EVALUATING EVALUATION: AN INVESTIGATION INTO THE PURPOSE AND PRACTICE OF EVALUATION IN RESTORATIVE JUSTICE BASED PROGRAMS

by

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ABSTRACT

Restorative justice (RJ) theory and practice has grown in the last 30 years, becoming an international movement to re-invent justice. With this growth, many have asked about the effectiveness of RJ alternatives. Researchers, practitioners and participants advocate its benefits, and typically, evaluation supports its continued use. The purpose of this thesis is twofold: to critically review the academic literature examining restorative justice evaluation; and, as an illustrative case study, to evaluate 160 participant feedback surveys completed between 2002 and 2008 from an RJ program, North Shore Restorative Justice Society (NSRJS). Results indicate that the majority of participants were satisfied with the program, felt it met their needs, and was successful. However, critical analysis of the literature, coupled with further analyses within the case study, suggest more work is needed to advance evaluation of restorative justice, including clarifying concepts and measures of success, information sharing, and conducting participatory action research.

Keywords: Restorative justice; program evaluation; measures of success and effectiveness; restorative outcomes; restorative processes

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wise and confident acknowledge this help with gratitude."*
(Alfred North Whitehead)

*"I would thank you from the bottom of my heart, but for you my heart has
no bottom."*
(Unknown)

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This thesis has been a labour of love and hard work and for those of you who know me, I love a good metaphor (as does the entire paradigm of restorative justice). I used the metaphor of a butterfly throughout my thesis and I would like to leave you with the following quote:

> *A butterfly lights beside us like a sunbeam and for a brief moment, its glory and beauty belong to our world. But then it flies again and though we wish it could have stayed... we feel lucky to have seen it.*

Sincerely,

Melissa Roberts

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1: INTRODUCTION - YOU HAVE TO KNOW WHERE YOU HAVE BEEN AND WHERE YOU ARE IN ORDER TO KNOW WHERE YOU ARE GOING!

> *"Never doubt that a small group of thoughtful committed citizens can change the world: Indeed it's the only thing that ever has."*
> *(Margaret Mead[1])*

Restorative justice has been growing over the past 30 years since Nils Christie (1977) wrote his seminal work, *Conflict as Property*. Christie (1977) argued that our justice systems steal conflict from the people most impacted by crime and for these systems to be effective at helping resolve issues of crime, the people most affected must have an active role in the process. Restorative justice offers just that – meaningful participation for all the parties affected by crime. As Sawatsky (2008) suggests, restorative justice allows for the "co-creation of a beautiful, deep justice" for all involved (p.85). Restorative justice as a paradigm certainly has gained momentum and now is a global movement with much internal diversity, that advocates for an alternative way of responding to crime and wrongdoing including meaningful participation, genuine accountability, recovery of social capital and community involvement, healing, and successful reintegration, among others (Doolin, 2007; Johnstone & Van Ness, 2007a). Some think of restorative justice as a "soft-on-crime, hippie-loving, granola-crunching, and kumbaya-singing, hug-it-out" process. Others see it as a viable and valuable alternative approach to crime, diametrically opposed to the values of the current criminal justice system, while a myriad of others fall somewhere on the spectrum between.

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[1] Quote taken from Simon Fraser University's Centre for Restorative Justice Website, at http://www.sfu.ca/crj/quotes.html

Restorative justice is being practiced the world round and is prevalent here in British Columbia. Nearly every city or town, even tiny Ladysmith, BC, has a restorative program. As a testament to restorative justice's growing popularity in this province, in the past two years the Ministry of Public Safety and Solicitor General has appointed a Provincial Restorative Justice Coordinator to oversee restorative practices in BC and act as a source of information for programs and practitioners. British Columbia and the rest of Canada, along with England, Australia, and New Zealand (to name a few) are front-runners in the promotion and development of restorative practices and serve as examples for other countries interested in restorative justice. With its growing popularity, academics and practitioners alike have scrutinized the effectiveness and practice of restorative justice. A central question that emerged from discussions is "does restorative justice work?"

With this global explosion, "a vast amount of literature has been produced, explaining and promoting the ideas of restorative justice, describing its practical applications, debating theoretical issues and presenting findings from evaluations of restorative justice programmes" (Zernova, 2007, p.31). It is at this point where this thesis begins. As recently as three or four years ago, one of the major critiques of restorative justice was that there was not enough empirical evidence to support its continued use, and as Daly (2002) suggests, there is a "thin empirical record of what is happening on the ground in the practice of restorative justice" (p.282). Since Daly (2002) and Bonta, Wallace-Capretta, Rooney, and McAnoy (2002) wrote that there were few empirical studies on the evaluation of restorative justice, the number has increased dramatically. These studies, much like the varied number of definitions of restorative justice, are diverse in their conceptualization of success and effectiveness, methodological approaches, findings, and overall conclusions. Despite this heterogeneity, there is

overwhelming support for restorative justice and evidence suggests that, at the bare minimum, restorative justice is doing as well and no worse, than the current criminal justice system (Schiff & Bazemore, 2001, p.325).

Evaluation of restorative justice initiatives is an expanding topic because advocates and naysayers alike want to know, as Pranis (2004) suggests, the answer to the crucial question: does restorative justice work? There is a growing curiosity about evaluation and there is recognition that evaluation of restorative justice is necessary to the paradigm's future growth and success. At the intersection of what has been done and what lies ahead in the future is the crux of this research. The purpose of this thesis is twofold: to critically review the academic literature examining restorative justice evaluation and, as an illustrative case study, to evaluate 160 participant feedback surveys completed between 2002 and 2008 from an RJ program, North Shore Restorative Justice Society (NSRJS). Evaluating the participant feedback surveys for NSRJS serves several purposes. It allows for the organization to have their feedback formally compiled and evaluated: for the structure of NSRJS's to be compared to the literature on restorative justice evaluation; for results of the NSRJS feedback surveys to be compared to the results in the academic literature; and finally, for suggestions of improvement for the NSRJS evaluation process and the suggestions for the future of restorative justice evaluation as a whole. Essentially, the main theme of this thesis is that *you have to know where you have been and where you are in order to know where you are going*. The review of the restorative justice evaluation literature was essential to understand what has been done and what is being done in order to make suggestions for the future. In developing this research, I asked myself three questions:

What? (Has been done; is being done)
So What? (Why does it matter; why is it meaningful)
Now What? (How do we take what we have learned and move forward)

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These questions are critical in exploring restorative justice evaluation and it is my hope that this work, while it may result in more questions than answers (as most research does) gives us as restorative justice advocates, practitioners, academics, and researchers a meeting place to continue to talk about the future of restorative justice evaluation. As Zehr (2005b) states, evaluation provides an arena for people to sort out what justice means, and while this journey has an unclear destination, "we are early in our journey, so we must acknowledge that there will be many forks in the road and if perchance, we end up on the "wrong" fork, we have to work to get back on the "right" path" (p.302).

Thesis Organization

Following this chapter, this thesis will be organized as follows: Chapter 2 includes a discussion of the available literature on evaluation in restorative justice, broken into three main sections – a brief overview of what restorative justice is; the case made for restorative justice; and finally restorative justice evaluation literature. Chapter 3 contains a brief discussion and history of the program of study, North Shore Restorative Justice Society (NSRJS). Chapter 4 includes a description of the research methodology and description of the research sample, while Chapter 5 combines both the results and discussion of the NSRJS participant feedback surveys. Finally, Chapter 6 includes a discussion of suggestions for the future of evaluation in restorative justice and conclusions.

2: COLLECTING BUTTERFLIES - A LITERATURE REVIEW OF RESTORATIVE JUSTICE EVALUATION

Overview

> *Like butterfly collecting, there is a tendency within much restorative justice literature to extract examples (often drawn from around the world or across time) which are abstracted and removed from the cultural and social environment which sustains them. Again, like the butterfly collector, the examples sought are 'pretty' or 'exotic' ones that seek to illustrate the case for restorative justice, rather than engage with the less attractive aspects of social arrangement and human relations. This butterfly collecting operates at two levels. First, it is reflected in the way in which restorative proponents select the benign aspects of community self-regulation and the spectacular examples of forgiving and reintegration... At a second level, butterfly collecting is to be found in the internationalization of restorative justice*
> *(Crawford, 2002, p.111)*

The metaphor of "butterfly collecting[2]" was used to represent the exploration of the restorative justice evaluation literature. While this literature review is not exhaustive, it represents a 'snapshot' of the happenings and goings-on in the world of restorative justice evaluation. To some extent, this literature review IS about the best and the brightest in the field, thus emulating a butterfly collecting expedition. It is also about "bullfrogs" – in that it is important to identify what is not working and what needs to be improved in order to move forward. Every effort was made to preserve context and authenticity, but as Crawford (2002) indicates, in order to make a case for restorative justice, we take the best and the brightest examples to illustrate our point. Zehr & Mika (1998) suggest that "often, evaluations are conducted on exemplary programs that may

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[2] Butterfly collecting is mentioned by Crawford (2002), but Brenda Morrison of Simon Fraser University speaks of Butterflies and Bullfrogs when discussing what is working and what is not. This chapter is mainly about butterflies, but a little about bullfrogs.

not, due to high funding levels or other support, be representative of most other community-based restorative justice initiatives" (p.59). Overall, regardless or butterflies or bullfrogs, it is, as stated in the introduction, important to know where you have been in order to know where you are headed.

The literature discussed in the following sections is broken down into three main parts: a brief introduction of what restorative justice is, and what it is not; a discussion of the case for restorative justice – why restorative justice is important; and a review of the literature surrounding evaluation in the restorative justice context. While the body of academic literature on program evaluation spans numerous disciplines, the choice only to only include restorative justice evaluation literature was made purposefully, as evaluation in restorative justice is highly specialized and unique to the paradigm itself.

What is Restorative Justice?

> *What if justice isn't ugly? What if justice is something beautiful and whole? If injustice is about excluding, taking way, breaking, and being shamed, then shouldn't justice be more about embracing, giving back, connecting, and becoming radiant? If injustice is about losing identity, shouldn't justice be about rediscovering identity? Restorative justice co-creates a beautiful deep justice*
> *(Sawatsky, 2008, p.2)*

Restorative justice is many things to many people. For some, it is a paradigm shift in response to the current retributive justice system (Zehr, 2005a). For others it is an innovative program or process about doing 'justice' differently (Doolin, 2007, p.427; Forget, 2003, p.3; Zehr, 2002; among others). And for others still, it is a set of guiding principles and values that not only guide the response to harm doing, but as a way to live life (Pranis, 2004, p.135). For Howard Zehr (2002), restorative justice is likened to a

metaphor[3] of a river flowing along, constantly meeting up with tributary streams and bringing together different types of waters to a common goal – the ocean. This notion of a river is representative of a holistic and all-encompassing response to both life and crime. Essentially, restorative justice provides a different way of dealing with crime, but how this is defined and occurs is highly debated within the field of restorative justice. As Johnstone and Van Ness (2007a) so aptly state, "the restorative justice movement is a global social movement with huge internal diversity. Its broad goal is to transform the way contemporary societies view and respond to crime and [other] troublesome behaviour" (p.5). Arguably, this is where agreement ends (Sharpe, 1998).

Restorative justice has grown tremendously in the past thirty years, yet despite a rich theory base (both normatively and explanatory), large numbers of practitioners and academics, and that it is practiced all over the world, there is no settled meaning of what restorative justice is (Hoyle, 2010, p.9; Johnstone & Van Ness, 2007a, p.5). Despite this diversity, there are some common threads identified by Hoyle (2010):

> most agree that it encompasses a diverse and developing set of values, aims, and processes which have as a common factor, attempts to repair harm caused by criminal and other disruptive behaviour. It may address a wide range of such harms, including both material and psychological damage, as well as damage to relationships and the more general social order (p.9)

Hoyle's definition includes the various dimensions of restorative justice, namely that it is a paradigm, a theory of justice, a set of values, and/or a process. Throughout the literature, definitions of restorative justice represent one, some, or all of these dimensions. Arguably, the most popular is the process-based definition whereby restorative justice is defined as "how to do justice" restoratively or doing restorative

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[3] In a Restorative Justice conference held in Abbotsford on April 30th and May 1st, 2010, Dave Gustafson, while giving the concluding and summative remarks for Day 1 of the conference, said that restorative justice cannot exist without metaphors – it's a river, a wheel, a circle, etc.

justice includes the "following components..." Frequently cited is Marshall's (1996) definition, which is a process-based understanding of restorative justice and suggests that "restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (p.190). Process-based definitions are also offered by Chatterjee (1999), Dignan (2007), the United Nations (UNODC, 2006), and Van Ness (2003) among others. In all these definitions, restorative justice is thought of as a process, practice, or program. The conciliatory nature of restorative programs are also emphasized, as seen with Van Ness' (2003) definition

> The label 'restorative' is applied to particular kinds of programmes – mediation, conferencing, or circles – whose purpose is to allow victims, offenders, and those close to them to meet, to talk about their specific crimes and to consider ways to address the harm that resulted (p.157).

