for victims. Proper training in working with and listening to victims, an awareness of the documented tendency towards offender focused practice, and program development signposts for victim participation and involvement like that developed by Achilles and Zehr are all avenues through which restorative justice programs can evaluate their current practices, and correct deficiencies.

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The Achilles and Zehr signposts are the resource used in this project analysis of RJV referral documents to evaluate the nature and level of victim involvement in RJV processes. An explanation of how this was accomplished follows in the Methodology section below.

4.0 METHODOLOGY

This section explains the methodology used

- to develop procedures for conducting six-month check-in interviews,
- to implement those procedures (i.e. conduct and analyze the interviews), and
- to conduct a critical analysis of RJV's reference documents.

This is followed by an examination of the strengths and weaknesses of the approach.

4.1.1 Procedures for check-in interviews and analysis

Rationale 1: I was engaged to conduct six-month check-ins with RJV's process participants to determine the long-term effects the restorative justice experience had on their lives, and to explore how they felt about it in retrospect. Though RJV has an excellent short-term evaluative system, developed in Crystal White's Master's Project "Evaluation from the Ground Up: The (Co)Creation of a Restorative Justice Evaluation Tool," RJV had not yet fully developed or implemented a long-term evaluative tool to ensure follow-up with RJV participants. Wanting to develop a longer-term evaluative tool, RJV added a question to their short-term evaluative surveys in August 2011, asking if participants would agree to allow RJV to contact them in six-months for a 'check-in'. This project was to serve as a pilot for the six-month check-ins with participants. I developed a procedure for identifying, contacting and interviewing consenting participants, carried it out, and performed an analysis of RJV's services based on the interviews. Additionally, I compiled a list of recommendations on how to improve the check-in procedure based on this project's experience.

Methodology 1: At the close of each restorative justice process, every participant fills out a confidential survey commenting on their experience with RJV for feedback purposes. The last question on the survey is whether or not the participant consents to be contacted by RJV in the future for a follow-up interview. I compiled a list of potential participants for the six-month check-ins by looking through every survey filled out in 2012 and writing down the contact information of every participant who consented to further contact from RJV, with one restriction. In consultation with RJV, the decision was made to not interview participants involved in cases of exceptional sensitivity, such as sexual assault. This decision was made because we thought there was greater potential for harm than good by interviewing those participants, considering the sensitivity of the material and my lack of specific training in working with potentially fragile or traumatized victims.

Additionally, as I was (and currently am) a volunteer for RJV, we decided that it would be inappropriate for me to interview participants with whom I had worked. So as to not unfairly exclude them from the project, we brought in a co-investigator, Nataschaa Chatterton, to interview those participants whom I knew. I would remain unaware of their identities, as Nataschaa would be responsible for filing their original consent forms and I

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would receive only their interview answers after she had removed all identifying information .

I required ethical approval for Human Participant Research before I could begin contacting potential participants. The University of Victoria Human Research Ethics Board granted approval on March 22, 2013 and assigned the project protocol number 13-070 (Appendix L). Then, the list of potential contacts was split into those I would contact, and those Nataschaa would contact. I phoned the participants on my list (if they consented to further contact by RJV on their survey, they also left their contact information), using a pre-written and ethically approved recruitment script that explained the purpose of the project, and asked if they were still willing to be interviewed (Appendix A). If they were willing to be interviewed, we scheduled either an in-person interview, or a phone interview based on their convenience. For the phone interviews, verbal consent was given and the participants' verbal signature noted on a hard copy of the consent form; in-person interviews would have signed consent forms (Appendix B). Interview questions for the participants (Appendix C) were developed collaboratively with the clients to ensure that feedback was given on particular aspects of the process

I attempted to contact nine participants. Of the nine, I was able to reach only three. One scheduled an in-person interview but did not show up and did not respond to two subsequent voice mail messages (one to enquire as to whether the participant was running late or if I had missed them, left at the time of the appointment, and the second, a day after the appointment to enquire whether they were still willing to be interviewed). The second participant agreed to be interviewed immediately over the phone. The third agreed to be interviewed over the phone at a later date, and an interview was scheduled for later that week. Ms. Chatterton was unable to contact any of the potential participants on her list.

For each interview, I had a copy of the interview questions on my computer screen. As the interviewees' spoke I typed out their answers. The interviews were not completely transcribed, as I did not record repeated material. However everything I did type out were direct quotes. The first interview lasted one half hour. The second interview lasted just under one hour. After the interviews, I read through each set of answers, highlighting recurring words and phrases, and making note of overarching themes in another document.

The questions had already been divided into three time periods: pre-RJV process, during the RJV process, and post-process. Then I made a list of every sentence in the answers and labeled each as either positive, critical, or neutral, and sorted them into one of three categories on a chart: positive statement, critical statement, or neutral statement. I then wrote up short summaries of how the interviewees found the process, using the list of recurring words, phrases and themes to determine their dominant impressions of their experience. I made note of the dominant impressions in a concluding sentence at the end of each summary.

4.1.2 Reference document analysis

Rationale 2: Until this project, RJV had not developed a long-term evaluation tool. Nor had it yet completed a victim-oriented evaluation of its processes.

Methodology 2: After completing a two-year project researching victims' experiences with restorative justice, Mary Achilles and Howard Zehr developed 10 "signposts" for positive victim involvement in restorative processes. These signposts are intended to help restorative justice service providers determine the extent to which their programs benefit victims and meet their needs. If a restorative justice program meets the 10 criteria by the standards of the framework, it treats victims appropriately. As the reference documents outline the structural base on which all RJV processes are designed, they describe the average RJV process and how they are developed. Comparing them with the 10 signposts provides an evaluation of RJV's involvement of victims at the most basic level, in intended process design. Further evaluations with participants would determine whether RJV cases proceeded in the manner laid out in the guidelines and checklists. A more fulsome explanation of these signposts can be found in the literature review. I developed a list of key words and phrases out of every signpost, with at least one word or phrase from each. For example, one signpost is: "Victims' safety is a fundamental element of program design" (Achilles & Zehr, 2001). From this signpost I took the key word 'safety', the key phrase 'program design', and thematic words 'security', 'safe', and secure, as a few examples. The Victim Service Worker Handbook's list of common victims' needs was another source of key words and phrases used to analyze the reference documents (Ministry of Public Safety and Solicitor General, pp. 110-111). The use of both documents was intended to maximize the word and thematic search and broaden the potential results.

I then compiled a pool of reference documents that RJV facilitators use when preparing and carrying out restorative justice dialogues. I searched each document for each of the key words and phrases taken from the Achilles/Zehr signposts and the Victim Service worker Handbook's list of victims' needs, and compiled all of the matching statements in a separate document. Each statement that matched a signpost was put under the heading of the signpost to which it matched, and was assigned a colour to track the document from which it was taken. Then I read through all the RJV reference documents again, pulling any thematically similar statements to either of the two documents and adding them to their respective lists, maintaining the same colour-coding system. I repeated the exercise with key words and phrases taken from the Victim Service Workers Handbook's list of common victims' needs. Any matching statements in the reference documents from the victims' needs list was listed under the signpost with the closest thematic match. For example, one need listed in the Handbook is "Inclusion in the decision-making process: victims' views should be actively solicited and their comments taken into account (Ministry of Public Safety and Solicitor General, pp. 110-111). Any matches from that need were placed under the signposts "Victims' opportunity for involvement is maximized" and "Victims and victim advocates are represented on governing bodies and initial planning committees", as decision-making was a thematic match for victim involvement and representation (Achilles & Zehr, 2001).

When I finished searching for word and thematic matches, I read through the reference documents again, double checking that the words and themes were all relevant to the heading with which they had been matched and adding justifications to ones that were unclear or required interpretation.

Finally, I listed the 10 signposts again. Under each signpost I listed the referral documents that matched the signpost and wrote a small summary of their relevant content. These summaries, along with the aforementioned results of the content analysis of the interviews, were copied in the Results section, under the title “Summary of RJV Caseworker Referral Document Analysis”.

4.2 Limitations

There are two main limitations to my research. The first is the limited sample size. The second is bias.

My sample size of two is severely limited. This low number is attributed to the limited pool of potential participants. Of 92 cases completed in the year 2012, only 31 cases had one or more participants who indicated consent to further contact from RJV on their post-process surveys. Of those 31, four were excluded due to the extreme sensitivity of their cases and the concern that the interviews would be more harmful than beneficial to them. Of the 27 left, 11 were contacted for interviews before the start of this project for a different, earlier project RJV had to complete in January 2013. They were not re-interviewed for this project because it was felt that to do so would be intrusive. Of the 16 participants left, only three could be reached for interviews. The majority of phone numbers were out of service. Three participants still had working phone numbers, but they did not return calls. Five participants left email addresses as well. Two of those email addresses were invalid and no response was received from the other three.