Forget's (2003) process-based definition acknowledges that restorative justice is not only participatory, but also should be about a way of living with one another. He states, "restorative justice is a set of participatory processes through which we develop the desire and the ability to live peacefully and productively in community with those who have harmed us, and/or those we've harmed" (Forget, 2003, p.3). Interestingly, most of the literature published by governmental agencies or regulatory bodies advocate for a process-based definition. Processes are easier to define, operationalize, and understand, whilst it is more complicated to do this with values. In terms of process, it is essential that the definition of restorative practice align with the actual practice. When these are out of alignment, problems can arise. Some definitions of processes may sound "restorative," but in practice, as Zehr and Mika (1998) suggest, they may not even contain some of the "essential elements originally associated with restorative justice" (p.57). In the end, words are just words and if these words are not lived, they are meaningless. Essentially, talk is cheap, but actions speak volumes. Advocates of

restorative justice being "more than just a process," suggest that when definitions are only practice-oriented they are devoid of values and "values are important in crime" (Marshall, 1996, p.191). Some academics and practitioners are firmer in their arguments that restorative justice is not a process.

About a decade ago the divide between process and value based definitions was strong, with process conceptions being the most dominant (Strang & Braithwaite, 2001, p.1). Part of this debate led to a deepening of the values based ideas. Van Ness (2005), for example, divided values into operational and normative (p.5). Braithwaite (2002a) divided them into constraining, maximizing and emergent values (p.569-570). Sharpe (1998) states, "restorative justice is NOT a type of program or a set of activities. Rather it is justice that is marked by certain qualities, and is a product of certain kinds of interactions" (p.48). While processes are an important component of restorative justice, it is more than circles, conferences, and meetings – there has to be something guiding HOW to engage in those processes, which leads directly to a discussion of paradigms, theories, and values.

Johnstone and Van Ness (2007a) speak of restorative justice as a concept, which is appraisive, internally complex, and open (p.6-8) and they view restorative justice as encompassing three main ideas: encounter – active participation (p.9), reparation – making things right (p.12); and transformation – change understanding of self and others (p.15). Johnstone and Van Ness (2007a) begin by recognizing that the literature is divided into these three main camps, yet they acknowledge there is considerable overlap (and tension) of these three conceptions. Therefore, the three should be integrated to produce a complete definition of restorative justice. This definition of restorative justice is holistic in that it includes process, values, and paradigm, and is largely representative of the balance of definitions seen in the

literature. Closely tied to this is Roche's (2003) view on restorative justice, in that it includes personalism, participation, reparation, and reintegration (p.21). Van Ness and Strong (2006), define restorative justice as "a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders" (p.43). Again, we see the balance of theory and practice, also known as praxis (see Gustafson, 2004; Zehr, 2002). Sharpe (1998) views restorative justice via the "big picture," stating:

> Restorative justice is fundamentally different from retributive justice. It is justice that puts energy into the future, not into what is past. It focuses on what needs to be healed, what needs to be repaid, what needs to be learned in the wake of a crime. It looks at what needs to be strengthened if such things are not to happen again (p.7)

Viewing crime and the response to crime in a different light runs continuously through all the restorative justice definitions. For example, Zehr and Mika (1998) speak of crime as a violation of people and relationships, not just as a violation of the criminal code and the state (p.60; see also Zehr, 2002). When crime is viewed from the perspective of those affected most by the crime (usually the victim(s) and offender in traditional terminology), the reaction to the crime changes dramatically. Focusing on responsibilities, obligations, and needs (of all parties – victim, offender, and community), makes healing and repair central to the response to crime or harm (Zehr, 2002, p.14-18, 32-33; Zehr and Mika, 1998, p.60-62). Zehr (2002) suggests that the core questions we ask when responding to crime/harm in a restorative way are fundamentally different from the questions asked by the criminal justice system. The criminal justice system asks – what laws were broken? who did it? and what do they deserve?, whereas restorative justice asks – who has been hurt?, what are their needs?, and whose obligations are these? (p.21). These questions speak to the values and concepts of the two different responses to crime –

one being offender focused (the CJS) and the other victim focused, yet also including the offender (RJ).

When thinking about restorative justice, it is about healing, reconnecting, reintegrating, and conversing. Restorative justice, according to Morrison (2006) should "reweave the social fabric of individuals' lives through mechanisms of support and accountability" (p.389). Support is essential in restorative justice, in that restorative justice acknowledges that we are social and interconnected beings and that in order to heal, we must feel connected to others to help us along our paths. Commonalities throughout the majority of restorative definitions include reparation, stakeholders and community, and relationships. Values, according to many academics and practitioners, are inseparable from restorative justice. Zehr (2002) asks us to envision a bicycle wheel imagining that the hub and spokes represent the principles of restorative justice. The wheel is not functional or structurally sound with a hub and spokes alone, it needs to be surrounded by a rim, in this case a rim of values, in order to work properly (p.35). Pranis, Stuart, and Wedge (2003) suggest these values should include love, respect, honesty, humility, sharing, courage, inclusivity, empathy, trust, and forgiveness (p.47). Further to this list Van Ness and Strong (2006) add amends, assistance, collaboration, empowerment, encounter, inclusion, moral education, protection, reintegration, and resolution (p.49-50). These values, whatever they are determined to be, help define both restorative justice and the practice that results. The most important aspect of values is working and living according to those values.

The question then becomes, if restorative justice IS all of what has been said, how do we make sure the "talk becomes the walk"? Sharpe (1998) suggests that in order for restorative justice to live up to its definitions, it must have certain touchstones to keep practices in alignment with values:

Five core touchstones:
- Invite full participation and consensus
- Heal what has been broken
- Seek full and direct accountability
- Reunite what has been divided
- Strengthen the community to prevent further harms

Restorative Justice also:

- Hold victims as central
- Ensure preparation and safety for all included
- Facilitates dialogue among persons involved
- Strives for reintegration (p.7, 49)

Wallis and Tudor (2008) reiterate the aforementioned touchstones, but also add that restorative justice should facilitate communication, allow for ownership of information and process by those involved, is party-led, and requires scrupulous honesty, flexibility, active listening, neutrality, voluntariness, and self-awareness (p.16-18). Further to this, having an understanding of the values that "should" be present is only one part of the equation – we must also have practices that reflect these values. The way in which restorative justice is practiced is almost limitless and as Zehr and Mika (1998) suggest, there is a "dizzying array" of incantations of restorative justice practice. These could include, but are not limited to, victim-offender mediation (VOM), victim-offender reconciliation (VORP), community conferencing, healing circles or community peacemaking circles, shuttle mediation, etc. (Sharpe, 1998, p.24-42; UNODC, 2006).

So many speak of what restorative justice IS. Howard Zehr (2002) chose to discuss restorative justice in the context of what it is NOT in order to understand what it is. He offers the following features of what restorative justice is not:

- Not primarily about forgiveness or conciliation
- Not mediation
- Not primarily designed to reduce recidivism or repeat offences
- Not a particular program or a blueprint
- Not primarily intended for comparatively minor offences or for first-time offenders

- Not a new or North American development
- Neither a panacea nor necessarily a replacement for the legal system
- Not necessarily an alternative to prison
- Not necessarily the opposite of retribution (p.8-13)

Many of the common misconceptions assume that restorative justice is one or

many of the "NOTS" as discussed by Zehr. Understanding what restorative justice IS, is

complicated, at best. Students, at SFU (for example) take an introductory course about

restorative justice spend four months learning about restorative justice only to be left

with more questions than answers (Elliott, 2010). The more reading, learning and

immersing about/with the paradigm one does only leads to the need for more reading

and learning. One thing is for certain, experiencing and learning about restorative justice

can change the way one views relationships, justice, and communication. Without doubt,

restorative justice brings people together respectfully and allows them to be authentic in

exploring their humanity.

While this discussion of restorative justice has been positive and idealistic, (much

like collecting different species of butterflies – some are beautiful, some are not),

problems do arise with co-optation of restorative justice terminology. In other words, just

because a program uses the language of restorative justice or calls a practice

restorative, it may not be. We come back to the notion of "if you are going to talk the talk,

you must be able to walk it as well." With co-optation also comes the danger of removing

a restorative practice or process from its context and original understanding, which could

lead to placing the process in new situations where they may not work. As Sawatsky

(2008) so eloquently states,

> Although many people speak of restorative justice and peace-building as
> a values-based or a principles-based movement, few have offered a
> coherent articulation of those values. Without such a clear articulation,
> these fields are susceptible to cooptation and to technique proliferation.
> Without understanding how restorative justice processes are rooted in
> particular virtues, one is tempted to use them in inappropriate ways... Too
> often when we institutionalize these virtues, they become tools of

oppression and control rather than empowerment. When we universalize methods, we unhook them from their context, their virtues, their narrative roots, and the means that give them birth. By universalizing methods, we impose them on new situations that they may not fit (p.5).

The best use of restorative justice is the development of programs by a community for the community in which it will serve. This grass-roots approach will allow for authenticity of context, need, and response. The perfect "recipe for restorative justice" is for the development of programs at the community level. Overall, restorative justice views conflict as an opportunity for growth, learning, and development.

This section was not meant to be exhaustive, or all encompassing concerning defining restorative justice, but sought to provide a brief yet diverse discussion of how restorative justice is being conceptualized in the current literature.

The Case for Restorative Justice

> *The holes in our criminal justice system are so glaring, it doesn't take long for an open-minded person to come across them, and before long [one recognizes] what [is] wrong with the current system... 'There is nothing wrong with our existing justice system except for that it is an expensive, unjust, immoral failure'* (Morris, 2000, p.5).

The question on the lips of many is 'why restorative justice? What makes this approach so special? Why should we 'buy it?' These questions are straightforward and relatively simple; however, the answers are not. The quick and easy response is that the criminal justice system is not working and is not achieving its goals; therefore, we need another option (See Johnstone, 2005; among others). There are several reasons as to why restorative justice helps alleviate some of the pitfalls of the traditional criminal justice system, including co-optation of conflict, failure of the system to promote healing, and failure to meet the needs of participants.

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The first indication is the lack of inclusivity in the criminal justice system. Over thirty years ago, Nils Christie (1977) wrote a seminal paper, arguing that our criminal justice system is doing us, society, a great injustice because ownership of conflict has been taken away from both victims and offenders and has been taken by the state (lawyers, police, courts, judges, etc.) (p.1). Christie (1977) argued for "conflict as property," in that ownership of conflict, crime, and the response should be the property of communities, victims, and offenders (p.1). Within our current CJS, crimes are committed against the state, which becomes the victim (for example in citing court a case, the "opponent" of the offender is always the Queen who is representative of the state or government) and the true victims, at best, become a witness to the crime in the court process (Strang, 2002, p.58). The criminal justice system is tailored to protect the rights of the offender against the unwieldy power and resources of the state and enforce retribution against the offender (Strang, 2002, p.58); this "emphasis on the offender has been criticized by some victims groups who have felt abandoned and betrayed by the criminal justice system" (Bonta, Wallace-Capretta, & Rooney, 1998, p.1). The people most affected by the crime play the least substantial role in the process. Latimer and Kleinknecht (2000) state,

> there has been growing recognition in Canada that the traditional justice system is not always the most appropriate response to a significant portion of criminal behaviour. This understanding results from several distinct social changes, including an awareness of the needs of victims and a more sophisticated evaluation of the limitations of the criminal justice system (p.4)

If the system we are using to respond to crime is not always the best response, yet we continue to use it expecting different and improved results, we, as a society, should be worried. In the words of Anthony Robbins (2010), "if you do what you've always done, you'll get what you've always gotten." The research evidence shows that the criminal justice system is not effective, yet changes in government policy and practice are slow to

reflect this. Additionally, with the current conservative "get tougher on crime" climate,

positive change in favour of restorative justice is unlikely. Constructive critiques of the

criminal justice system call for a model of justice that:

> Increase[s] diversion from courts; reduce[s] recidivism; increase[s]
> participant satisfaction with the official response to the incident; foster[s]
> collective solutions to harm minimisation; and engage[s] the emotions
> which guide the moral values linked to justice (McDonald and Moore,
> 2001, p.132)

These suggestions align well with the concepts and values of restorative justice and

advocates of restorative justice would like to see it take a more pronounced role in our

system of justice. All the while acknowledging that, as Zehr (2002) suggests, restorative

justice is not a panacea and that the traditional criminal justice system may be the most

appropriate response in some instances.

Secondly, individuals who participate in the criminal justice system rarely leave

the process feeling resolved and healed (for example, not having questions answered

about the crime, not being heard, etc.). Our justice system is supposed to fix what has

been broken and bring resolution to the victims of crime, all the while holding offenders

responsible and rehabilitating them so they do not recidivate.

> People who move through the criminal justice system do not usually find it
> a very healing or satisfying experience. RJ offers a very different kind of
> experience, because it gives victims a role in the justice process, and it
> holds offenders accountable for repairing, as much as possible, the
> damage caused by their criminal action (Sharpe, 1998, p.1).

Victims leave the court process with unanswered questions, feeling unresolved,

alienated, frustrated, and possibly more fearful because they did not receive the closure

they were expecting, or they were re-victimized (Pranis, 2004, p.136; Zehr, 2002, p.14).

Victims need, among other things, information, truth telling, empowerment, participation,

and restitution or vindication (Strang, 2002, p.2-3; Strang & Sherman, 2003, p.42; Zehr,

2002, p.14-15) and to achieve these results, restorative justice ensures victims and community participate in the administration of justice (Bonta, Wallace-Capretta, & Rooney, 1998, p.3, 31). The traditional justice system is not equipped to meet these needs of participants. Victims who participate in restorative justice processes indicate they felt satisfied with their experiences and material compensation was quite high (Marshall, 1996, p.180). The question then becomes, why would victims participate in a process where they could potentially meet the person who offended against them or a loved one? It is because a restorative process provides something that a court process cannot – in depth information and the ability to ask questions. Surprisingly, even victims of serious violent crime who suffered severe trauma, when interviewed by Gustafson (2004) indicated that they wanted to meet and talk with the person who offended against them (p.305). For victims, the power of participation and dialogue trumps the painfulness of meeting the offender.

If the criminal justice system does not meet the needs of the victims and does not help resolve the effects of crime; therefore, we assume it must be working for offenders. Again, a growing body of empirical evidence suggests that criminal justice sanctions against offenders have little impact on recidivism and that some offenders leave prison more damaged and helpless compared to when they went in (Bonta, Wallace-Capretta, & Rooney, 1998, p.1). The criminal justice system holds offenders accountable by making sure they get the punishment they deserve, but does not encourage an examination of their actions and the relative consequences (Zehr, 2002, p.16). Not surprisingly, increasing punishment in order to change behaviour is not entirely successful (Pranis, 2004, p.137). Actually, "the adversarial game requires offenders to look out for themselves [and] offenders are discouraged from acknowledging their responsibility and are given little opportunity to act on this responsibility in concrete

ways" (Zehr, 2002, p.16). Despite what the criminal justice system suggests, offenders do have needs outside of being punished including meaningful accountability, encouragement to experience personal transformation or rehabilitation, encouragement and support for reintegration into the community, and for some, temporary incapacitation (i.e. prison) (Zehr, 2002, p.17).

As a result, we have a system that does not meet the needs of the offenders, or the needs of the victims. This is not surprising given that an adversarial system only allows one winner and one loser; and at best, only one party's need for justice is met.

In this context of dissatisfaction with the CJS, "restorative justice appeals because it offers the possibility of taking crime seriously without the ever-increasing repression and exclusion. Above all, it appeals because it offers the prospect of escaping the 'zero-sum', whereby what benefits victims must be painful for offenders" (McEvoy, Mika, & Hudson, 2002, p.469, see also Strang, 2002, p.199). Restorative justice could also be a positive response, as Pranis (2004) suggests, to claims about the failing justice system, includes the lack of clarity around the purposes of sentencing; contradictions between punishment and rehabilitation; public expectation that the criminal justice system can control crime; ever increasing costs of punishment; and widespread system overload (p.136-137).

Restorative justice potentially offers a mutually beneficial option for both victims and offenders in response to crime or harm and "the main tenets of restorative justice meet with very few objections. This philosophy reflects many widely accepted beliefs and attitudes. Most people's initial response to the idea of restorative justice is, 'That sounds great'" in theory, but they are wary of how this would be put into practice (Sharpe 1998, p.12). Overall, compared to the conventional justice system, restorative justice is seen as better suited to, as Johnstone (2005) suggests:

- Achieve restorative goals such as reparation of harm, reconciliation of conflicting parties, and public safety
- Achieve a range of other goals, including
    - Increasing the participants' sense of personal efficacy and power
    - Increasing the capacity of parties locked in conflict to 'recognize' the other party
    - Increasing the confidence, capacity and inclination of ordinary members of the community to resolve their own disputes and keep their own order (p.140).

There is little evidence to suggest that restorative justice models are "intrinsically any worse at considering the needs of their participants than are current... justice strategies" (Schiff & Bazemore, 2001, p.325). Restorative justice should promote healing and a positive way to respond to crime, and should make every effort to avoid widening the net (i.e. bringing in cases that otherwise would not be in the CJS to begin with), shaming the offender, domination by professionals, routinatization, taking on more than skills allow for, and sustaining injustice (Sharpe, 1998, p.94-96). The case for restorative justice is becoming stronger – research suggests that restorative justice is an effective way of responding to and dealing with crime that is inclusive and holistic in its response, as discussed previously. "Support for restorative justice is typically motivated by the benefits to victims and to the wider community from which victims and offenders come" (Hoyle, 2010, p.10). As Pranis (2004) states, the main goal for restorative justice should be, "does the intervention leave the community stronger than it was before the crime happened?" (p.141). The questions then become, how can we determine if restorative justice does this and how can it be measured? Both of these questions provide a segue into the discussion of the evaluation of restorative practices.

Evaluation in the Restorative Justice Context

> *"We need evaluation, and we need to pay attention to the results. Those of us who are restorative justice advocates and practitioners naturally believe we are doing a beautiful thing: How could anyone question it? We tell the good stories and ignore the bad; we engage in butterfly collecting, as some critics have charged. As a result of this mentality, we tend not to want evaluation. When we are evaluated, we do not want to listen to the results." (Zehr, 2005b, p.300)*

Evaluation of restorative justice programs is a growing field of inquiry in which the overarching themes are to establish restorative justice practices as legitimate and credible responses to crime, as well as to measure whether respective programs are reaching their goals and meeting their aims. Two questions arise: first, is the program doing what it says it does?; and second, is the program meeting the needs of the people it serves? These are questions that, *prima facie*, appear to be very straightforward to answer, yet in examining the literature, little consistency about how to answer these questions was uncovered. Evaluation can be many things to many people – for some it is a means to an end, that is, to achieve funding or credibility. For others, evaluation is an interwoven component of the restorative process as a way of remaining true to the vision, mission and values, in terms of how they are operationalized within the program. This section on evaluation in the restorative justice context will include a discussion of analytic framework approaches to evaluation, the purpose of evaluation or why we evaluate, measures of success and effectiveness, the current state of research in the area of evaluation, and finally a brief discussion of regulation and standardization.

Analytic Frameworks

One of the most crucial decisions made by evaluators is the framework in which to position the evaluation. By framework, one can think of perspective or viewpoint of the evaluation. What is the source of the data? Whose perspective does the evaluation include? Why was the choice to include that perspective or framework made at the exclusion of others? These are some of the questions often posed in relation to an evaluation's analytical framework.

In surveying much of the literature of restorative justice evaluation, two dominant analytic frameworks emerge. The first framework is evaluation done from the perspective of the victim (and their support people), and the second from the perspective of the offender (and their support people). Essentially, the participants of any given restorative process/program became the data source for the evaluation. While this decision includes the people most affected by the crime and most intimately involved in the process, this framework ignores other possible and valuable sources of information. Much of the research done to date centres around program participant feedback and satisfaction.

There were very few studies found in this research review that included discussions of analytic frameworks including the community or the organization itself (for example, facilitators, program coordinators, etc.) (Kurki, 2003, p.294). Restorative justice is championed for including the community and bringing justice back to the community (see Johnstone and Van Ness, 2007a; Marshall, 1996; Sharpe, 1998; Zehr, 2002, Zehr & Mika, 1998), but in the evaluation frameworks, feedback from "community" was non-existent. This is probably due, in part, to the fact that including the community variable into an evaluation complicates the process even more (Zehr & Mika, 1998, p.59). Kurki (2003) suggests that, in the future, we need more work on community level outcomes,

knowing that it is challenging to conceptualize and implement (p.308). However, there are some that look at community from the participants' points of view in terms of their view on community.

Further to this, the strength of any restorative justice program is in the capacities, abilities, and dedication of its employees or volunteers. These individuals play a substantial role in how participants experience the program. As a component of evaluation, programs may want to consider evaluating their volunteers and staff or allowing volunteers/staff to evaluate themselves as a process of capacity building and organizational awareness. Mika, Achilles, Halbert, Amstutz, and Zehr (2004) suggest that in order to evaluate restorative justice, we need to "pursue matters of peer accountability, appropriate roles, and standards of practice and qualifications of practitioners" (p.35). Restorative justice program evaluation is not just about evaluating the programs participants are involved in, but in how the organization/program is living up to its values in operating practices.

Finally, restorative justice evaluations could be done from a systemic or context-based analytic framework, neither of which was identified in the academic literature, but arose from discussions with Brenda Morrison (2009/2010). Systemic evaluation would look at the system in which restorative justice programs exist, which is alluded to by numerous authors, most notably Zehr (2002), who discusses restorative justice in the context of the traditional criminal justice system. However, evaluations do not include an analysis of the systemic realities of restorative justice programs. Context-based analysis would help examine and uncover the relational components of restorative justice especially in cases labelled "failures." Here we might find that the restorative process was "good" and appropriate, but the facilitators were "wrong," thus, the process did not work out. This example says nothing about the usefulness or appropriateness of the

restorative process itself, but speaks to the necessity of having a good match between participants and facilitators. Interestingly, NSRJS provides participants an opportunity to reflect on their experience with the facilitators, but does not include questions regarding if they felt it was a "good fit" in the context of their case.

In sum, two dominant analytic frameworks are present in the academic literature of restorative justice evaluation – victim and offender foci. For a paradigm that is holistic in its approach to crimes or harms, the approach to evaluation should involve a variety of analytic frameworks in order to receive a holistic evaluation of restorative justice. Essentially, according to Liebmann (2007), frameworks focus on asking the question "does it work?" on multiple levels including the individual, process, organization, and community (p.335).

Why Evaluate?

> *"The most serious mistakes are not being made as a result of wrong*
> *answers. The truly dangerous thing is asking the wrong question."*
> *(Peter Drucker[4])*

The question of 'why evaluate?' is a cornerstone in our foundation as a society. We evaluate everything – formally, in a planned and scientific process or informally, in our everyday lives (Palys & Atchison, 2008). In academia, we evaluate student success based on the ability to achieve high marks on exams and assignments. In health and fitness realms, we evaluate changes in weight, levels, or strength and as changes occur in the direction of 'becoming healthier' or 'making a recovery,' we deem this successful. In the criminal justice field, we evaluate in order to determine whether our response to crime is effective in reducing crime (the core aim of our traditional criminal justice

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[4] Quotation retrieved from www.owlre.com's "Top ten quotes on Evaluation." See reference page for details.

system). This question of 'why evaluate?' is exceptionally important in the context of

restorative justice because, for many, including Faget (2008), "evaluation is only one

means among others which might contribute to the construction of a positive vision of

restorative justice" (p.78). According to Faget (2008),

> one might legitimately think that the best way of developing restorative
> justice is to provide proof of its effectiveness (although it would be
> necessary to define the kind of effectiveness one is talking about). But
> this idea is somewhat naive. No researcher has ever been able to prove
> the effectiveness of prison in preventing recidivism, yet imprisonment has
> universally been adopted as a sentence (p.77).

Around the world, advocates and practitioners of restorative justice are working

tirelessly to promote this response to crime which they believe in and that makes a

difference. So how does restorative justice 'stake its claim' in the justice world as a

worthwhile endeavour? "A good measure of the vitality of a new justice idea is the ratio

between the claims made by advocates and the evidence to support those claims" (Daly,

2003, p.24). Many believe, including Daly, that restorative justice needs to prove its

worth in order to continue making a difference. If empirical and scientific research shows

that restorative justice WORKS, then restorative justice should be taken seriously, given

a chance to expand, and help more people. Furthering restorative justice is not the only

reason to evaluate and the reasons to evaluate are not that simple. Faget (2008)

suggests that there are numerous reasons for evaluation,

> some explicit, some obscure, others secret. They naturally depend upon
> who is conducting the evaluation and the context in which it takes place.
> The reason for conducting an evaluation many not be the same for a
> university researcher wanting to increase knowledge about social
> practices, as for practitioners who might be more interested in justifying
> the relevance of particular practices – and sometimes their own salaries,
> managers wanting to reduce costs, "believers" wanting material for
> proselytizing, or producers of restorative justice programmes interested in
> making profit (p.80).

Some of the purposes of evaluation mentioned by Faget could be terrifying for

practitioners in that they seem to undermine everything that restorative justice is about,

for example engaging in restorative justice in order to make a profit.[5] Despite this, one

thing to be taken away from Faget's (2008) comment is that there are a myriad of

reasons for evaluation in the restorative justice context and that we truly need to

consider the "reasons that make us want to evaluate" (p.78). Mika (2002) suggests that

not only are there a multitude of reasons for WHY evaluations are conducted, but there

is "seldom universal agreement about why an evaluation is set into motion" (p.345).

Johnstone (2003) argues that there is nothing simple about evaluating restorative

justice (p.14). At its most simplest, the basic reason for evaluating anything is to

determine whether the intervention/action/practice is effective, for whom is it effective,

and whether it is meeting its goals (Forget, 2003, p.2; Johnstone & Van Ness, 2007b,

p.395; McCold, 2008, p.11; Schiff & Bazemore, 2001, p.326; Van Ness and Schiff, 2001,

p.47; Van Ness & Strong, 2006, p.147). Pranis (2004) furthers this line of inquiry by

asking if restorative justice works, why does it work, when - and when not - is it an

appropriate response, and when has it worked and when has it not? (p.134; see also

Harris, 2003, p.129). This speaks to the metaphor of butterflies and bullfrogs – the

relative benefits and drawbacks of restorative justice. 'Does it work?' is a natural

question, according to Pranis (2004) because people want to know if something is worth

putting effort into (p.135). If evaluations find that restorative justice does not work, there

would be little support garnered for the continued practice and development of

programs. Evaluation in the restorative context provides a "snapshot" in time of goals

and performance allowing for exploration of the questions, "is this particular program

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[5] Most academics and practitioners know that the idea of a profit in restorative justice is relatively
    laughable as there is usually little money for programs and much of the work done in the field is
    through volunteerism.

doing what we think it is, or what we said it would be doing, or what we would like it to do?" (Mika, 2002, p.345). Moore (2008) summarizes this approach to evaluation in one word, "accountability" – in other words, are we doing what we said we would? (p.10; Squires, 2010). While the idea of accountability may be central to the evaluation, there are a number of other reasons to evaluate restorative programs including credibility (the aims/goals were met); authenticity (harmony between practices and values); criticality (evaluation invites critical discussions); and improving understanding (how the practices influence people) (Moore, 2008, p.10). Moore's suggestions align with Faget's (2008) "reasonable reasons to evaluate" which include helping to establish public policy, understanding how things work, improving current practices, legitimating practices, overcoming opposition, and giving direction to future studies (p.80). From this perspective, evaluation is seen as a positive, constructive, and educative process whereby the efficacy of the program can truly be seen through the assessment of goals. Revisiting and evaluating these goals allows programs to keep themselves on track and to make adjustments accordingly (Van Ness, 2003, p.175; Van Ness & Strong, 2006, p.146). Further to this, according to Squires (2010), evaluation is the key ingredient in the growth of programs/organizations, helps (re)align efforts, and creates a written history and an institutional memory. Connected to institutional memory, Squires (2010) suggests that evaluation relates to what she calls the "Bus Theory - If you were hit by a bus, who else would know what you know?" Evaluation would help document the efforts of the organization if someone who "knew everything about the organization" were ever to leave. Evaluation, if viewed in this light, can be seen as a transformative process for participants, practitioners, and organizations alike in that it can be a "political versus a technical practice, [which acts] as a catalyst for transforming relationships of power through advocacy, group and community development and organization, and empowerment" (Mika, 2002, p.339).