Of the three participants reached, two were successfully interviewed. Unfortunately the third participant did not attend the scheduled face-to-face interview, and did not return either of the two messages left after the missed appointment. Recommendations are made in this report to address the issue of future recruiting participants for interviews.

I first became involved with RJV as a volunteer office assistant and caseworker. Gillian Lindquist and Shanna Grant-Warmald had developed an idea of an evaluation they wanted done, and knowing I was a Master’s student in Dispute Resolution, asked me if I would like to complete it as my MADR 598 project. I was delighted to have been asked, but it does present a potential limitation on my work. As a volunteer for the organization, I have a positive bias towards it in evaluating its success and quality and as a supporter, I wish for it to be successful and to provide the best possible services. This cannot be achieved without improvement based on honest, critical feedback. To ignore critical or negative facets of RJV policy in my research would be doing the organization a

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disservice by neglecting a potential service improvement. Therefore, though I have a positive bias in favour of RJV, it does not compromise my research.

5.0 FINDINGS

The findings are discussed in two parts. Part one is a summary of the content analysis of the RJV Caseworker reference documents compared with the 10 Signposts for appropriate victim inclusion in restorative processes developed by Mary Achilles and Howard Zehr.

Part two discusses the results of the content analysis of the two interviews, in two sections. The first section is a chart, into which all the participants' statements concerning RJV have been sorted into positive, neutral, and critical statements on the 'pre-process', 'during process', and 'post-process' parts of the program. The second section contains summaries of the interviews, divided (like the charts) into 'pre-process', 'during process', and 'post-process', with an additional end-section called Most Emphasized Impressions.

5.1 Summary of RJV Caseworker Referral Document Analysis

Listed below are the 10 signposts developed by Mary Achilles and Howard Zehr. Under each signpost are the RJV reference documents that match that signpost, with an accompanying summary of each of the relevant clauses. The interpretation and significance of those excerpts are in the Discussion section of this report.

1. *Victims and victim advocates are represented on governing bodies and initial planning committees;*

Relevant Documents:

- Appendix K of the Caseworker Manual: Integrating the AP's Voice in RJ Process Design
- Pre-Conference AP Meeting Checklist.

Appendix K of RJV's Caseworker Manual, called Integrating the AP's (Affected Party's) Voice in RJ Process Design (Appendix J of this project) lists 15 different questions facilitators may ask victims concerning their ideas of what the design of the RJD should be. These queries include, but are not limited to: who should be present? Where should it be held? How should everyone be seated? Do you have a preference for the speaking order? There are also questions concerning whether the AP approved of the process going forward at all, but as those are more relevant to the second signpost, I will address them there.

There are also three relevant items on the Pre-Conference AP Meeting Checklist for the facilitators, one which asks the AP to think "about how they may want to participate in designing the process," with reference to Appendix K. The other two are to ensure that the meeting is "a safe and respectful place", and inviting the AP's thoughts of what that would look like for them.

2. *Efforts to involve victims grow out of a desire to assist them, not offenders. Victims are not responsible to rehabilitate or assist offenders unless they choose to do so;*

Relevant Documents:

- Appendix K of the Caseworker Manual: Integrating the AP's Voice in RJ Process Design
- Pre-Conference AP Meeting Checklist
- Caseworker Manual

There is one question in Appendix K of the Caseworker Manual: Integrating the AP's Voice in RJ Process Design that is relevant to this signpost. "What level of responsibility on the part of the RP (responsible party/offender) is acceptable in order to move forward with an RJD?" This question indicates that if the responsible party is not appropriately accountable in the AP's view, the RJD will not move forward. Thus the primary focus of the RJD is the AP, not the RP. Additionally, the existence of the Appendix is indicative of a desire to involve the victims entirely on the victims' terms.

There is one item on the Pre-Conference AP Meeting Checklist relevant to this signpost. It is a note that says, "If the AP does not want to meet face-to-face with the RP but still wants to be involved, explore with them other ways in which they may participate," and then follows with a list of seven potential alternatives. These alternatives also make the victims' participation on their own terms, potentially without any contact with the RP at all if preferred.

Three items in the Caseworker Manual refer to a desire to involve victims out of a desire to assist them. The first is that the manual advises facilitators to meet with the RP before the AP "because sometimes it's clear from the beginning that an RP is not appropriate for restorative justice, and we don't want to waste the AP's time" (p. 23).

The second is a description of the community member's role. As community members are, whenever possible, volunteers who have previous personal experience as a victim or involvement in a similar offense as the one in question. They can be in a position to "offer wisdom acquired through similar experiences, to both the AP and RP" (pg. 38). As they are also representing the community, they are "tasked with asking the tough questions and addressing issues that come up in the process that the other RJV team members cannot due to neutrality" (p. 38). Though it is not necessarily the case, this can manifest as being almost an advocate for the AP.

The third is that as a policy, RJV only accepts cases in which the AP approves of the matter going through restorative justice, even if the AP does not want to attend. Even if the RP wishes to go through restorative justice, the AP must also consent. The only exception to this rule is shoplifting cases, in which the AP is not an individual but a large corporation or store (p. 58).

3. *Victims' safety is a fundamental element of program design;*

Relevant Documents:

- Pre-Conference AP Meeting Checklist
- Facilitator's Checklist
- RJD Script/Outline

The Pre-Conference AP Meeting Checklist lists four safety relevant items. The first is to “determine if they have any safety considerations or concerns about being involved. If they do, ask what we can do to address those concerns.” There is also a note for the facilitator to “ensure that [the meeting] is a safe and respectful place” where the offence can be discussed. Two items refer to discussing AP support; the first to ask who can “support [the AP] in the meeting, and outside the meeting,” and the second to offer “and AP mentor and mention Victim Services if necessary.”

Two items on the Facilitators Checklist refer to AP safety and security. The first is to “Address any safety or other concerns.” The second an addendum noting that “additional pre-RJD meetings may be required with the RP, AP, or both the RP and AP,” and that the meeting cannot go forward until all the participants feel comfortable and safe about the matter.

The third document, the RJD Script/Outline, includes one security-relevant statement that the facilitator must mention in the introduction to the meeting. It is that anyone is allowed to leave at any time, permanently or for a break. “If they do wish to leave the room, we ask that they stay nearby so one of the facilitators can follow up with them.”

4. *Victims clearly understand their roles in the program including potential benefits and risks to themselves and offenders;*

Relevant Documents:

- Pre-Conference AP Meeting Checklist
- Caseworker Manual
- Appendix K of the Caseworker Manual: Integrating the AP's Voice in RJ Process Design

The Pre-Conference AP Meeting Checklist contains eight items that help define the victims' role in the program. The first three are purely descriptive, as they: a) define the roles of all the participants, including the AP; b) list the questions that the AP will be asked by the facilitator at the meeting; and c) describe what will happen if the process breaks down. Two invite the AP to define the role *they* wish to play in the process, one questioning whether the AP would like to attend the meeting at all, and if they do not, how else they may wish to participate. The other refers to Appendix K of the Caseworker Manual, a guide for integrating the AP's Voice in RJ Process Design, thus making their role one of the program designers should they wish. The last two peripherally discuss the

risks and benefits, as they “explore AP capability (communications, speak for self, etc)” and “explore their stress level regarding participating a dialogue with the RP”.

Much like the last item discussed in the Pre-Conference checklist, the one relevant item in the Caseworker’s Manual is more peripherally related to the understanding of potential benefits and risks. It states that RJV acknowledges “peoples’ different capacities to engage in restorative processes and seek, wherever possible, to support them to build their own capacities” (pg. 15) This refers to a risk that someone may not do well with restorative justice (potential risk), but also offers when possible, capacity-building with whatever may be at issue (potential benefit).

The facilitator can use all of Appendix K to help the victim define exactly how far they wish to extend their role. This is entirely dependent on each victim.

5. Confidentiality is provided within clear guidelines;

Relevant Documents:

- Pre-Conference AP Meeting Checklist
- RJD Script/Outline
- Caseworker Manual
- Facilitator’s Checklist

Each of these four documents mentions confidentiality, which has two limitations but is otherwise absolute. Those limitations are in effect should anybody disclose “that a person is at risk of harming themselves or someone else, and if a minor is at risk or in danger in any way.” In the RJD script, the facilitator also invites participants to add limits of confidentiality if they feel any are necessary. As participants arrive at the process, they also sign an Oath of Confidentiality.

According to the Caseworker Manual, volunteers must also sign an oath of confidentiality upon becoming a volunteer, as well as at every process they attend.