Evaluation is about transformation, improvement, change, and action – the "backbone of a healthy program" (Van Ness & Strong, 2006, p.147). Mika (2002) concludes that doing evaluation on restorative justice is courageous because

> in the face of our passion, great expectation, high motivation, and hope, to step back, take a breath, and ask: is our justice work making a difference? Are we building a peaceful world? And if indeed we are falling short, if the consequences are not as we expected or hoped for, how will we learn in order to break our momentum and movement in the service of the banal? (p.339)

As Mika states, we evaluate because we want to know how we are doing, but what happens if the results are not all that we hoped for? It is better, supposedly, to be aware of shortcomings and learn from them rather than continue to perpetuate them. Evaluation creates this opportunity for change and learning.

Not all evaluations stem from these noble reasons, but arise because of very real pressures that restorative justice programs face such as lack of funding and establishing legitimacy (Faget, 2008, p.78). Unfortunately, continued support for restorative programs often hinges on proof of positive and practical findings paired with cost/benefit analyses which necessitate a continued "commitment to evaluation... building necessary research and experience to secure the future of restorative justice" (Van Ness & Strong, 2006, p.147). In addition to his "reasonable reasons" to evaluate, Faget (2008) lists a number of "critical, cynical reasons" to evaluate, suggesting that evaluation can:

- Serve to rationalize an existing public policy
- Serve to justify economic decisions
- Serve to legitimate a new profession in the penal marketplace
- Serve to legitimate the power and prestige of those who control organizations of practitioners
- Serve to obtain further funding
- Earn money for evaluators
- Provide opportunities to meet people, and to travel in order to speak about one's practice – or one's evaluation methods (p.80).

Arguably, not all of Faget's "critical, cynical reasons" to evaluate are negative. Conducting evaluation solely for the purposes of securing funding may not be the most respectable reason to evaluate, but for many organizations receiving funding is the only way to survive and funders want "proof" that their contributions are going to a worthy cause (Zernova, 2007, p.32). If evaluating to receive funding is among several "reasonable" reasons to evaluate, it almost seems to negate "cynical-ness" of it because the "reasonable" reasons relegate funding to secondary benefits of the evaluation process. In many ways, restorative justice has been subject to closer and more rigorous examination than the conventional justice system (Aertsen, Mackay, Pelikan, Willemsens, & Wright, 2004, p.34), which has driven organizations to scrape together funding from innumerable sources in order to remain in operation. And the demand from funders for "success" indicators has, in some instances, reduced evaluation of restorative justice programs to a money-mining expedition and a fight to justify their existence (Zernova, 2007, p.32). These evaluations tend to be focused solely on what Brookes (2000) calls "social service features" including "delivery efficiency (cost), effort (caseload), and outcome (percentage of agreements, satisfaction, and restitution)" (n.p.) because they are, as stated previously, justifying their existence in order to secure funding. These data are relatively easy to collect because little effort is required beyond typical program management, yet the meaningfulness of this rarely goes beyond the needs of the funding agencies, policy makers, and criminal justice professionals (Brookes, 2000). Ironically, the evidence suggests that the criminal justice system is not effective based on the aforementioned criteria by Brookes, yet it still receives funding.

Overall, evaluation is a way to ensure we are practicing what we preach and in order to do this, programs should "participate in processes (e.g. research project, organizational audits, etc.) designed to help... assess the degree to which [the

programs'] actions reflect [the] principles and/or to 'close the gap between the two'"

(Dyck, 2004, p.286). Zehr (2005b) advocates for evaluation because discussing and

engaging in evaluation brings to the foreground implications for practice and continued

development of evaluation for programs (p.296). Ideally, evaluation should not only

improve the experience of program participants, but also ensure values and principles

align with practice, otherwise known as praxis (Gustafson, 2004, p.308). Evaluation

should be an informative and growth instilling process and could be "used to learn, to

assemble the best ideas about good practice and pitfalls, and compose a blueprint for

other initiatives" (Mika, 2002, p.345). Just as there is little agreement about what

restorative justice is and how it is defined, the recurring theme persists when exploring

reasons to evaluate. There are so many reasons given as to why we evaluate restorative

justice practices and as the field expands, there will be more reasons to come. Over the

last thirty years or so, the

> ideas about the purpose of evaluation have become more expansive, such as assisting organization to review their goals, improving the effectiveness of programs, guiding others by establishing 'best practice,' and a host of other strategic practices ranging from simple auditing, to fundraising, to crisis management, and strategic planning (Mika, 2002, p.340).

In the best case, evaluations should be "among the earliest discussions of program

planning and implementation, and it is anticipated and 'normalized' in organizational

culture. This type of evaluation process takes place over the organizational life cycle"

(Mika, 2002, p.345). Most often, though, evaluations are not planned, but arise because

of a crisis of sorts in the program (Mika, 2002, p.345). Most importantly, evaluation

should be thought of as a means to an end as well as an end in itself because the

process of evaluation should be just as important as the result (Mika, 2002, p.342).

Measures of Success and Effectiveness

> *"Everything that can be counted does not necessarily count; everything that counts cannot necessarily be counted"* (Albert Einstein[6])

It is an understatement to say that evaluating restorative justice is difficult and since "restorative justice is rich, complex, and multi-dimensional...how we measure these restorative processes does make a difference" (Brookes, 2000, n.p.). It is equally important to define how we measure success, because instinctively restorative practitioners, academics, and participants know that restorative justice programs are generally more effective than state-based systems (Dhami & Joy, 2007, p.11), yet there is a need to know how restorative justice is effective beyond instinct.

The question on restorative practitioners and academics' minds, is "how do we define success?" (See Latimer & Kleinknecht, 2000; McCold, 2008; Pranis, 2004; Schiff & Bazemore, 2001; Van Ness and Schiff, 2001). What do we mean when we say a program is successful or effective? How do we know? What evidence do we have to support this claim? As with everything discussed thus far, there is enormous variety and little agreement on how this should be done. One thing is for certain, measures of success should be measured on several levels or dimensions and should bridge the participant level (victim, offender, community members – which includes recidivism, satisfaction, fairness, fear of crime, sense of security) and the system level (cost-benefits, data collection, CJS- includes financial costs, net widening, crime statistics, CJS personnel) (Hayes, 1998, p.13; Latimer & Kleinknecht, 2000, p.9). Johnstone (2003) asks important questions regarding measures of success and effectiveness, including:

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[6] Quotation retrieved from www.owlre.com's "Top ten quotes on Evaluation." See reference page for details.

> At what stage, and by what criteria, does one decide whether an intervention has made a difference to an offender's future behaviour? How does one actually determine whether a victim is satisfied? Is it simply a matter of asking him or her whether he or she is very satisfied, satisfied, or unsatisfied? Or do we need to probe more deeply into his or her expectations and use more sophisticated techniques to draw out his or her 'real' attitude towards the process he or she has been through? Similarly, how do we really determine whether an offender thinks the process he or she has been through was fair (p.15)?

These bring to the fore the real limitations placed on determining whether or not a restorative approach is successful. Whatever is used as measurement, it is clear that because restorative justice is an inclusive process, the evaluation process should be inclusive as well – including all of the stakeholders and success should be defined from the perspectives of participants (Hayes, 2008, p.13).

The other question becomes what we compare restorative justice's success to. Alternatively, do we compare it at all? Schiff and Bazemore (2001) suggest that there are two possible yardsticks by which to compare the success of restorative justice: "one is in reference to a utopian ideal of what a justice model 'should' do; the other is in reference to the current system" (p.324, see also Dignan, 2005). In an ideal world, the former would be the preferred yardstick in which the community justice models are measured, but determining the utopian ideal of justice, is extremely difficult, and thus success is often defaulted to measurement against the current system. Dignan (2005) suggests a third alternative outside of the utopian ideal of justice and the criminal justice system. He questions whether "measuring restorative justice processes be assessed purely on the basis of their own aims and objectives and the extent to which they are realized?" (p.4). Challenges relate to the "interpretation of the findings and, in particular, in setting the 'benchmark' for determining whether a particular restorative justice initiative has been 'successful' or not in relation to a given set of criteria" (Dignan, 2005, p.3). Overall, if using the traditional justice system as the yardstick, "to succeed,

restorative justice does not need to be perfect. To be preferred, a programme need only demonstrate superiority, on average, to traditional adjudicatory approaches" (McCold, 2008, p.14).

Common Measures of Success and Effectiveness

Despite all the differences in opinion regarding what constitutes success and how to measure it, there were a number of common measures of success and effectiveness found in the literature. Interestingly, there was little discussion of what made these appropriate measures of success or failure (Johnstone, 2003, p. 15), as it seemed that these measures had "always" been used, therefore they should continue to be used. Meta-analyses revealed some general measures of success including, participation, satisfaction, fulfilment of agreements, and reduction in offending (Liebmann, 2007, p.338, McCold, 2003, p.10). Commonalities found in the academic literature and a brief discussion of each are presented below. While the measures are in no particular order, the first four are the most frequently cited in the literature.

Participant satisfaction was seen as an important measure of success, in that if people were satisfied with the process they were involved in, it met their needs, and was helpful, then the restorative encounter was deemed successful or effective. Interestingly, satisfaction is not a core value of our current criminal justice system, thus it seems apparent that satisfaction is important to illustrate that restorative justice provides something that the justice system does not. Given that restorative justice is participant and need focused, it is not surprising to find that restorative justice evaluations generally claim higher participant satisfaction (Bazemore & Elis, 2007, p.398; McEvoy, Mika, Hudson, 2002, p.469).

For the purposes of this thesis, the satisfaction results of individual programs or studies reported in the literature were not central to this discussion, but an overwhelming number of studies discussed satisfaction as a crucial element for determining success (see Aertsen et al., 2004; among others[7]). Satisfaction results in the literature are highly variable (Braithwaite, 2002c, p.325) and a range between 50 and 98% satisfaction measured by various studies (Umbreit, Coates, & Vos, 2001, p.9-12; Wemmers & Cyr, 2005, p.530). These results are astoundingly positive because they indicate that people who participated in the various restorative practices felt content about their experiences. However, problems arise when the concept of satisfaction is unpacked.

The major issue with "satisfaction" is that it is a subjective term, it can be measured in a multitude of ways and it is generally a poorly defined concept, "especially in empirical research literature in that it has been used to measure the impact of an intervention on the participants" (Van Ness & Schiff, 2001, p.47, 53). For example, during the amends-making process, victims and offenders feel satisfied, but what else leads them to feel satisfied (Von Hirsch, Ashworth, & Shearing, 2003, p.245-246)? Using satisfaction appears to be a meaningful measure of success because research shows high levels of satisfaction compared to the criminal justice system, but failing to consider the "consensual nature" of restorative justice creates bias. In studying satisfaction, we must acknowledge that there may be difference between people who agree to

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[7] For discussions of "satisfaction" as a measure of success, see Bonta, Wallace-Capretta, & Rooney, 1998; Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002; Braithwaite, 2002c; Brookes, 2000; Cameron & Thorsborne, 2001; Chatterjee, 1999; Clairmont, 2005; Dhami & Joy, 2007; Dignan, 2005; Faget, 2008; Forget, 2003; Hayes, 1998; Johnstone, 2005; Kurki, 2003; Latimer, Dowden, & Muise, 2005; Latimer & Kleinknecht, 2000; Liebmann, 2007; McCold, 2008; McCold, 2003; Miers et al., 2001; Moore, 2003; Morris & Maxwell, 2003; Morris & Maxwell, 1998; Pelikan & Trenczek, 2008; Pranis, 2004; Presser & Van Voorhis, 2002; Rugge & Cormier, 2005; Sherman & Strang, 2007; Strang, 2002; Strang et al., 2006; Umbreit, Coates, & Vos, 2008; Umbreit, Coates, & Vos, 2002; Umbreit, Coates, & Vos, 2001; Van Ness & Schiff, 2001; Von Hirsch, Ashworth, & Shearing, 2003; Wemmers & Cyr, 2005; Zernova, 2007

participate in restorative justice and those who do not (Faget, 2008, p.81). Further to this, Johnstone (2005) suggests that it is

> virtually impossible to disentangle the multitude of variables, which together determine how satisfied people are with any social service. Victim satisfaction or dissatisfaction with the handling of their case is probably more affected by their perception of how helpful and efficient particular individuals and arrangements are, than is by the model employed (p.23).