6. Victims have as much information as possible about their case, the offense, and their offenders;

Relevant Documents:

- Pre-Conference AP Meeting Checklist
- Facilitator’s Checklist

There are eight significant items on the Pre-Conference AP Meeting Checklist that refer to providing information to the victim about their case. The first four give information about what is currently going on: providing background data about the criminal justice system, restorative justice, and the difference between the two; what the facilitators know about the offence and how it was referred to RJV; information on RJV as an

organization; and who the facilitators are and their role in the process. The facilitator explains that “all initial conversations are exploratory to see if the situation is appropriate for restorative justice,” and that there is the possibility that it could return to the referring agency. The last three points consist of describing how a typical case proceeds, including descriptions of the common physical set-up of the meeting, potential locations, and how the conference is generally structured. Victims are also encouraged to ask as many questions as possible, with only things said confidentially from the offender to the facilitator closed to discussion unless the offender has given explicit permission to share the information.

The Facilitator’s Checklist has one reference to keeping the victims informed about their case. That reference is a reminder, post-process, to make copies of the agreement for anyone who wants one, with automatic copies made for the AP, RP and RP mentor.

7. Victims can identify and articulate their needs and are given choices;

Relevant Documents:

- Pre-Conference AP Meeting Checklist
- RJD Script/Outline
- Restorative Justice Dialogue Explanation (Affected Party)
- Appendix K of the Caseworker Manual: Integrating the AP’s Voice in RJ Process Design
- Caseworker Manual

To ensure succinctness, for this section I have listed the opportunities for articulating their needs/given choices mentioned in each document. Some of these items have been paraphrased for the sake of brevity. They are listed below under the heading of the document from which they were drawn.

Pre-Conference AP Meeting Checklist

1. Decide whether or not to attend the RJD.
 - a. If not, then how (or if they will participate).
2. Decide whether or not they want a supporter with them. If so, who?
3. Decide whether they wish to involve Victims Services.
4. Decide who they think should be present at the meeting (this does not mean that those people will necessarily wish to attend).
5. Decide what reparations they would like from the offender (this does not necessarily mean those options will end up in the agreement, as it is by consensus, but they will be discussed).
6. Determine whether they have any safety considerations.
 - a. If so, what do they need to feel safe?
7. Determine any other issues or concerns the victim may have.
8. Determine what needs to happen for the victim to gain closure.
9. Explore the victims’ capability (communications, speak for self, etc.)

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- a. Do they need more preparation time? An advocate? Any other capacity building assistance?
10. Explore the ‘what ifs’ if the victim does not receive what they are wanting in the process (ie. financial restitution, a sincere apology etc).
11. Decide on signal cues (ie. I need to leave the room but don’t want to say so, so I’ll tug on my ear and you’ll call a break).

RJD Script/Outline (in process)

11. Can decide to leave the room at any time.
 - a. May call a break at any time.
12. Can suggest any guidelines for the discussion.
13. Can suggest further limits to confidentiality.

Restorative Justice Dialogue Explanation (Affected Party) (all statements from facilitator to victim)

1. “Please let us know how we can support you and meet your needs.”
2. “The RJD is flexible to your needs, so please let us know if you have any requests for adjusting it.” Note to refer to Appendix K if so.
3. “How can we support you?”
4. “Please do not hesitate to contact the facilitator or RJV staff at any point – we are all here to support you.”

Appendix K of the Caseworker Manual: Integrating the AP’s Voice in RJ Process Design

1. Who has been impacted and how should they be included in the process?
2. What level of responsibility on the part of the RP is acceptable in order to move forward with an RJD?
3. In cases of multiple RPs, is one RJD with all RPs and supporters present preferable, or is it better to have multiple RJDs?
4. Where should the RJD be held?
5. Who should be present in the conference (in general and for your support?)
6. Would you like to be sitting in the room before the RP arrives, or vice-versa?
7. Where are people sitting in the circle of chairs?
8. What is the most comfortable sequence of speaking?
9. What are the most important questions that need to be asked? To whom?
10. What is the order of questions – which is most important to ask first?
11. Do we hear from all participants first and then move onto dialogue? Or do you and the ARP share uninterrupted first, and then a dialogue occurs before hearing from the rest of the participants?
12. How can we support you if you hear new information or something that is difficult for you?
13. How much depth is important to hear in storytelling?
14. How should breaks be called?

15. Leading into the agreement stage, would you like to suggest reparation ideas first, or hear the RP's ideas first?

Caseworker Manual

- Shoplifting is the only kind of case we'll accept if the AP doesn't consent (meaning that, except for shoplifting, the AP always has input in whether or not a case goes through restorative justice, though even if the AP and RP wish to go forward, theoretically RJV may refuse to handle the case) (p. 58).

8. *Victims' opportunity for involvement is maximized;*

Relevant Documents:

- Appendix K of the Caseworker Manual: Integrating the AP's Voice in RJ Process Design

Appendix K (listed in its entirety in the above section, and also found under Appendix J of this project) is a singular document that contains every possible way in which to maximize victims' opportunity for involvement, in so far as making them all but equal partners in the process design with the facilitators. Though many other documents, including the various checklists and Caseworker Manual make mention of choices the victim has for expanding (or decreasing) their roles as need be, Appendix K includes all of them.

9. *Program design provides referrals for support and assistance;*

Relevant Documents:

- Pre-Conference AP Meeting Checklist
- Caseworker Manual

The Pre-Conference AP Meeting Checklist makes one mention of outside referrals for support and assistance. That is a notation for the facilitator to offer an AP mentor, or contact with Victim Services if necessary.

The Caseworker Manual makes two references to other support structures. The first is in its Charter for Practitioners of Restorative Justice, in an acknowledgment that "no one agency or practitioner can meet all needs. [RJV], therefore, will work collaboratively with other agencies and individuals in an effort to encourage and facilitate holistic responses" (p. 14). The second is a notice that RJV now has its own counselor, who provides her services at no cost for RJV clients (p. 51).

10. *Services are available to victims even when their offenders have not been arrested or are unwilling or unable to participate.*

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Relevant Documents:

- Caseworker Manual

The afore mentioned notation in the Caseworker Manual that RJV now has a resident counselor is the only mention found of non-process related services offered to RJV clients.

The implications and interpretations of these results are discussed in the Discussion section.

5.2 Interview Summary Results

As mentioned in the methodology section, all statements made in the interviews were divided into one of three categories: positive, neutral, or critical statements. The following charts are the results of my division of the interviewee's statements.

Interview Statement Chart – Victim Process Statements

POSITIVE	NEUTRAL	CRITICAL
<p><i>Pre-process:</i></p> <ul style="list-style-type: none"> - Wanted to give someone a second shot; give them a second chance before they ruined their lives. - Was a really good program; they were really open-minded, wanted to know how we wanted it to go. - Felt good going into the process. 	<p><i>Pre-process:</i></p> <ul style="list-style-type: none"> - Wanted to see if restorative justice was a feasible idea. - Called me up and asked if I could come in, told me what RJ was a said to call me if I had any questions - Told there was no obligation to participate. - Seemed like they did a good job preparing. - Had no concerns, but thought a person could in being a witness, how comfortable would they be in that kind of a close process talking it out, though not a problem for me personally. 	<p><i>Pre-process:</i></p> <p>N/A</p>
<p><i>During Process:</i></p> <ul style="list-style-type: none"> - Facilitators did a good job - They got the point across with RP; were a bit strict with them - Program worked - Facilitators were: open-minded; interested, genuinely what you had to say; professional - Yes, I had had a lot of input into the agreement. 	<p><i>During Process:</i></p> <p>N/A</p>	<p><i>During Process:</i></p> <ul style="list-style-type: none"> - Felt like [the process] could have been more strict, seemed like we were coming up with the different ideas of what to do to make it convenient for RP. - Don't think we should be making it convenient for the individual. - RP should do for the community what the other people come up with. - Did not seem like the RP had the message across that this was a serious thing. - Too much control in the RP's hands.
<p><i>Post-process:</i></p> <ul style="list-style-type: none"> - It was good to see that people were given a second chance. - It's a positive thing, the community doing that, it makes you feel good. 	<p><i>Post-process:</i></p> <p>N/A</p>	<p><i>Post-process:</i></p> <ul style="list-style-type: none"> - Was not told of how the RP did at the close of the case; was unaware of whether the RP had completed the agreement, how it turned out for the RP. - Check-in interview so long after the meeting, could not remember many of the details.

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Interview Statement Charts – Offender Process Statements

POSITIVE	NEUTRAL	CRITICAL
<p>Pre-process:</p> <ul style="list-style-type: none"> - Introductory phone call was good; in-person meeting convinced me to participate. - Volunteers accepting through the process. - Quite well prepared for the process. - Set realistic expectations for the process. - Volunteers were respectful. - Let me take the amount of time I needed to prepare emotionally. - Very helpful to have a mentor. - Emphasized that I needed to agree to the process to continue, which made me feel like I had a choice. - Emphasized my agency. - The group was kept small and I was introduced to every participant before the process. - Volunteers accepting of my emotions, validating them; promising tissues at the process. - Volunteers always available for questions. - Was dealt with in very humane and slightly maternal way. - Talking it out, the patience and empathy. 	<p>Pre-process:</p> <ul style="list-style-type: none"> - Had concerns about speaking in large groups. - Had concerns that I would be overly emotional. - Nervous and emotional going into the process. 	<p>Pre-process: N/A</p>
<p>During Process:</p> <ul style="list-style-type: none"> - Required talking about my emotional state, which was difficult but healing. - Felt a lot of satisfaction in completing different steps of the agreement. - Facilitators did very well. - Made my choices clear, treated me respectfully, kept excellent records. - Felt as though facilitator's motivation was a beneficial outcome. - Were excellent communicators in expressing that. Facilitators were patient; respectful; punctual. 	<p>During Process:</p> <ul style="list-style-type: none"> - Did not have much input, but preferred to trust in the volunteers' greater experience. - Continued to feel highly emotional through the process. 	<p>During Process: N/A</p>
<p>Post-process:</p> <ul style="list-style-type: none"> - I'm much more clear-headed about the incident. - As per the agreement I've had counseling for emotional issues. - I talk more with my family and friends, communicating with people close to me. - I have more insight and empathy towards ---, who have had trouble with the law. - I'm a slightly braver person now. 	<p>Post-process: N/A</p>	<p>Post-process: N/A</p>

5.3 Interview Summaries

Victim Interview Summary

Note: The victim will be referred to as 'V', to eliminate any identifiable information. For simplicity and to preserve confidentiality the victim interviewee will be referred to as "V" and the offender interviewee will be referred to as "O". The two interviewees were involved in separate cases.

Summary: V's experience with restorative justice was beneficial overall, though the V still has some reservations about the programs utility in certain aspects and in certain cases. V agreed to participate in RJ mostly out of curiosity about what the program would be like and how it could be feasible without an element of punishment. That was the aspect of the program with which V had the most trouble understanding. However, by the end of the process V thought the program was "really good". V had no expectations, was

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very open-minded, wanted to see restorative justice ideas in action and was pleased with the results.

Pre-process: Preparation for V was limited. A facilitator called and told V what restorative justice was and, mentioning that V was under no obligation, invited V to participate, which V decided to do. P said they “guessed, seemed like they did a good job preparing.” V did not have any concerns about the process, and the facilitators asked P to call them if that changed, or if V had any questions. V did mention that V could see a potential general concern for other AP’s, in the difficulty in being a “witness, or victim, how comfortable they would be in that kind of close process talking it out... in direct interaction with the accused person,” though V said that wasn’t “a problem for me personally.” V felt “good” going into the process.

During process: When asked if V had input on how the process was developed, (for example the script, location, or participants), V seemed confused as to what I meant, and just repeated that “Yes, very much so, I had a lot of input into the agreement.”

In particular, V felt, repeating many times, that “it could be more strict,” as it seemed as though “we’re coming up with ideas of different things to do to make it convenient for [the RP] where in that case if you’re the guilty party,” though [the RP] had admitted they had done wrong, V didn’t think “we should be making it convenient for the individual” to complete the agreement. V thought instead it would be better for “[the RP] to do what the other people come up with... [the RP] shouldn’t have any final input on what they should do.” In V’s case, V felt there was “too much control in [the RP’s] hands” and so it didn’t “seem like [the RP] had the message across that this was a serious thing.”

However, V thought the facilitators did very well overall, and specifically in dealing with the RP’s apparent nonchalance. V said that they were “a bit strict with [the RP], they got the point across” that the process was a “serious business”. V said that the facilitators were “open-minded”, “interested, genuinely interested in what you had to say,” and very professional. V said that they “did a good job” and that “the program worked.”

Post-process: Concerning long-term effects of the process on V’s person, V did not have much to say. When asked, V initially said there weren’t really any effects that P could think of, but after a moment of thought said that “yes, in a way it was good to see that people were given a second chance,” and that it’s a “positive thing, the community doing that, it makes you feel good.” One area of concern, however, is that V said there was very little follow-up in V’s case. V was given a copy of the agreement at the close of the process, but afterwards was never told whether the RP had completed all the agreement terms and what had ultimately happened. I did not have that information but referred him to RJ’s Office. V replied that it wasn’t “that big a deal” and V was “just wondering”, but that “it’d be nice to know.”

Most emphasized points: The process overall was beneficial for the victim, but issues around the circle almost making the agreement “too convenient” for the offender concerned the victim, though in the end the victim thought the process was successful.

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There is also the issue that the victim was not told whether or not the RP had fulfilled all the terms of the agreement. Overall the victim was appreciative of the program, and said that knowing it existed to give people a second chance made the victim feel good about the community.

5.2.2 RP Interview Summary

Summary: O's experience with restorative justice was almost entirely positive. It was a highly emotional experience throughout the process. Though O initially agreed to participate in restorative justice to avoid a criminal record, O's appreciation for the process grew as O moved through it. The program made O feel more a part of the community. In an interesting comparison, O mentioned how a relative of O's had been through the court process, becoming more withdrawn after every offence. O also mentioned that O had a "feeling of justice overall, and a positive outcome where I wouldn't be in that place again."

Pre-process: In talking of preparing for the process, O greatly emphasized the consideration and respect the facilitators had for O's needs and concerns, and the measures they took to mitigate them. For example, when O mentioned that O was concerned about speaking in front of a large group of people, the facilitators introduced O individually to each of the other participants before the process. They were also very accepting, O said, of what O called an "overly emotional" state. Their acceptance of O's feelings helped O keep them under better control.

In the end, O did not have much input concerning process design, as O preferred to be led by "the people with experience in RJ, which I valued." O was nervous and emotional going into the process, but comforted by the "very humane and slightly maternal" treatment from the facilitators. Talking out all O's issues with the facilitators, and their patience and empathy were a great help in preparing for the process.

During Process: O thought the facilitators handled the process very well. The top four qualities O said they possessed were patience, respect, communication and punctuality (indicative of respect as well as generally appreciated). They made O's choices clear, treated O with respect, and kept excellent records, ensuring O had copies of everything. This all "emphasized my participation and agency, my being a part of rather than the process being done to me." O also got the feeling that the facilitators' motivation was for there to be a good outcome, and they were very good at expressing that to O, which in turn made O feel more productive and comfortable.

One of the most difficult aspects of restorative justice for O was talking about what happened, why it happened, and the circumstances of O's life at the time of the offence (which O had not shared with O's closest friends and family).

Post Process: O reported that restorative justice encouraged better communication from O, and helped O learn to verbalize issues in O's life. It was "a bit healing" for O.

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Restorative justice had a very positive impact on O's relationships with close family and friends. RJ gave O a much better relationship with O's best friend whom O told everything that had happened, after O went through restorative justice.

O reported feeling shame around the offence, but it has definitely eased since completing the agreement. There was great satisfaction for O in completing steps of the agreement; it felt like working towards a positive goal. The "counseling about the emotional issues that led to pull away from family and friends and be less communicative" have helped, and O has "partially forgiven myself for getting to that point." Additionally, O recently went through another situation very similar to that which led Z to committing the offence that brought O to RJ. However, O says that O dealt with it much better, not being as emotional and being more proactive about improving O's situation. O handled it without repeating the same mistake. O said "I'm a slightly braver person now."

Most emphasized impressions: RP emphasized that the process was very emotionally charged and support from the facilitators and mentor was critical, as was the encouragement to talk openly about everything. RJ had a very positive effect on the RP. The experience taught the RP how to communicate better with friends and family, improving those relationships and extending the RP's support network. This process apparently helped the RP avoid offending recently.

6.0 DISCUSSION

This project is intended to provide a foundation for a more comprehensive evaluation of RJV's policies and practices. The project's recommendations are made with the hope that they assist RJV and future researchers in completing more comprehensive evaluations.

The analysis and comparison of RJV's reference documents to the 10 Signposts of appropriate victim involvement revealed that as far as program development and facilitator reference documents are concerned, RJV is successful in appropriately involving victims in its processes. One document in particular is referred to facilitators in their checklists: Appendix K of the Caseworker Manual: Integrating the AP's Voice in RJ Process Design. Victim involvement and agency are so important to RJV that this document was specifically designed and recommended to caseworkers to ensure that victims are appropriately involved in their processes. This document lays out 15 questions/topics of discussion with which facilitator's can engage victims in order to expand their participation in the process design. Even victims who do not wish to become more involved in the process design have opportunities to make decisions and share their needs as part of the process' basic structure. Some examples are their ability to determine the extent of their involvement in the process and choosing whether the process should go forward at all. At every stage of the process, participants are encouraged to alert the facilitators' should they need anything.