In other words, we think we are measuring success of the program, but in reality, we are measuring perceptions of fairness and helpfulness. Additionally, the question of when to measure satisfaction arises. Should satisfaction be measured right after the restorative encounter or should time be given to participants in order for them to process their experiences? Then comes the question of how much time should be given – one month, six months, a year? It depends, I suppose, on whether information on immediate or long-term satisfaction is desired. Little discussion occurred in the literature in this regard. Finally, an over-emphasis on satisfaction may cause evaluations to ignore other important goals of restorative justice such as inclusion, fairness, accountability, healing, etc. (Van Ness & Schiff, 2001, p.51). Regardless of these critiques, satisfaction is frequently used to measure the overall success of restorative programs and will continue to be used because it usually provides positive, uplifting results and insight into how programs are operating.

Reduced recidivism was also another measure of success frequently seen in restorative program evaluation. Recidivism is the most highly regarded measure of success for the criminal justice system (Umbreit, Coates, & Vos, 2008, p.57) in that if intervention by the system leads to fewer people re-offending, the system is deemed effective. Thus, if restorative justice has the capacity to reduce recidivism, it should be declared a success as well. In other words, if restorative justice can prove that it be

equal to or better than the current criminal justice system at reducing recidivism and is an effective crime prevention tool, then restorative justice earns credibility (Von Hirsch, Ashworth, & Shearing, 2003, p.245-246). The results surrounding recidivism are varied and relatively presumptive (modest/positive effects), but no study showed an increase in recidivism (see Aertsen et al., 2004; among others[8]), therefore sending the "the message that restorative justice prevents future offending, [which] is communicated loudly and often" (Johnstone, 2005, p.23). Therefore, we can conclude (with some reservation) that when offenders participate in restorative justice, they are less likely to offend, and if they do, they usually commit a less serious crime[9] (Dhami & Joy, 2007, p.11; Faget, 2008, p.82). The RISE study, according to Strang and Sherman (2010), indicates that restorative conferences can slow some offenders down in terms of reoffending and can work best with the most prolific offenders.

Overall, the results of reducing recidivism through restorative justice are largely inconclusive, variable, and difficult to assess (Johnstone, 2005, p.23; Zernova, 2007, p.33), which opens, much like satisfaction, a discussion of the issues of using recidivism as a measure of success for restorative justice. For many, the most significant reason for why using recidivism as a measure of effectiveness is problematic stems from the idea that evaluating a new paradigm by the criteria of the old paradigms is inappropriate (McCold, 2003; Pranis, 2009, Zehr, 2002; among others). Restorative justice and criminal justice are markedly different from one another, thus using evaluative criteria

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[8] For discussions of "recidivism" as a measure of success, see Aertsen et al., 2004; Bazemore & O`Brien, 2002; Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002; Braithwaite, 2002c; Cameron & Thorsborne, 2001; Clairmont, 2005; Daly, 2003b; Daly, 2002; Dhami & Joy, 2007; Dignan, 2005; Faget, 2008; Forget, 2003; Hayes, 2007; Hayes, 1998; Hoyle, 2010; Johnstone, 2005; Latimer, Dowden, & Muise, 2005; Latimer & Kleinknecht, 2000; Liebmann, 2007; McCold, 2008; McCold, 2003; Miers et al., 2001; Moore, 2003; Morris & Maxwell, 2003; Pelikan & Trenszek, 2008; Presser & Van Voorhis, 2002; Sherman & Strang, 2007; Strang, 2002; Umbreit, Coates, & Vos, 2008; Umbreit, Coates, & Vos, 2002; Von Hirsch, Ashworth, & Shearing, 2003; Zernova, 2007

[9] A reduction in severity also is considered positive.

from one against the other makes little sense. The reason this evaluation measure

receives so much attention is that, despite all of the critiques recidivism receives, "the

use of recidivism as main or sole yardstick of the success of an intervention, is still

traded as the most important 'hard' and objective evidence of the effectiveness of any

new intervention" (Pelikan & Trenczek, 2008, p.79). This means that in order for

restorative justice to be taken seriously by funders and justice officials, it has to "play

ball" so to speak, by showing that it positively influences recidivism rates. Yet, the

evidence connecting restorative justice and a reduction in re-offending is incomplete and

does not allow for any predictions determining what kind of offences or offenders are

best served by restorative justice (Sherman & Strang, 2007, p.70).

Other questions arise, including what effect can restorative justice truly have on

recidivism when interventions are merely hours long (Bazemore & O'Brien, 2002, p.32)

or what counts as recidivism and how it should be counted (Hayes, 2007, p.428)? Again,

there is little agreement, yet we continue to use recidivism as a measure of effectiveness

in restorative justice. Using recidivism produces relatively meaningless results and as

Faget (2008) aptly suggests, using recidivism as a measure "plunges us into an abyss of

confusion" where dark figures swirl and taunt us (p.82). Finally, as Hayes (2007)

suggests, focusing on recidivism may cause us to overlook other important benefits

(which still would be important if recidivism was not reduced) such as

> victim healing, individual empowerment, development of participatory
> skills, strengthening communities, moral growth of participants in
> restorative justice encounters, participants in restorative justice
> encounters practising self-government and learning to handle their
> problems themselves, without resorting to the help of professionals and
> experts (p.428).

Recidivism does not appear in the values lists of restorative justice programs and

becoming obsessed with recidivism can lead us to forget about the most important

aspects of restorative justice. "The honest answer to the reoffending question is 'we'll probably never know!' Our current research offers insufficient evidence about how restorative justice is linked to future offending" (Hayes, 2007, p.439; see also Daly, 2002, p.299; Restorative Justice Consortium UK, 2010).

In an ever-resource depleted society, the **cost-effectiveness** of restorative justice is seen as a measure of success. This measure is different from the previous two in that it discusses an organizational or system-level success measure. If restorative justice can lighten the financial burden or load for the criminal justice system and reduce government spending, the government may take notice (see Zernova, 2007; among others[10]). Two things are commonly known – one, if a government can find a more financially economical way to do things, it will and; two, the government, especially in the USA, spends more money on criminal justice than it does on a number of other things, such as education. If restorative justice is found to be more cost-effective than other justice options, it could gain popularity because it would have benefits to criminal justice agencies (Johnstone, 2005, p.24). Sherman and Strang (2007) suggest, "even if RJ has no effect on crime, it may still be a useful strategy because it helps victims. And if by helping victims, it reduces the costs of other services to victims by more than the cost of RJ, then RJ would be cost effective" (p.62). Further to this, restorative justice may not appeal to government wholeheartedly, but the claim should be made that "restorative justice involves a more beneficial use of public resources" (Johnstone, 2005, p.25). Evidence from the Restorative Justice Consortium (2010) in the United Kingdom illustrated that restorative justice is a very economically sound initiative, with figures from

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[10] For a discussion of "cost-effectiveness" as a measure of success, see Aertsen et al., 2004; Brookes, 2000; Clairmont, 2005; Dhami & Joy, 2007; Johnstone, 2005; Liebmann, 2007; McCold, 2008; Miers et al., 2001; Morris & Maxwell, 2003; Sherman & Strang, 2007; Strang, 2002; Umbreit, Coates, & Vos, 2002; Zernova, 2007

the Ministry of Justice stating that restorative justice "provides value for money by saving the taxpayer £8 for every £1 spent on Restorative Justice." Further to this,

> "Diverting young adults from community orders into pre-court Restorative Justice Conferencing schemes is likely to produce a lifetime cost saving to society of almost £275 million (£7,050 per offender). The costs of Restorative Justice Conferencing are likely to be paid back within the first year of implementation. During the course of two parliaments, implementation of such a scheme would be likely to lead to a total net benefit to society during this period of over £1 billion." (Restorative Justice Consortium, 2010).

From these projections in the UK, restorative justice does appear to be a money-saving initiative. Interestingly, when it comes to government spending on the traditional justice system, society generally does not question the enormous amount of money filtering into the justice system. This is due, in part, to the fact that we as a society, believe in the values of retribution and security, therefore we do not care how much it costs to achieve.

There are some definite criticisms raised about using cost effectiveness as a measure of success for restorative justice because, as Johnstone (2005) points out, the financial costs are based on false comparisons. Just because restorative justice may save the justice system money, there is no guarantee that the money not spent by the justice system will filter into social spending for restorative justice (p.24) and this is grossly misleading. Aertsen et al., (2004) suggest that there is much variability concerning the amount of money restorative programs cost to run and that we cannot overlook these costs because while processing cases may be more economical, a majority of restorative programs run on volunteerism and funding outside of the judicial budget, so it appears to be very cost-effective. Forgetting to factor in the support and training of volunteers is very problematic. From this perspective, cost effectiveness may

not be the best measure of success for restorative justice, but it seems to try to appeal to the depleting purses of the government.

Finally, the fourth most frequently cited measure of success in restorative justice evaluations is whether an **agreement was reached and compensation, reparation, or restitution occurred**. Here, success of restorative justice depends on whether an agreement was reached and whether the victims felt they received some compensation for the losses they suffered or that the offender was making amends of some sort (see Aertsen et al., 2004; among others[11]). Evaluation studies show ranges from 50-90% of agreements reached, depending on the program evaluated (Faget, 2008, p.81; Umbreit, Coates, & Vos, 2001, p.9). There are a number of complications when using agreements as a measure of success because, arguably, agreements or restitutions are a mere by-product of the process itself (Umbreit, Coates, & Vos, 2008, p.57). Additionally, when a process does not reach an agreement or there was unfulfilled restitution, this could be recorded as an absolute failure of the process by an evaluator, but this might "miss the point about the true meaning of restitution and resolution" (Presser & Van Voorhis, 2002, p.172). One positive component about agreements reached in restorative processes compared to court cases in the criminal justice system is that the agreements are established through consensus and mutual discussion rather than a judge's verdict. This definitely leads to more positive outcomes and satisfaction of participants (procedural justice).

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[11] For a discussion of "reached agreements" as a measure of success, see Aertsen et al., 2004; Bonta, Wallace-Capretta, & Rooney, 1998; Braithwaite, 2002c; Brookes, 2000; Cameron & Thorsborne, 2001; Dhami & Joy, 2007; Dignan, 2005; Faget, 2008; Latimer, Dowden, & Muise, 2005; Liebmann, 2007; McCold, 2008; McCold, 2003; Moore, 2003; Pelikan & Trenczek, 2008; Pranis, 2004; Presser & Van Voorhis, 2002; Sherman & Strang, 2007; Umbreit, Coates, & Vos, 2008; Umbreit, Coates, & Vos, 2002; Umbreit, Coates, & Vos, 2001; Van Ness & Schiff, 2001; Zernova, 2007

Measures of **community involvement** were deemed important in measuring the

effectiveness of restorative programs, yet there were no studies that actually included

measures of community involvement. Several authors suggested that it should be

included as a measure of success (Braithwaite, 2002c; among others[12]). Involving the

community shows the commitment to community, feelings of citizenship, micro-

community-building, and meaningful participation (Braithwaite, 2002c, p.342).

    Participation rates were cited as another measure of effectiveness and rates

range from 10 to 90% of victims who were willing to participate (Aertsen et al., 2004;

among others[13]). Morris and Maxwell (2003) suggest that participants want to

participate for a number of reasons, including, the conference being a better way to

resolve issues; to give the offender a second chance; not wanting to go to court; not

liking the current CJS processes; there was an existing relationship with the offender;

and needing questions answered/reparation (p.264). When participants chose not to

participate, they did for a whole host of reasons including the crime not being worth the

trouble, the matter had been resolved, they feared meeting offender, and felt as if more

punishment was needed (Umbreit, Coates, & Vos, 2008, p.56).

    Arguably, along with *restorativeness*, **individual growth and change** (Daly,

2003b, p.219; Forget, 2003, p.4) should be considered among one of the most important

measures of success. In a perfect world, participating in a restorative process would

allow individuals to explore their feelings and gain a better understanding of what

happened in the context of the harm. Forget (2003) suggests looking qualitatively at a

number of criteria such as: changes in perception and understanding of crime, and for

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[12] For a discussion of "community involvement" as a measure of success, see Braithwaite, 2002c; Clairmont, 2005; Latimer & Kleinknecht, 2000; Rugge & Cormier, 2005.

[13] For a discussion of "participation rates" as a measure of success, see Aertsen et al., 2004; McCold, 2008; McCold, 2003; Morris & Maxwell, 2003; Morris & Maxwell, 1998; Pelikan & Trenczek, 2008; Umbreit, Coates, & Vos, 2008; Van Ness & Schiff, 2001.

people shifting from 'other' or 'enemy' to neighbour or fellow human; awareness of consequences of crime; increase in empowerment and control over one's life; a willingness to explore one's values; learning to address conflict in a peaceful way; reduction in fear; and improving interactions with others (p.4).[14] Overall, for the majority of participants, the restorative process facilitated wellbeing and healing, allowed for reduction of anger and increased sympathy, and emotional restoration. reduction in anger of offender and increased sympathy for the offender (Braithwaite, 2002c, p.325; Strang & Sherman, 2003, p.48; Strang et al., 2006, p.295, 298; Wemmers & Cyr, 2005, p.540). Ideas surrounding people coming together, appreciating perspectives, and developing empathy seem like appropriate means of evaluation and measures of success, but how do we measure this (Von Hirsch, Ashworth, & Shearing, 2003, p.245-246)? This is where the problem for restorative justice evaluation lies – difficulty in measuring concepts, and change in internalized conceptual frameworks (social, emotional, scripts, etc.).