According to the documental analysis, RJV was weaker on the last two signposts, 'Program design provides referrals for support and assistance,' and 'Services are available to victims even when their offenders have not been arrested or are unwilling to participate.' Though RJV does not have a formal referral function, there is a Resource Guide available to all volunteers that list over one hundred local agencies that specialize in different areas. Additionally, the Caseworker Manual specifies that RJV promises to "work collaboratively with other agencies and individuals" to ensure that the best care is given to its clients (pg. 51). However, the extent to which caseworkers use the Resource Manual cannot be determined by the documental analysis. There is a recommendation for conducting further research into caseworker use of the Research Manual in the Recommendation section.

Concerning the signpost, 'Services are available to victims even when their offenders have not been arrested...' information on how RJV works with victims in such a situation would not be found in the caseworker documents because all intake is handled by RJV permanent staff members. However, providing victims services are not a part of RJV's mandate. Consequently, though the staff members provide whatever help they can to victims even if their cases do not go through RJV, it is more common for victims to be referred to local Victim's Services as they are better equipped to provide services and support to victims.

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There are no recommendations directly related to the findings of RJV's document analysis, as no problems were discovered in the analysis that can be corrected. The weaknesses found in the last two signposts are related to organizational limitations that can only be addressed with greater funding; thus RJV cannot be considered at fault for them. There is a procedural weakness in post-process victim follow-up concerning the closing of case-files. This was also discovered in the interview process and accounted for in the recommendations.

Despite the extremely small sample size, the interviews provided beneficial information concerning RJV's practices. While the size of the sample seriously limits the weight that can be placed on these observations, they nonetheless contribute some information that should be considered:

- RJV is staffed with patient, open-minded, empathic volunteers who work to ensure that the restorative process is beneficial to all participants.
- it mostly succeeds in its pre-process preparation of participants, though more robust preparation for victims should be considered, and effectively meets the needs of participants during the process.
- there is room for improvement respecting post-process programming. The possibility of giving victims more information about case closure and performance of agreements should be explored.

Both the victim and offender interviewed gave positive feedback on their facilitator's performance as individuals. They reported that all RJV staff members were a source of support, information, and guidance throughout the process. However, though the offender was entirely pleased about their experience with the program, the victim provided some critical feedback regarding the structure of the process itself. The victim reported that they received a little preparation pre-process (though they also did not think much was needed in their case), but made a point of saying that they thought more preparation may be required for other victims depending on their individual situation. Though this was not a direct criticism, that the victim thought it merited mention is important and thus is addressed in the recommendation section.

The victim provided two other important criticisms. The first was that the way the agreement was decided upon was too convenient for the offender. Though throughout the rest of the process the offender was made very aware of the seriousness of what they had done and was required to accept responsibility for their actions, the agreement phase was relatively easy for the offender. In accordance with restorative justice principles, agreements must be made through consensus, which gives the offender veto power over agreement terms. The victim thought that this gave too much agency to the offender and did not impress upon them the seriousness of the situation. The facilitators mitigated this perceived weakness with the process and ensured that the offender accepted responsibility for what they had done, but the victim still left the process thinking that the agreement phase was too easy for the offender. This criticism is accounted for in Recommendation 8.

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The victim's second important piece of feedback is that they did not receive any follow-up from RJV after the case was closed. The victim was unaware of whether or not the offender had even completed the agreement terms and how they were faring the aftermath. It was important to the victim to know what became of the offender after the restorative process, even 10 months after the close of the case. Consequently there is a recommendation to require victim notification when an offender has fulfilled or failed to fulfill the terms of their final agreement.

Though only one offender was interviewed, the feedback was entirely positive. RJV volunteers provided essential support and guidance to the offender. The offender stated that it was only due to the caseworkers and mentor that they were able to make it through the process and fulfill the agreement terms, and that their life was enriched and bettered through their experience with RJV. RJV's success in working with the offender is reflected in Recommendation 9, to maintain the current level of mentoring and support of offenders.

The documental analysis and check-ins should be considered as separate aspects of the report, and have not been connected in any way. This separation has been maintained because of the small number of interviews. Though the information from the check-ins is of use in making suggestions to RJV on how to improve their services, they can only be considered suggestions or reminders, as opposed to recommendations, as the very small sample does not provide a strong enough base upon which to make recommendations. Consequently, the results of the documental analysis should be considered separate from the interviews, at least until further check-in interviews are conducted. When more interviews have been completed, the results from the check-ins and the documental analysis can be compared.

7.0 RECOMMENDATIONS

7.1 Recommendations to be implemented immediately

Recommendation 1. Make the follow-up interviews a mandatory part of the RJD process.

Currently, all participants in RJV processes have the option to consent or not consent to a six-month check-in. Of the 93 cases in 2012, only 31 participants consented to a check-in interview on their post-process survey. On occasion, the entire last page of the survey, which includes the consent to interview as well as three other questions, was unanswered. This could mean that a participant did not have any answers to those questions and did not consent to an interview, or they did not notice the last page. In the former case, it is not uncommon for people to want to leave quickly at the conclusion of a meeting, and some participants do not want to discuss the restorative process again.

RJV has the option to leave the decision of consent to a six-month check-in on the post-process survey, or to make later check-in interviews a mandatory component of the program. If they were mandatory, potential RJV clients would be made aware of this program requirement during the initial interviews and meetings, and it would be included as an item on the facilitators' checklists. Consenting to the process as a whole would necessarily include consenting to the follow-up interview. RJV could also, at the time of the post-process survey or at the time of the actual check-in, allow the participant to opt out if revisiting the event might prove too stressful or counter-productive to the individual. That way, RJV would have a larger potential pool of interviews with which to evaluate its programs yet retain some flexibility for the best interest of their participants.

Recommendation 2. Shorten the time between the end of the restorative process and follow-up evaluation to three months.

The check-ins are currently scheduled for six months after the completion of the agreement, as opposed to the end of the restorative process. The end of the RJD and the completion of the agreement can be anywhere from two to four months or more, depending on the case. This means that anywhere from eight to ten months can have elapsed before the check-in occurs. By then, there is a greater chance that participants will move or change their phone numbers or email addresses. Unless they think to update their contact information with RJV, the organization would be unable to reach them. Further, after six months or more, the participant's memory of the process would not be as detailed, as was the case with one of the participants interviewed for this project. These factors argue for shortening the time to the check-in interview.

Recommendation 3. Have one volunteer responsible for tracking process and follow-up interview dates and conducting the interviews.

For some potential interviewees included in the project, over a year had elapsed between the end of their process and the beginning of this project. Having a designated volunteer in charge of tracking follow-up interview dates and conducting timely interviews would

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ensure that the information gathering process was consistently updated and complete. Also, having a designated individual administratively responsible for the interviewing and reporting would ensure continuity to the data compiled.

Recommendation 4. The person in charge of conducting the check-in interviews should be an administrative volunteer and not a caseworker.

Maintaining a tracking system, scheduling interviews and asking pre-determined questions could be approached as a purely administrative function. Additionally this type of volunteer, if available, would not be actively involved in cases and therefore, would be eligible to conduct all interviews without a conflict of interest. A caseworker, however, should be automatically disqualified from conducting an interview with any participant with respect to a case where he or she had been involved. It would be unwise, and possibly unethical, for a facilitator, community member, or mentor to interview a participant in a case in which they had taken part as the evaluation by the participant may be taken personally. If a caseworker were in charge of the check-in interviews, he or she would need a co-interviewer to handle the check-ins involving participants the caseworker knows. Though this would be possible, it would be less efficient. However, if there is no purely administrative volunteer available, the next best option would be to assign a caseworker to the task and then take on a co-interviewer on a case-by-case basis when necessary.

Recommendation 5. Add a clause to the disclaimer on the post-process surveys that informs the participant that the information given on the survey will not be read by any other participant at the meeting, but that it may be read by a contracted researcher for the purposes of program development, research or evaluation. The clause should make it clear that while such research or an evaluation could be published, no identifying information will be disclosed.

At present, the disclaimer on RJV's post-process surveys reads as follows:

“This is a voluntary survey. You can stop at any time and there will be no consequence. If you are having difficulty with a question, please ask a volunteer for help. The information gathered from this survey will be used for program improvement/development and education. This survey will only be read by the VRJS Program Coordinator – not anyone present at this meeting. Any information used outside of the Victoria Restorative Justice Society will be anonymous (e.g. as part of statistics reported to our funders). Thank you very much. (see Appendix L for a copy of the survey).”

This disclaimer implies, but does not directly state, that the information in the survey may be read by a contracted evaluator or program developer. This implication also conflicts with the statement that the survey “will only be read by the RJV Program Coordinator – not anyone present at this meeting.” Though it is certainly the case that no one at the meeting would read the surveys for any case in which they were involved, RJV may have another volunteer check the surveys for check-in interview consent or hire an evaluator to analyze the survey results, which would conflict with that statement. This could make it

difficult for future evaluators or student volunteers and their respective Human Ethics Boards. A suggested rewording is:

“This is a **voluntary** survey. You may stop at any time and there will be no consequence. If you are having difficulty with a question, please ask a volunteer for help. The information gathered from this survey will be used for program improvement, development and education, and **may be published as part of a research project or evaluation**. This survey will not be read by anyone present at this meeting, **although it may be read by a researcher contracted by RJV**. Any information published or used outside of the Restorative Justice Victoria will be **anonymous** and will not identify any individual who participated in an RJV process. Thank you very much.”

Recommendation 6 Conduct an evaluation of how often RJV caseworkers refer to the Resource Manual and other outside agencies for support or assistance.

The reference documents direct caseworkers to the Resource Manual for information about making referrals to supporting agencies. However, it is impossible to tell how often caseworkers actually use the Resource Manual or reach out to other agencies for support or assistance. An evaluation should be conducted to determine how often RJV caseworkers use the Resource Manual and make referrals to other agencies. Such research would help to establish the extent to which RJV is fulfilling Achilles and Zehr’s ninth signpost, “Program design provides referrals for support and assistance”.

7.2 Recommendations to be implemented after further research

Recommendation 7 Ensure that preparation for victims is robust, and includes measures to prepare them emotionally for the conference.

The victim’s preparation was limited, consisting of one phone call asking if the victim would like to participate, and a description of the process. This is not typical of the preparation commonly provided for victims at RJV. The only reason a facilitator might properly limit preparation to a single phone call or meeting is if it were the victims’ request to do so. RJV would strongly suggest that more preparation is necessary, but in some cases a single phone call or meeting is all that is wanted or possible. In the case at hand, the single phone call appears to have been sufficient for the victim, but that victim made a point of saying that other victims may require much more preparation before being able to comfortably experience a restorative process. This raises the question of whether or not the victim wished for more preparation time, but did not want to say so. In any case, the victim believed it important enough to raise the issue, thus meriting a reminder to volunteers to ensure that the victim’s preparation is sufficiently robust to ensure the victim’s physical and emotional well-being in the individual circumstances. Potential measures include, but are not limited to: regular updates on the status of other participants while respecting the other participants’ confidentiality; the offer of a mentor specifically assigned to the victim to respond to any questions or concerns; and

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establishing a pre-arranged signal making it easy for the victim to ask for a break should he or she need a moment to compose themselves, or if they feel they cannot continue the process.

Recommendation 8 Require post-process follow-up with the victim.

The victim interviewee noted that there was very little follow-up, and that they would have appreciated knowing whether or not the offender had completed all the agreed terms and what became of the offender. Victims should be notified when their case file is closed. They should also be made aware of the status of the agreement at the time of file closure. A file can be closed when the offender has completed all the agreement terms (with or without a time extension), when the offender completes only some of the terms and will not be fulfilling the others for whatever reason, or if the file is returned to the original agency for non-compliance by the offender. The victim should be informed whether or not the offender has fully performed the agreement, provided however that they cannot be updated on the victim's personal circumstances due to privacy concerns, unless explicitly allowed by the offender.

Recommendation 9 Be aware of the potential to make the agreement terms too easy for the offender.

There is a fine balance between making the offender's responsibilities under the agreement meaningful while ensuring that it is realistically possible for the offender to meet them. In the case of the victim who was interviewed, the victim felt that the offender had too much control in determining what the terms should be. Though the victim's suggestion that the offender must accept the terms that the rest of the circle decides upon contradicts restorative justice principles, the victim's interview serves as an important reminder about how agreements should be reached in RJ processes. Though the process must result in terms that the offender can realistically complete without harm to themselves, the terms cannot be weighted too much in favour of the offender's convenience and schedule.

Recommendation 10 Maintain current levels of mentoring and support for offenders.

The offender had only positive comments about the restorative process and the support provided by all RJV personnel with whom the offender worked. The level of respect, courtesy and support maintained by the facilitators and mentors meant a great deal to the client and were essential in helping them through a very difficult process.

8.0 APPENDICES

Appendix A: Recruitment Script

Hello. My name is Stephanie Billingham, and I am a Master's Student of Dispute Resolution at the University of Victoria. I am currently completing a project for Restorative Justice Victoria, on whose behalf I am contacting you. I have been asked to contact all the RJV participants who, on their post-process surveys, indicated consent for RJV to contact them for a six-month check-in. These check-ins are intended to determine the extent to which RJV is succeeding in its goal to provide beneficial services to its participants. This research is very important, as positive feedback will let Restorative Justice Victoria know what it is doing correctly, while critical feedback will be used to make recommendations to further improve its practices. Your honest feedback would be greatly appreciated. Your answers will not effect your position [e.g. employment, class standing] or how you will be treated. Your official RJV file is closed, and there will be no repercussions as a result of your answers, whether positive or critical in nature. Your identity will remain anonymous. In both my private notes and report, you will be referred to only by your role in the process (affected party, responsible party, or supporter), and no identifying characteristics be made note of in the research notes or the final report for Restorative Justice Victoria. All notes will be securely locked in my office filing cabinet, or password protected on my private computer.

On your post-process survey, you indicated that you wished to be contacted for a six-month check-in. Are you still willing and able to be interviewed? Participation is entirely voluntary, and your identity will remain anonymous. Interviews can be over the phone or face-to-face, whichever is more convenient to you.

Appendix B: Participant Consent Form

Participant Consent Form

Project Title: A victim-centered evaluation of Restorative Justice Victoria

Researcher: Stephanie Billingham, Graduate Student in the Master's of Dispute Resolution Program, University of Victoria.

Phone: 250-893-4753

Email: sbilling@uvic.ca

Supervisor: Professor Lyn Davis

Co-Investigator: Nataschaa Chatterton, Research Assistant, Restorative Justice Victoria

Phone:

Email: nataschaa56@hotmail.com

This research is very important, as it will determine whether Restorative Justice Victoria is succeeding in its goal to provide beneficial services to its participants, both short-term and long-term. The analysis of the surveys and six-month follow-up interviews will determine whether or not participants' needs were met both short-term and long-term, provide feedback on the volunteers, the structure of the process, and program overall. Positive feedback will let RJV know what it is doing correctly, while critical feedback will be used to make recommendations to further improve its practices.

You have been selected to participate because your post-process survey indicated consent for further contact by Restorative Justice Victoria for the purpose of a six-month check-in. Participation in this project is entirely voluntary. Whether you choose to participate or not will have no effect on your position [e.g. employment, class standing] or how you will be treated. You may withdraw at any time. If you do so, please indicate whether or not your statement prior to withdrawal may be used for the project.

Yes, my statements prior to withdrawal may be used.

No, my statement prior to withdrawal may not be used.

You will remain completely anonymous. You will be referred to only by your role in the process (affected party, responsible party, or supporter), and no identifying characteristics be made note of in the research notes or the final report for Restorative Justice Victoria. All notes will be securely locked in my office filing cabinet, or password protected on my private computer.

If you have any questions or concerns, please contact Stephanie Billingham (information at the top of the page) or the Human Research Ethics Office, University of Victoria, (250) 472-4545
ethics@uvic.ca

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Your signature below indicates that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.

Name of Participant

Signature

Date

A copy of this consent will be left with you, and a copy will be taken by the researcher.

Appendix C: Interview Questions

Pre-process:

1. How did you make your decision to participate in restorative justice?
2. What did you want to get out of the process? What expectations did you have?
3. Tell me about how you were prepared for restorative justice by the facilitator. How well prepared did you feel for the restorative justice dialogue? What were the top three things that best prepared you?
4. Did you have any concerns? If so, how were your concerns addressed?
5. What kind of input did you have in how the process was developed?
6. How did you feel going into the process?

During process:

1. How did you feel throughout the process? Or tell me how the process was for you.
2. Let's talk about the facilitator now.
 - a. How do you think the facilitator handled the process?
 - b. What were five qualities you noticed in the facilitator, positive or negative? (If prepared, ask the participant to describe the facilitator).
 - i. Follow up with action examples.

Post-process:

1. Now we're going to discuss the effect restorative justice has had on you. How do you feel/think now when you think back to the incident/offence?
2. To what extent, if any, has restorative justice impacted your family and relationships?
3. Have you been able to do anything differently since the process?

Appendix D: Certificate of Ethics Approval



Human Research Ethics Board
 Office of Research Services
 Administrative Services Building
 PO Box 1700 STN CSC
 Victoria British Columbia V8W 2Y2 Canada
 Tel 250-472-4545, Fax 250-721-8960
 ethics@uvic.ca www.research.uvic.ca

Certificate of Approval

PRINCIPAL INVESTIGATOR Stephanie Billingham	ETHICS PROTOCOL NUMBER 13-070
UVic STATUS: Master's Student	ORIGINAL APPROVAL DATE: 22-Mar-13
UVic DEPARTMENT: MADR	APPROVED ON: 22-Mar-13
SUPERVISOR: Dr. Lyn Davis	APPROVAL EXPIRY DATE: 21-Mar-14

PROJECT TITLE: A victim centered evaluation of Restorative Justice Victoria

RESEARCH TEAM MEMBER Co-interviewer: Nataschaa Chatterton (Restorative Justice Victoria)

DECLARED PROJECT FUNDING: None

CONDITIONS OF APPROVAL

This Certificate of Approval is valid for the above term provided there is no change in the protocol.