The final category discussed in the literature was the **overall *restorativeness*** of the program. Arguably, this measure of success encompasses a number of other categories such as satisfaction and individual growth, but Bazemore and Elis (2007) suggest that there should be "principle-based standards for determining the strength and integrity of practice that purports to be restorative" (p.399). This includes process standards, stakeholder involvement standards, programmatic standards, and goals/values based standards (Bazemore & Elis, 2007, p.399-401; see also Harris, 2003; Harris, 2008; Kurki, 2003). The best measure of a program is to "focus on the success of the program in achieving restorative goals" (Bonta, Wallace-Capretta, &

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[14] For further discussion of "reduction of fear" as a measure of success, see Braithwaite, 2002c; Cameron & Thorsborne, 2001; Daly, 2003b; Dhami & Joy, 2007; Pelikan & Trenszek, 2008; Pemberton, Strang & Sherman, 2003; Winkel, & Groenhuijsen, 2008; Umbreit, Coates, & Vos, 2001; Van Ness & Schiff, 2001; Wemmers & Cyr, 2005

Rooney, 1998, p.3) and assessing *restorativeness* is best achieved through asking the

participants (McCold, 2008, p.15). What is the meaning of *restorativeness*? For McCold

(2008) it is as simple as asking whether they felt their needs were met – for victims,

offenders, families, and community (p.15).

Notably, one of the most important concepts in restorative justice, healing, was

not discussed in the measurements of success. "The most glaring shortcoming of the

current evaluation processes however, is that they tend to completely overlook RJ's

greatest promise, its potential for transforming people" (Forget, 2003, p.2). While it would

be interesting to see how one would 'measure' healing, it is difficult because it is a

concept that is relatively immeasurable and intangible. Research in trauma, reduction in

PTSS (post-traumatic stress symptoms), and neural mapping begin to assist in

measuring healing (see Solanto, 2008; Strang & Sherman, 2010; among others). As a

result, Presser and Van Voorhis (2002) suggest that instead of measuring healing, we

substitute compensation and reparation (p.172), which does not seem to match up.

The use of these measures of success, such as satisfaction, number of

agreements signed, and recidivism rates seem logical, but they are all plagued by

methodological biases (Faget, 2008, p.80) including problems with the operationalization

and conceptualization of concepts (McCold, 2008, p.17). Most importantly, before

discussions of success and effectiveness can be undertaken, we need to ensure that we

are all talking about the same thing, yet this is nearly impossible to achieve. This speaks

to how we measure the concepts (Latimer & Kleinknecht, 2000, p.20). There are

definitely problems with finding satisfactory ways of measuring "success" concepts

(Johnstone, 2003, p.15). Not only is conceptualization important, but we cannot ignore

the context in which the concepts exist. Faget (2008) uses the metaphor of tasting wine

without knowing where the grapes were grown, in what climate, and what grapes were

used. The wine may be good, but there can be no understanding of how it came to exist.

Some may argue that it does not really matter, but in the context of restorative justice

evaluation it is difficult to compare studies when the "institutional, ideological, cultural,

and procedural contexts are so different from one country to another that restorative

justice has different meanings" (Faget, 2008, p.82). Further to this, Von Hirsch,

Ashworth, & Shearing (2003) suggest that "evaluation criteria for assessing the success

of RJ programmes at present tend to 'dangle': reasons are not provided why a given

evaluation norm, rather than another, is being employed" (p.245). There is no concrete

discussion about why some measures of success are chosen over others.

In conclusion, with respect to measures of success and effectiveness, "we need

to think carefully about how we do evaluation, what yardsticks we use, and what values

– implicit and explicit – underlie our approach to evaluation" (Zehr, 2005b, p.300).

Current state of Restorative Evaluation Research

> *"The pure and simple truth is rarely pure and never simple"*
> *(Oscar Wilde[15])*

Considerable work has been done over the past 30 years to document the

impact of programs using restorative justice concepts (Dale & Hydle, 2008, p.71;

Sherman & Strang, 2007, p.4; Umbreit, Coates, & Vos, 2002, p.2). As of 2008, Umbreit,

Coates, and Vos stated they knew of about "sixty empirically based studies" conducted

on variety of restorative programs, as well as several meta-analyses done on programs

with enough comparability (p.55; also see Latimer, Dowden, & Muise, 2005). Yet, there

are still relatively few comprehensive evaluations done to date because "the task of

evaluating restorative justice programs is a daunting one because they are so diverse,

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[15] Quotation retrieved from www.owlre.com's "Top ten quotes on Evaluation." See reference page
    for details.

pursuing unique and multiple objectives" (Presser & Van Voorhis, 2002, p.162; see also Bonta, Wallace-Capretta, Rooney, 1998, p.26; Daly, 2002, p.282).

Both restorative justice and the assessment of its efficacy are still in their infancy, which presents a number of challenges. The myriad of program types and initiatives makes it difficult to "draw blanket conclusions about whether or not restorative justice is beneficial" (Dignan, 2005, p.3). Despite this, many studies show the positive impacts of restorative justice at a myriad of levels, with findings ranging from neutral (not harmful) to positive and almost no studies finding that restorative justice performs more poorly than the criminal justice system (Bazemore & Elis, 2007, p.397; Hayes, 1998, p.13; Maxwell & Morris, 2003, p. 262-264; Wachtel and McCold, 2001, p.122). Heterogeneity of restorative programs makes it difficult to generalize and there is a "paucity of research and evaluation from which to draw conclusions about the impact of such programs" (Zehr & Mika, 1998, p.59).

Despite this diversity in restorative justice, most of the empirical research "tends to pursue a very narrow agenda" (Zernova, 2007, p.31), and focusing on "a limited set of techniques for producing only a particular type of data or insight is surely missing the forest for the trees" (Mika, 2002, p.347). Much of the research done to date focuses on the immediate outcomes of restorative justice, which does not capture the main ideas behind restorative justice including capacity building, improvement of supportive communities, participant growth, and long-term change (Harris, 2008, p.17). In terms of outcomes and processes, the overwhelming majority of research indicates that restorative processes are positive and effective. Conversely, much debate comes because of outcome measures (discussed previously in the Measures of Success and Effectiveness section) in that the results are so varied. This requires further investigation in order to establish an irrefutable case for the expansion of restorative justice

approaches (Dale & Hydle, 2008, p.71; Dignan, 2005, p.24). The way we evaluate

restorative justice practices now, as Forget (2003) suggests, does two things:

> its qualitative, people focused components reinforce belief in RJ in those already supportive of it; and the quantitative statistical data it generates convinces those already critical of RJ that the slight advantages, such as a small decrease in recidivism, do not warrant the effort and expense of changing the way we currently do things (p.2).

Most restorative justice evaluations have been modelled after traditional program

evaluation studies and usually employ interviews or self-administered surveys resulting

in descriptive and exploratory findings, while very few utilize anecdotal accounts or

rigorous scientific experimentation (Dignan, 2005, p.9, 25; Latimer, Dowden, & Muise,

2005, p.129). Much of the research that has been done is similar because current

studies model practice and process after what has been done before. It was

disheartening to not find any creative and new ways of evaluating restorative justice

when the possibilities are seemingly endless. Arguably, if evaluation is also about social

influence in arguing for RJ, what about the power of stories and qualitative data in

producing influence? These stories are a testament to the potential of restorative justice

because

> the process of bringing victim and offender together in face-to-face dialogue is a very human process that often draws upon and impacts emotions, spirituality, energy, thinking capacity, and the physical body. We believe that while we will never be able to fully capture what takes place in this particular form of human interaction, it is critical to describe it and to obtain participant views of what has happened to them, in order to learn from their experiences and thereby be in a position to make informed choices about how this process ought to continue to evolve (Umbreit, Coates, Vos, 2008 p.61).

Evaluation through story-telling and qualitative data, to be discussed in the Chapter 6, I

suggest, is the way of the future for restorative justice evaluation.

Regardless of the method or process chosen, the questions that help formulate the evaluation process are crucial. Mika (2002) encourages a very active and transformative approach to research and suggests asking the following questions when engaging in evaluation:

- Why evaluate?
- When should an evaluation be conducted?
- Who is the evaluator?
- Who are the participants in the evaluation?
- What is the nature of the relationship between the evaluator and participants?
- What is the evaluation design?
- What is the evaluation methodology?
- What is to be evaluated?
- What are the appropriate evaluator roles?
- What problems might occur during the evaluation process?
- What is the expected outcome from the evaluation?

Asking questions, planning the evaluation, and engaging in an active and authentic process are essential for a meaningful evaluation.

So much of what is being done is a "retrospective analysis" – looking back at what was done or what was achieved in order to shape future directions (Miers et al., 2001, p.6; Presser & Van Voorhis, 2002, p.162). As Dave Gustafson (2010) so aptly states, restorative justice is "janus-faced[16]" – we look to the past (i.e. outcomes and successes) and we look to the future. While looking to the past may help guide the evaluation process, past evaluations are plagued with problems and therefore using the past as a reference for future evaluation only serves to perpetuate the problems.

Problems with evaluation in restorative justice

The amount of literature on restorative justice evaluation has grown considerably over the last 30 years, but it is not without its challenges. A number of academics and

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[16] According to having Roman Mythology, Janus, the two-faced god had two faces--one looking to the future and one to the past, was said to be the god of beginnings and endings and the modern incantation of Janus is reflected in the naming of the month of January where we reflect on the past and begin anew with another year (Gustafson, 2010; see also Roman Mythology).

practitioners express numerous issues with the way restorative justice has been and is currently evaluated. In these discussions, the most notable comments surround issues of evaluation being too closely tied to the evaluation processes of the traditional justice system, methodological flaws, and limitations of current practices.

Restorative justice is markedly different from the criminal justice system and therefore it is not concerned with ideals such as retribution, punishment, or traditional rehabilitation, thus modelling evaluation processes and markers of success after the criminal justice system is incongruous (Forget, 2003, p.2; Zehr, 2005b, p.300). Comparing the efficacy of restorative justice with criminal justice is a problematic, thus we must think, as Braithwaite (2002c) states, more dynamically about restorative justice evaluation, including the values that underlie it (p.344; see also Bazemore & Elis, 2007, p.419). And even if the goals of the criminal justice system were the only goals that mattered, the diversity of programs in restorative justice makes assessing the case for restorative justice extremely difficult (Johnstone, 2003, p.15). Much of the research evaluating restorative justice is evidence-based, which is used to build a case for its continued support. Evidence-based research is what governments, funders, and researchers want to hear about, yet if the research practice is diametrically opposed to the values and practices of restorative justice, should we not develop a method of evaluation that better suits restorative justice?

As Kay Pranis (2009) suggested in her closing remarks at the *Restorative Practices International Conference* in Vancouver, "evidence based practice/research is essentially 'bullshit' and we need to avoid being sucked into it, but we cannot ignore it, we need to pay attention to it." Interestingly, ROCA, a restorative justice organization in Boston, evaluates its programs through a combination of values-based and evidence-based practices. This marriage of the two provides the information for funders (evidence)

and allows the organization to keep its values central to operation (Crime & Justice Institute, 2006). Evaluation methods such as transformative evaluation processes, as suggested by Mika (2002), may be a better option because transformation is part of the practice of evaluation. When we are creative about evaluation, the possibility for new standards and practices emerges.

The literature contained many of discussions about the methodological flaws of restorative justice evaluation from broad, general concerns about resistance to evaluation and evaluation design to specific issues of validity, reliability, and methodological rigour. Zehr and Mika (1998) observed that the very nature of restorative justice (grassroots, doing something different from the current justice system, and struggling for funding), makes it relatively resistant to evaluation because evaluation is seen as a threat or that there is no time or money to bother with it. Additionally, the longevity of programs also contributes to problems with evaluation, in that many programs do not survive for long and in-depth and meaningful evaluations are best done after several years of operation (p.59; see also Aertsen et al., 2004, p.80). Essentially, those running programs are so exhausted from trying to keep things running that evaluation is the last thing on their minds.

One persistent theme throughout this research is that evaluation of restorative justice is not easy and it plagued by a number of complex conceptual, operational, methodological and interpretive issues (Johnstone & Van Ness, 2007b, p.395). The overwhelming majority of research included in this thesis approached evaluation from a very scientific, quantitative, and methodologically rigid perspective. When approaching research from this perspective methodological concerns, evaluation design, and interpretation weaknesses are the most important considerations a researcher has (Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002, p.321). The criticisms of current

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restorative justice evaluation practice include: concern over lack of internal validity; selection biases; lack of comparison or control groups; insufficient number of cases/small sample sizes; lack of reliability and methodological rigour; low quality of research including lack of statistical results; and major assumptions about concepts (See Aertsen et al., 2004; Dignan, 2005; Faget, 2008; Kurki, 2003; Lemonne, 2008; McCold, 2008; Presser & Van Voorhis, 2002). Arguably, these are essential criteria for good, methodologically sound quantitative research and experimental design. Among all of the studies, only the Reintegrative Shaming Experiments (RISE) from Australia, England, and the United States included the experimental rigour mentioned above (Dignan, 2005, p.14). If scientific studies are so difficult to achieve in the restorative context, perhaps we should consider a new and different "baseline" for achieving rigorous research. Further to this, scientific research requires familiarity with research methods and most restorative programs do not contain this expertise in-house and do not have the resources to employ someone who does. It is time-consuming, expensive, and technical. These limitations make rigorous scientific research largely inaccessible to most restorative programs and organizations (Roche, 2003, p.181).