Modifications
To make any changes to the approved research procedures in your study, please submit a "Request for Modification" form. You must receive ethics approval before proceeding with your modified protocol.

Renewals
Your ethics approval must be current for the period during which you are recruiting participants or collecting data. To renew your protocol, please submit a "Request for Renewal" form before the expiry date on your certificate. You will be sent an emailed reminder prompting you to renew your protocol about six weeks before your expiry date.

Project Closures
When you have completed all data collection activities and will have no further contact with participants, please notify the Human Research Ethics Board by submitting a "Notice of Project Completion" form.

Certification

This certifies that the UVic Human Research Ethics Board has examined this research protocol and concluded that, in all respects, the proposed research meets the appropriate standards of ethics as outlined by the University of Victoria Research Regulations Involving Human Participants.



Dr. Rachael Scarth
Associate Vice-President, Research

Certificate Issued On: 22-Mar-13

13-070 Billingham, Stephanie

Appendix E: Preconference interview with Affected Party Checklist



Exploratory Meeting(s) with the Affected Party

The points in this checklist may be completed in one meeting or may take multiple meetings with the AP to complete. If multiple meetings are required, be sure to clarify the next steps at the end of each meeting. Between meetings you may want to assign homework to move the prep work with the AP forward. These steps do not have to be done in order. Try to get through the following topics in an organic conversation rather than a mechanical checklist exercise.

I. Introduction

- Present business card and/or brochure
- Explain who you each/all are and your role(s) in the process
- Name the incident and how the referral was received
- Describe the community's concern to address the impacts of the crime/incident in a manner that is meaningful to the AP (as found in RJ philosophy)
- Establish confidentiality and its limits (form required)
- Ask the other facilitator "Is there anything that you want to add?"

II. State Purpose of Meeting

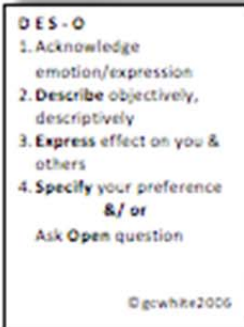
- Provide information about the justice system process (RJ and CJS)
- Explain the options available to them
- Ask the other facilitator "Is there anything that you want to add?"

III. Explain the Program

- A non-profit, community-serving program
- Cases are referred from Victoria Police, Crown, schools, ICBC, UVic, agencies and members of the community
- Has been in operation since 2002
- Often involves a face-to-face meeting between the RP and those who were affected by his/her actions
- The focus of the program is meeting the needs of the AP, RP and others, created by the offence
- Ask the other facilitator "Is there anything that you want to add?"

IV. Explore the AP's Perspectives and Feelings

- All initial conversations are exploratory to see if the situation is appropriate for restorative justice
- Explore what happened (the facts of the event)
- Explore how the event has impacted the AP (e.g. mental, emotional, physical, financial)
- Explore the impact of the event on others in the AP's life (e.g. their friends and family, neighbours, the community at large)
- Explore what needs to happen for the AP to gain closure
- Explore what offender accountability looks like to them
- Identify concerns/issues that the AP wants to see addressed
- Ask the other facilitator "Is there anything that you want to add?"



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V. **Reparation/Restitution**

- Explore the AP's desired outcomes, including symbolic and substantive reparation (where financial restitution is desired, clarify the amount of losses and explain the need for documentation)
- Explore with the AP the "what ifs" if they do not receive what they are asking for in the process (e.g. financial restitution, questions answered, a sincere apology). Discuss what they would be willing to accept
- Explore the AP's thoughts and ideas regarding how the RP can make things right with the community (e.g. volunteer service, public education, etc)
- Ask the other facilitator "Is there anything that you want to add?"

VI. **Explore Options**

- Explore the option of a face-to-face meeting with the RP
- If the AP wants to participate in the meeting, offer an AP mentor and mention Victim Services if necessary
- Ask the AP who they think should be present at the meeting
- If the AP does not want to meet face-to-face with the RP but still wants to be involved, explore with them other ways in which they may participate (e.g. write a statement for the facilitators to read at the meeting, send a representative on their behalf, request a statement/explanation from the RP answering questions that they have, make suggestions for the agreement that can be discussed at the meeting (note: we cannot guarantee that what they request will be in the agreement because it is built at the meeting), or merely be informed of the outcomes of the case)
- Explain what the process will look like if the AP does not participate (Community Accountability Dialogue)
- Ask the other facilitator "Is there anything that you want to add?"

VII. **Explain the Conferencing Process** (if the AP indicates that they would like to participate)

- Describe the physical setting (room, table, chairs, etc)
- Describe the (potential) location(s) of the meeting
- Describe the steps of the conference (including the prep and agreement stages)
- Review with the AP the questions that you will be asking them in stage 2 (form required)
- Describe what will happen if the process breaks down
- Discuss attendees
- Describe the role of all potential participants, e.g. the facilitators (*"Ensure that it is a safe and respectful place where you can discuss the offence/incident and its impacts"*), mentor, community member(s), supporters, police
- Explore who can support them in the meeting and outside of the meeting
- Invite the AP to think about how they might want to participate in designing the process (see the "Integrating Victims Voice in Process Design" form)
- Explore AP capability (communications, speak for self, etc.)
- Explore their stress level regarding participating in a dialogue with the RP
- Explore strategies for self-management and signal cues
- Determine if they have any safety considerations or concerns about being involved. If they do, ask what we can do to address those concerns
- Explore what they hope to gain from participating in the meeting
- Ask: "On a scale from 1 to 10, how ready do you feel?"**

Appendix F: Restorative Justice Dialogue Explanation (Affected Party)

RESTORATIVE JUSTICE DIALOGUE EXPLANATION (Affected Person)

You have agreed to voluntarily participate in a restorative justice process, which includes a group meeting called a restorative justice dialogue that will focus on the events that occurred on the date of the offence, and may explore other issues that are relevant to the incident.

The goal of the meeting will be to explore in what ways you and the community have been affected by the responsible person's actions, and hopefully work towards repairing the harm/negative effects that have resulted, as well as the root cause(s) of why it happened. We will never expect or encourage you to forgive or reconcile with the responsible party; this is up to you but is not a goal of this meeting. This is a victim-centered program so please let us know how we can support you and meet your needs.

You will be asked to answer some or all of the following questions (not all will be relevant in each case):

- “What happened?” or “Paint us a picture of what happened.”
- “How did it affect you at the time?”
- “What has happened for you since?”
- “How do you feel about what happened?”
- “How did your family and friends react when they heard about the _____ [offence]?”
- “What has been the hardest thing for you?”
- “What would you like the responsible party to understand?”
- “What are your hopes for this meeting?”
- “Is there anything else you would like to add?”
- “In what ways can the responsible person repair the harm/negative consequences of his/her actions?”
- “In what ways do you think the responsible person can address the cause(s) of his/her actions and work towards preventing them from reoccurring?”

Please give these questions some thought before the process. We recognize that this may be difficult for you, so please do not hesitate to contact the facilitator or VRJS staff at any point - we are all here to support you. The restorative justice dialogue is flexible to your needs, so please let us know if you have any requests for adjusting it.

It is difficult to estimate how long the dialogue will take, so **please set aside three hours for the duration of this meeting**. (It may or may not take this length of time, so we like to be safe and over-estimate.) All participants will be asked to fill out an evaluation at the end of the meeting.

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If you have questions before the process, please feel free to contact the facilitator or VRJS office. You can find more information about our program on our website: www.vrjs.org.

For your information, these are the typical questions that will be asked to the responsible party/parties (though they are commonly amended to fit each individual case):

- “What happened?” or “Paint us a picture of what happened.”
- “What was going through your mind at the time?”
- “What were you feeling?”
- “What have you thought about since then?”
- “How do you feel about it now looking back?”
- “Who do you think has been affected by your actions?”
- “How have they been affected?”

- “What are your hopes for this meeting?”
- “Is there anything else you would like to add?”
- “In what ways can you repair the harm/negative consequences of your actions?”
- “In what ways can you address the cause(s) of your actions and work towards preventing them from reoccurring?”

Appendix G: Facilitator Checklist – Restorative Justice Dialogue

FACILITATOR CHECKLIST – RESTORATIVE JUSTICE DIALOGUE

PRE-RJD

- View the most up-to-date version of the Caseworker Manual, read through your role description
- Through communication with your co-facilitator, determine a time when you can both meet at the office to obtain the file, review it, and begin to plan out the case
- Attend the office, obtain the file, and review it with your co-facilitator and the RJ Vic staff managing the case
- When reviewing the file with your co-facilitator, determine who will manage initial contacts with the RP, the AP, and anyone else involved in the case
- Wait for the mentor to contact you and your co-facilitator after he/she has spoken with the RP, then whoever has been assigned to make initial contact with the RP, calls the RP to set up a pre-RJD meeting with you, your co-facilitator, the mentor, the RP, and any supporters the RP wishes to bring. During pre-RJD meeting with RP (see exploratory meeting checklist for more details):
 - *Determine RP's suitability & potential to benefit from an RJD*
 - *Explore the facts of the offence and its impacts while ensuring the whole story is saved for the RJD*
 - *Explain RJD process*
 - *Ask RP to consider what actions s/he might undertake to 'repair the harm'*
 - *Ensure that the RP signs all relevant pre-RJD forms as described on form reference sheet*
 - *Obtain availability for the RJD*
- After the pre-RJD meeting with the RP, whoever has been assigned to make initial contact with the AP calls the AP to set up a pre-RJD meeting with you, your co-facilitator, the AP, and any supporters the AP wishes to bring. During pre-RJD meeting with AP (see exploratory meeting checklist for more details):
 - *Explore the facts of the offence and its impacts*
 - *Explain RJD process*
 - *Address any safety or other concerns*
 - *Ask AP to consider what actions the RP might take to 'repair the harm'*
 - *Obtain availability for the RJD*
- Debrief with RJ Vic staff member on how both pre-RJD meetings went
- If a police officer is attending the RJD, ask the RJ Vic staff member to contact the officer to get their availability to attend the RJD
- Additional pre-RJD meetings may be required with the RP, AP, or both. Continue to meet with the RP and AP until you, your co-facilitator, the mentor (in relation to the RP), and the RP and AP all feel ready to move to the RJD
- Book a date for the RJD based on the availability of the participants (including the officer as they will only attend RJDs during their scheduled work hours), inform RJ Vic staff member who will find you a venue for the meeting and locate relevant community members
- Contact community members (by phone or email) and prepare them for the RJD
- Confirm with RJ Vic staff that a space is booked for the RJD, and obtain the kit from the office
- Re-confirm the RJD date and time with all participants 1 – 2 days prior to the RJD

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- Meet with your co-facilitator to determine who will handle what aspects of the outline and to amend the outline as needed

RJD

- Arrive 30 minutes early for the RJD to debrief with the team and set up
- Determine with your co-facilitator who will:
 - Have participants sign the oath of confidentiality
 - Write out names on nametags and put on chairs
 - Hand out evaluations during the agreement
 - Write up the agreement and have participants sign
 - Collect completed evaluations from the participants
- Place the police officer's evaluation in an accessible spot so that he/she can grab it if he/she has to leave the RJD early
- When participants arrive greet them and direct them to their seats or a breakout room as required
- When the police officer arrives ask him/her to either fill out the evaluation you have placed close to the door before he/she leaves or to take the form with him/her, fill it out, and leave it in the restorative justice folder, which is located in the external mail folder behind the front desk at VicPD
- Once everyone has arrived, commence with the RJD, following the outline provided in the kit and the roles you and your co-facilitator have agreed to in advance
- During the agreement stage ensure that one of the facilitators completes the following:
 - Record all information pertaining to the agreement
 - Once an agreement is reached, read the terms to the members of the circle, and
 - *Ensure completion dates for each term of the agreement are staggered*
 - *Ensure agreement is do-able, quantifiable and verifiable*
 - Once circle participants agree upon all agreement terms, write it up formally on the form provided. *Before you do this, hand out the evaluations so participants can complete them while you write up the formal agreement
 - Ask all participants to sign/initial each page of the agreement then make copies of it (just the first page is necessary) for the AP, RP, facilitator, and mentor. Inquire whether any supporters or the police officer would also like a copy of the agreement
 - Provide the RP with volunteer/treatment verification forms if necessary. If organizations have been decided upon, have them sign a client disclosure of information form for each. If the organization is to be decided, provide forms to the mentor to ensure the RP signs upon selection of organization(s)
- Serve refreshments
- Have participants sign the agreement
- Get the completed evaluation forms from participants
- Clean up

POST-RJD

- Co-facilitate the team debrief using the reflective practice debrief form in the binder
- Facilitators jointly complete the facilitator evaluation form
- Lock up the venue

- Drop off the kit to the office the next working day after the RJD

REMEMBER TO CC THE RJVic STAFF MEMBER MANAGING THE CASE IN ALL CORRESPONDENCE

Appendix H: Excerpt from Section 5.1 of The Victims of Crime: Victim Service Worker Handbook: Information + Resources For Victim Service Workers produced by the Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General

Section 5.1: What victims of crime need

- **Safety.** Victim safety is paramount. This can take the form of safety planning or crime prevention strategies.
- **Inclusion in the decision-making process.** Victims' views should be actively solicited and their comments taken into account.
- **Respectful treatment.** Validation of victims experience and ability to cope are crucial elements in empowering them to deal with victimization.
- **Practical, accurate, and comprehensive information.** Timely information, presented in plain language, is one of the most basic needs of victims of crime.
- **Timely responses.** Timeliness of police response, the charging and court process, and provision of support services and referrals are all essential for victim safety and successful utilization of the justice system.
- **Access to a wide range of resources.** Workers should be aware of supports in their communities, the services they provide, and how to refer effectively.
- **Support throughout the legal process.** Victims need emotional and practical support from police report through to post-sentencing.
- **Advocacy.** Victims may need an advocate if they are not able to access the services they need or if they system is not working for them as it should.
- **Culturally appropriate services.** Victims from different cultural backgrounds need services that are not only accessible in terms of language but also sensitive to various cultural pressures and conflicts.
- **Services that meet their special needs.** A basic need of all victims is sensitivity to their particular circumstances. Victims from all diversity groups have distinct needs.
- **A sense of security.** As much as possible, victims need to have their sense of security restored. Workers need to be aware of community resources that can help meet this need.
- **Closure.** It is important to keep the victim informed of the final outcome of the case and to debrief on the outcome and the process.
- **Follow-up.** It is important to check in regularly with victims to see how things are going and let them know what is happening with the offender. (pp. 110-111)

Appendix I: 10 Signposts from Achilles & Zehr

1. Victims and victim advocates are represented on governing bodies and initial planning committees;
2. Efforts to involve victims grow out of a desire to assist them, not offenders. Victims are not responsible to rehabilitate or assist offenders unless they choose to do so;
3. Victims' safety is a fundamental element of program design;
4. Victims clearly understand their roles in the program including potential benefits and risks to themselves and offenders;
5. Confidentiality is provided within clear guidelines;
6. Victims have as much information as possible about their case, the offense, and their offenders;
7. Victims can identify and articulate their needs and are given choices;
8. Victims' opportunity for involvement is maximized;
9. Program design provides referrals for support and assistance;
10. Services are available to victims even when their offenders have not been arrested or are unwilling or unable to participate (as cited in Achilles & Stutzman-Amstutz, 2005, p. 219)

Appendix J: Appendix K from the Caseworker Manual, titled Integrating the AP's (Affected Party's) Voice in RJ Process Design

APPENDIX K: INTEGRATING THE AP'S VOICE IN RJ PROCESS DESIGN

Particularly in cases of interpersonal harm, it is advisable to invite AP's to have input into the design of the RJD. This can help empower AP's and create a sense of safety for themselves. While the facilitator has a responsibility to ensure that the RJD adheres to restorative principles, inviting AP's to consider the questions below may assist in developing a process that is tailored to the unique needs of the situation and people.

1. Who has been impacted and how should they be included in the process?
2. What level of responsibility on the part of the RP is acceptable in order to move forward with an RJD?
3. In cases of multiple RP's, is one RJD with all RP's and supporters present preferable, or is it better to have multiple RJDs?
4. Where should the RJD be held?
5. Who should be present in the conference (in general and for your support?)
6. Would you like to be sitting in the room before the RP arrives, or vice-versa?
7. Where are people sitting in the circle of chairs?
8. What is the most comfortable sequence of speaking?
9. What are the most important questions that need to be asked? To whom?
10. What is the order of questions – which is most important to ask first?
11. Do we hear from all the participants first and then move to dialogue, or do you and the RP share uninterrupted first and then a dialogue occurs before hearing from the rest of the participants”
12. How can we support you if you hear new information or something that is difficult for you?
13. How much depth is important in storytelling?
14. How should the breaks be called?
15. Leading into the agreement stage, would you like to suggest reparation ideas first, or hear the RP's ideas first?

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