Finally, the research we have done up to this point is largely incomplete because "it is challenging to complete a comprehensive evaluation when human and financial resources are constrained for volunteer run, community-based restorative justice organizations" (Moore, 2008, p.5). Thus we must be careful about the conclusions drawn from the research findings. There are many gaps in our knowledge and current evidence is incomplete and limited (Dignan, 2005, p.24; Latimer & Kleinknecht, 2000, p.17). Going forward, methodological diversity is necessary and in order to get a better picture of what restorative justice does and can do, our understanding will be enhanced by the use of methodological triangulation including interviews (both individual and group), quantitative

data, surveys, observations, and audits (of communities and organizations) (Mika, 2002, p.347). I am, by no means, advocating for a forced choice between qualitative or quantitative methods, but for methodological plurality. In reviewing the literature, the underlying arguments of the research is a deeply rooted debate between the merits of qualitative and quantitative research, and which one is better suited for restorative justice.

> In keeping with the restorative justice emphasis on storytelling, many programmes rely heavily on qualitative methods, while other advocates and practitioners – without belittling the importance of qualitative evaluation – urge programmes to also conduct more quantitative types of evaluations (Roche, 2003, p.180-181).

Regardless whether restorative justice evaluation continues to employ quantitative methods or changes to more qualitative process, one thing is for certain, there is still much work to do and much to learn.

While these problems may appear to dampen the success of restorative justice progress, Zehr and Mika (1998) state,

> having said these things about the problems of assessing the impact of restorative justice programs, we would be remiss to suggest nothing is known about alternative practices of local justice that have been designed to address the shortcomings of conventional justice (p.59).

 "The literature on restorative justice is clear about one thing: restorative justice *seems* to work – i.e., there is little definitive evidence to suggest that restorative approaches to crime do not work" (Hayes, 1998, p.15). It is obvious that there is little agreement and much work to do regarding evaluation in restorative justice, but with the growing body of literature, there is certainly a plethora of information. We must remember that "in order to know where we are going, we need to know where we've been." We are at a precipice of change and anything is possible regarding evaluation in restorative justice. While we all may not agree with evaluations done by previous

researchers, it provides a jumping-off point for future work. It is important to acknowledge their contributions and learn from their choices: "People who blaze trails through the forest should not be chastised for not building a four-lane highway" (Palys, 2010). Going forward, evaluators, practitioners, and academics should strive for depth of information – delving into the concepts and criticisms – to avoid what McCold (2008) states is the current state of research in restorative justice: "a mile wide, but only an inch deep" (p.10). Evaluation should serve to improve the overall state of restorative justice, and therefore it should be a meaningful and transformative process – it should be "peace work, not piece work" (Mika, 2002, p.340).

Standardization of Evaluation Practices

Standardization was discussed as being one of the main solutions to help evaluation of restorative justice move forward. Academics and practitioners cite the enormous diversity of programs as one of the major roadblocks preventing the comparison of programs and results (For example see: Aertsen et al., 2004; Harris, 2008; McCold, 2003). It is assumed that standardizing restorative practices (how the programs are run) is not a desirable step, standardizing evaluation processes and techniques could be because there are great difficulties in comparing the findings of various evaluation studies the world round. Meta-analyses illustrate the difficulties encountered when comparisons of results are attempted because there are few compatible or similar concepts by which to compare (see Latimer, Dowden, & Muise, 2005; Liebmann, 2007; McCold, 2003)

Even if the concepts are similar (i.e. numerous studies measure 'satisfaction' or 'recidivism'), the way in which they are conceptualized and operationalized vary greatly. As McCold (2003) suggests, the "difficulty in comparing restorative programmes is the different measurements and meanings of these measurements used in different

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evaluation contexts. From what counts as a case referral, to what counts as a recidivist event, there is little standardization of process or outcome measures" (p.75).

The argument for standardized evaluation techniques and practices, and comparative practices would allow for the development of a large body of literature to serve as irrefutable "proof" that restorative justice is effective. This would ensure that restorative justice survives as a viable option for the justice system and would help the field of restorative justice evolve (Lemonne, 2008, p. 46; McCold, 2008, p.23; Schiff & Bazemore, 2001, p.327). For advocates, there is much to be gained through comparing various implementations of restorative justice around the world. Comparability, as Aertsen et al. (2004) purport, will "contribute to the individual programme's standing as well as to the further development of restorative justice in a wider-cross-national context" (p.85; see also Dale & Hydle, 2008, p.71). In order to achieve this, there needs to be implementation of evaluations that use standardized, consistent, and rigorous measures that are relevant across a variety of programs and contexts (Bazemore &Elis, 2007, p.398; Latimer & Kleinknecht, 2000, p.20; McCold, 2008, p.9; Schiff & Bazemore, 2001, p.327). Aside from universal comparability, one may question the importance of evaluation standards. Roche (2003) advocates for "keeping records and pooling knowledge [because it] is particularly important when so many programmes are small and decentralized, and practitioners in separate programmes can face similar problems without realizing it" (p.180-181). Advocates of standardization suggest that evaluation should be done quantitatively following rigorous and scientific experimental techniques in order to maintain validity and reliability.

Standardization of evaluation practices appears to be a positive step that will lead to information sharing and best practices, but a number of issues begin to surface when the word "standardization" is raised in restorative contexts. After being part of a

number of restorative conferences and facilitating discussions about evaluation in restorative justice, mentioning standardization to restorative practitioners and advocates sends them running like wild horses away from the topic (at least here in BC). There appears to be a very strong response to the mere discussion of standardization, because one of restorative justice's best assets is the ability of a program to be created to meet the needs of the people it serves, which makes it meaningful to participants. Standardization of evaluation, one can argue, would remove the "*grassroots-ness*" of having the evaluation work for the organization. Evaluation must suit the specific needs of the organization, therefore, standardized practices would not allow for "evaluative processes [that] suit and serve local needs for improving the performance of [the] program" (Mika, 2002, p.342).

Further to this, standardization of evaluation processes would remove contextual elements and make the evaluation "value-free," when restorative justice is value-laden (in a positive way). Trying to meld objective and scientific criteria to restorative justice, which is largely subjective and free-flowing, would be like trying to fit a square peg in a round hole – frustrating, difficult, and arguably impossible (unless, of course, the round hole is very large).

Other questions, such as who decides what is important to evaluate and how to do the evaluations, would be impossible to answer, especially in a paradigm where there is no shared definition of what restorative justice is. Lemonne (2008) articulates concern with the idea of standardization in that,

> there are considerable difficulties and uncertainties about how best to conduct it. Is the task of comparative research in this field to establish a 'culture-free' [evaluation] model of restorative justice? Is it even possible to establish such a model? The positivist approach involves a risk of underachievement because of the search for universal theories of restorative justice and the effort to compare too many countries over too

many features... positivist methodologies are not ideal for this task, interpretivist approaches may provide better results (p.50).

Lemonne appears to shy away from positivist methodologies (quantitative research) in favour of a more flexible, open, and qualitative methodology that is in alignment with restorative justice as a paradigm. Finally, one must question the impetus behind standardization. Why is standardizing restorative justice evaluation practice necessary? If it is to prove restorative justice's worth, it is happening already, albeit on a smaller scale, but the growth of restorative justice around the world is a testament to its worth. Kay Pranis, in her speech at the *Restorative Practices International Conference* in 2009 stated, "we cannot use the measures of success used for the current CJS and we must step away from the stories we have to tell institutional funders and realize that we have an impact on complex human issues." It does not make sense to advocate for standardization and research in a way that does not align with the restorative justice because "differences in worldviews necessitate new ways of evaluating and measuring" (Pranis, 2009). In sum, evaluation done without connection to the organization becomes "parachuting without landing [and is] a naked exercise of power with only one-sided benefits" (Mika, 2002, p.349).

3: NORTH SHORE RESTORATIVE JUSTICE SOCIETY (NSRJS) - PROGRAM HISTORY AND DESCRIPTION

"I believe we were put on this world to reach out to others. And that doesn't just mean to the good people"
(Pat Robinson[17])

Overview

This chapter provides a brief history and description of North Shore Restorative Justice Society (NSRJS) and also provides an introduction into "Community Accountability Programs," of which NSRJS belongs, which are part of a provincial network of programs.

North Shore Restorative Justice Society

The North Shore Restorative Justice Society (NSRJS) generously opened their case files, giving access to questionnaires containing feedback from participants. These questionnaires provided the primary data for the current research. As a secondary outcome, it is my hope that this analysis will help NSRJS shape its future evaluation process, strengthening the meaningfulness for both the Society and its stakeholders. To contextualize the analysis of the feedback questionnaires, it is necessary to have insight into the history and operations of NSRJS, including the mission, vision, and values.

NSRJS works with organizations, families and individuals on the north shore of Vancouver (North Vancouver City and District, West Vancouver, Lions Bay and Bowen Island) enhancing connections, promoting caring, and repairing harm (NSRJS, 2009,

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[17] This quote from Pat Robinson was taken from Schiff and Bazemore (2001, p.333). The original source could not be found as it was a presentation that the authors attended.

p.2) The following excerpt about "agency overview" was included in NSRJS's Annual

Report for 2008-2009:

> The North Shore Restorative Justice Society was formed in response to the community recognizing the need to approach justice (particularly youth) in a different way than it had in the past. As a result of a town meeting held in November, 1997, The North Vancouver Restorative Justice Society was incorporated to develop a community-based program for dealing with the impacts of crime in the community which follow the guiding principles of restorative justice. The Society applied to the Ministry of the Attorney General, under its Community Accountability Program, for start-up funding, which it received in February 1998. The Program has been core funded jointly by the City and the District of North Vancouver since 1998
>
> In 2007, the Society expanded its services to include the District of West Vancouver and changed its name to the North Shore Restorative Justice Society (NSRJS). The Society remains a well-developed, grassroots restorative group with four programs including the Restorative Response Program, the Restorative Awareness Dialogue Program, Restorative Responses to Adult Abuse and Neglect Program, and Restorative Approaches in Schools. NSRJS enjoys strong partnerships with other community agencies, the RCMP, and the West Vancouver Police Department. The Society's ability to serve the citizens of the North Shore has been made possible through the commitment of Volunteer Facilitators and Board, as well as the caring staff people and community partners (NSRJS, 2009, p.2)

NSRJS has a strong group of committed volunteers and staff that make it their

goal to operate from a restorative perspective in all aspects of the society. The Executive

Director ensures that all new staff and volunteers are willing to embrace the mission

statement, vision, and values and act in accordance to them. The mission statement is

as follows:

> Connecting, caring, and repairing to:
> - Promote shared accountability for conflict
> - Heal and reunite those impacted by the conflict
> - Build the desire and capacity of community members to resolve conflict and repair harm
> - Nurture growth of an increasingly connected community (NSRJS, 2009, p.2)

This mission statement is supported by a vision statement in which the society aims to "create a more compassionate community" (NSRJS, 2009, p.2). Actions such as "increasing capacity in the community for resolving conflict, modelling skills and alternatives for resolving conflict, providing community-based alternatives to the justice system, and sharing responsibility for conflict and outcomes" (NSRJS, 2009, p.2) help NSRJS achieve their vision.[18] Values, as Howard Zehr (2002) suggests, are the foundation of all restorative processes; programs cannot exist without them. NSRJS (2009) has taken care to establish a set of values[19] that "guide the behaviour of staff and volunteers in all aspects of the Society's work... [including] respect, trust, humility, sharing, inclusivity, compassion, and forgiveness" (p.3).

While the values, vision and mission statements provide a foundation for the restorative processes, it is also important to understand the process of engagement for participants. Potential cases are referred to NSRJS from a variety of agencies: local police (North Vancouver or Bowen Island RCMP; West Vancouver Police), school administrators from local elementary or high schools, or community and business members directly. Once referred, the program coordinator or assigned volunteer speaks to the individual who made the referral to obtain details about the case to determine if a restorative process would be suitable. If so, all parties involved with the case are contacted to see if proceeding with a restorative process is something they would consider. The initial meetings with each participant are conducted by two facilitators[20] with two aims: explanation of the process and an opportunity to talk about their experiences in relation to the incident. During the conversation, facilitators ask

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[18] For the full version of NSRJS's Vision Statement, see Appendix A

[19] For the full version of NSRJS's Values, see Appendix A

[20] NSRJS uses the "Co-facilitator" model in which there are two facilitators that lead the conference. Sometimes both facilitators participate equally or sometimes one facilitator takes the lead and the other facilitator is there for support, note-taking, and observation.

questions to help participants build understanding in relation to each aim. The initial

meetings and preparation for a restorative process range in length from a single meeting

with each party to multiple meetings held over several months. The complexity and

severity of the case, the number of participants, and the overall well-being of the

participants usually determines how much preparation is needed. If a face-to-face

encounter is not possible, facilitators may suggest shuttle mediation, where participants

do not meet one another, but the facilitators act as "messengers" between the parties.

Once the facilitators feel participants are prepared to engage in a face-to-face

dialogue, they arrange a mutually agreeable time for all parties to meet. The process is

usually held in a meeting room that provides a safe, neutral space for all participants and

the facilitators make every effort to ensure the safety and well-being of participants.

Generally, the process involves a conference which is held in circle formation with both

facilitators sitting across the circle from one another. This serves two purposes – one,

the facilitators can make eye contact with one another to communicate, and two, they

serve as buffers between the harmed and harming parties. Conferences begin with a

welcome from the facilitators, followed by a brief explanation as to how the process will

unfold. The remainder of the conference is spent recounting and reflecting on what

happened through each person having the opportunity to tell their story and the impact

of the incident on their lives, then building understanding of what should be done. The

facilitator's role is to guide the conversation between the participants and provide

clarification when necessary, through being "fully engaged and provid[ing] a high level of

support to the parties" (NSRJS, 2009, p.7). This dialogue process usually takes an hour

and a half or more to complete, again depending on the complexity of the case and the

number of participants involved. The final step of the conference is establishing an

agreement as to how to remedy the situation, through a process of consensus building

on an agreement. Once an agreement is reached, it is drafted and all participants sign

to confirm their approval. Agreements can vary in content, but most commonly involve

restitution,[21] apology letters, personal/community service work, counselling, or any

combination of these (NSRJS, 2009, p.5). The facilitators and NSRJS monitor the

agreement fulfilment to ensure it is completed as agreed upon. Again, the time required

to fulfil the agreement varies from case to case. On average, facilitators spend

approximately five to twenty-five hours on a case (NSRJS, 2009, p.7). Finally, once the

process is complete, participants are given the opportunity to evaluate their experiences

and provide feedback for NSRJS.

NSRJS works to help people who have been harmed or who have caused harm

to others in a positive and restorative manner. The executive director explains the work

of facilitators as follows:

> We have the honour of walking beside people who are referred to our
> program as they do the difficult work of engaging in [the] restorative
> justice process. We see people who have caused harm to others take
> responsibility, seek to make amends, and engage in dialogue with their
> victims to pursue understanding and change. We see persons harmed
> bravely share their stories and listen to others to gain insight, healing, and
> restoration of the harm caused. We see families and community members
> come together to collectively resolve harms and problems (NSRJS, 2009,
> p.5).

For NSRJS, their work helps people move past poor choices or upsetting

circumstances in a positive way. The restorative processes of NSRJS allow offenders to

take responsibility for their choices and be accountable for their actions. Victims, or

those harmed, are given an opportunity to share their stories, telling how the crime has

affected them. Victims also hear the stories from the offenders and can build

understanding around the incident and its impact. All parties play an active role in the

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[21] For NSRJS, restitution has included both monetary and property based restitution covering
such things as medical costs, vehicle damage and deductibles, other property damage, and
items/money stolen (NSRJS, 2009, p.5)

process and decide together what the outcome of the conference should be. For victims, the process answers questions that would otherwise be left unanswered by the traditional justice system; for both victim and offender (but especially for victims), the process allows restoration and healing to begin. Overall, NSRJS is supported and sustained because of the positive contribution it makes to the community.

Community Accountability Programs (CAP)

NSRJS is part of a network of restorative programs in British Columbia falling under the umbrella of provincial "Community Accountability Programs" (CAP). These programs are supported by the Ministry of Public Safety and Solicitor General and developed as a result of changes to the Youth Criminal Justice Act (Solicitor General, 2004, p.6). In 1997, the provincial government announced changes to legislation that embraced alternative approaches to "doing justice" including support for restorative justice programs (Solicitor General, 2004, p.5-6). CAP programs are supported through monetary, training, or consultative support from the office of Public Safety and Solicitor General (Solicitor General, 2004, p.6). In 2004, the Ministry published the *Community Accountability Programs Information Guide* outlining the guidelines around developing and operating a CAP program. While this document does not instruct program founders "how" to run their program, it does place limitations and provide criteria on the type of cases and programming that is sanctioned by the provincial government. In order to be considered a CAP program, an application and proposal must be submitted for approval (Solicitor General, 2004, p.29). According to the guidebook, Community Accountability programs must:

- Be volunteer-based
- Adhere to restorative justice practices and approaches
- Demonstrate community and criminal justice system support, including support from victim services organizations
- Accept referrals from the police for Category 3 and 4 offences only

- Not accept referrals for sexual offences, relationship violence/abuse, child abuse and hate-motivated crimes
- Conduct criminal record checks on all volunteers
- Maintain strict confidentiality (Solicitor General, 2004, p.50)

CAP programs receive a "stamp of approval" from the provincial government thereby allowing them to receive referrals[22] to process cases in the community. In addition to this, the CAP programs receive support from the Restorative Justice Coordinator employed by the Ministry and the network of CAP programs around the province. Every few years (the most recent conference was held April 30 and May 1, 2010; prior to that a conference was held in 2007), the CAP programs hold a conference to discuss "best practices" and the direction of restorative justice in British Columbia which creates community among the CAP programs.

CAP programs receive base funding from the province ($5000 one-time set-up allowance and $2500 yearly operating allowance grant[23]), with the expectation that local community agencies and government will provide further financial and in-kind support. While it is not necessary to receive provincial approval to practice restorative justice within a community, being a CAP-affiliated program affords some credibility to the program because the Ministry approves program designs and proposals, lending to some "higher authority" endorsement to the program.

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[22] Sources of referrals vary between programs. As stated previously, NSRJS receives referrals from the RCMP, schools, community members whereas other CAP programs may receive referrals from Crown Counsel or other local authorities depending on their established service partnerships.

[23] Solicitor General, 2004, p.49.

4: RESEARCH METHODS AND SAMPLE DESCRIPTION - YOU GET WHAT YOU MEASURE!

"If you don't know where you're going, you will wind up somewhere else"
(Yogi Berra, 2010)

Overview

The process of evaluating restorative programs is nuanced by rich and diverse epistemologies and ontologies. This is due, in part, to the grassroots nature of restorative justice that facilitates individual programs to function independently of other restorative organizations with little or no information sharing or overlap. Most restorative justice practitioners see this as an extremely important aspect of RJ as it allows construction of programs that fit the needs of the community. This makes comparing evaluations across programs difficult due to the lack of standardization.[24] This study faced related issues as the evaluation tools used by North Shore Restorative Justice Society (NSRJS) were created by the organization itself based on program-specific need.

While comparison between the evaluation processes of NSRJS and other restorative programs is not the focus here, it important to situate NSRJS's process within the restorative evaluation literature. Using this literature as a backdrop, both qualitative and quantitative participant surveys and feedback questionnaires from NSRJS form the basis of this study. Participants of NSRJS's restorative processes between the years of

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[24] While I do not support the idea of standardization, the practice of information sharing between programs regarding evaluation processes would definitely be beneficial. And several academics support the notion of some level of standardization. See Chapter 2's section on standardization and regulation.

2002 and 2008 voluntarily completed and mailed back surveys to the organization as part of the evaluation process for NSRJS. The purpose of this research is twofold:

1. To provide summary descriptors of participant feedback and to assess the composition of the survey for possible development as a more effective research and development instrument for the NSRJS
2. To position the analysis within the restorative-based evaluation literature, making recommendations for evaluation across CAPs in British Columbia, and more broadly.

Exploratory and descriptive analyses are used to address these goals. This research is largely exploratory in nature as it "aims to gain familiarity with or achieve new insights into a phenomenon" (Palys & Atchison, 2008, p.39). NSRJS has been administering and collecting participant surveys for nearly ten years without formally and systematically analyzing the results; as such, the surveys provide a large, untapped cache of data to explore. The purpose of the research was not only to explore the results, but also to describe the results to "accurately portray the characteristics of a particular... sample... and/or to describe processes that operate within a particular milieu" (Palys & Atchison, 2008, p.40).

Program Evaluation Description: Evaluation Process of North Shore Restorative Justice Society (NSRJS)

After participating in a restorative process, NSRJS seeks feedback from participants in the form of questionnaires. All participants (harmed parties, support people, and those who caused harm) are sent questionnaires via mail. McCold (2008) suggests that mailing questionnaires out to participants after they have had time to reflect on the process is the best option for receiving participant feedback because it most closely mirrors their true opinions, increasing validity and decreasing the "bubble effect" (p.20). These three "role" distinctions are used by NSRJS in all aspects of their interactions with participants and throughout all of the restorative process. Every effort

has been made to use this language consistently, but at times the literature employs conventional terminology such as victim and offender. As Zehr and Mika (1998) state, "the language... is encumbered by difficulties... We are fully cognizant of the limitations of our conventional usages, and intend no offence" (p.58). Any shifts in language regarding participant roles are the result of specific authors' wording, and does not indicate support of those labels by me.

As discussed previously, NSRJS has two main restorative processes – face-to-face and shuttle mediation; therefore, two questionnaires reflect these two different processes. For example, shuttle mediation does not require that participants meet face-to-face;[25] instead, facilitators carry the conversation between the two individuals or groups (Miers et al., 2001, p.87, 92; Wallis & Tudor, 2008, p.73). The lack of a face-to-face meeting negates the need to ask questions about the circle process that would normally be asked in a face-to-face conference (see copies of questionnaires in Appendix B).

As with any mail-out surveys, once participants receive the questionnaire, they are free to choose whether to complete it and send it back, or not. Participants can answer all, some, or none of the questions and can keep their responses anonymous by not completing the contact information at the end of the questionnaire. If they decide to provide their contact information, they can choose to consent to contact for either further feedback or future involvement in research. Questionnaires returned to NSRJS are read, feedback shared with appropriate NSRJS members and filed for future reference.

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[25] Differentiating between face-to-face and shuttle mediation only serves to identify the two different processes and is not used in the analysis beyond counting the number of respective cases of each.

Research Questions

Research questions guide (or provide a map for) the research and allow the researcher to establish parameters or "fences" around an otherwise potentially infinite amount possibilities. They also serve to reduce variety, structure the study, and allow the researcher to bring to the forefront the most important issues (Flick, 2005, p.48). The academic literature surrounding evaluation in restorative justice, while fairly limited, is very contradictory. To focus the research study, I selected two main perspectives of evaluation– process based and values based, which are reflected in the research questions (see Braithwaite and Strang, 2000). The research questions encompass two levels of analysis: participant responses and composition of the evaluation instrument. For participant responses the research questions are: who are the participants of NSRJS's processes and what did they have to say about their experiences? Based on the individual participant responses, the following questions are examined:

1) Who responded to the survey?

2) How did respondents respond to value- and process-based questions? Were there differences between the groups?

3) What parts of the restorative process did respondents find most helpful and least helpful? Were there differences between the roles?

4) Did the participants feel the restorative process met their needs?

5) Restorative justice has been critiqued for taking too long and for dragging things on unnecessarily. How did participants feel about the length of time their process took?

For the composition of the research instrument, what was the format of the survey and wording of the questions? Does the survey target process based or values based perspectives? Based on the survey, the following questions were asked:

1) What questions were asked targeting "values" based evaluation? What wording was used to indicate this?

2) What questions were asked targeting "process" based evaluation? What wording was used to indicate this?

3) Were there any question outside of "values and process" based evaluation asked?

4) Are there changes to the layout, content, and organization that can be made to help improve the NSRJS survey?

Essentially, the goal here is to analyze the questionnaire to make suggestions to NSRJS to improve their evaluation tool.

Research Design and Procedure

This project is exploratory and descriptive in nature, providing initial systematic research for NSRJS. As indicated by the fairly limited amount of academic literature on restorative evaluation processes, Neuman and Robson (2009) suggest that exploratory research is most appropriate when there is little or no research on the topic; pursuing this type of research helps " formulate and focus questions for future research and generate new ideas" (p.15). Advancing research in this area is one of the primary goals of this study. Given the dearth of research in this area, not only is it important to explore more fully the growing practice of restorative justice in British Columbia, and elsewhere , it is important to describe the richness of the phenomenon, suggesting that "descriptive and exploratory research often blur together in practice" (Neuman & Robson, 2009, p.15). Descriptive research asks the "how" and "who" questions and seeks to "provide a detailed, highly accurate picture and locate new data that contradict [or support] past data," while exploratory research asks the "what" questions, establishing a general overview of the topic (Neuman & Robson, 2009, p.15). Much of this thesis was spent exploring and describing the NSRJS evaluation process and results in order to situate it within the broader literature.

Self-Administered Surveys

The questionnaires from NSRJS are mail-out/in surveys.[26] As discussed above, once the restorative conference is complete, surveys are mailed to participants, they are asked to fill them out, and mail them back to NSRJS. These are known as "self-administered questionnaires" where respondents read and answer each question themselves (Bryman & Teevan, 2005, p.80). As with any method choice, there are advantages and disadvantages. Central to this discussion is the question, when should participants complete the survey? Right after the conference? After the agreement has been reached? Any option will have associated concerns and challenges. For example, if the questionnaires are sent out immediately after the conference, that may result in a "false temporary satisfaction [that] fades with time after reflection - a so called bubble effect" (McCold, 2008, p.20). Additionally, attitudes may change over time (either positively or negatively).For example, it could be healthy for heightened emotions to settle and for individuals to have time to process their experiences and feelings.

Self-administered questionnaires have numerous advantages, most notably their efficient, cost effective, convenient, and low maintenance nature (Bryman & Teevan, 2005, p.80; McCold, 2008, p.20; Palys & Atchison, 2008, p.156). Once the instrument is developed and mailed to respondents, waiting is the only thing a researcher can do (besides a few follow-up calls). With questionnaires there is the potential to "amass a lot of data quickly" (Palys & Atchison, 2008, p.156), although this is contingent on a high response rate; but Neuman and Robson (2009) suggest, "response rates may be high for an educated target population that has a strong interest in the topic or the survey organization" (p.182). In the case of a restorative conference, it is predicted that response rates would be high, as participants feel connected to the process and the

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[26] For the purposes of this project, I will use survey and questionnaire interchangeably

organization because they are personally involved in the restorative process. McCold (2008) argued that while cost and time are usually central to the decision of "how to evaluate," there are major tradeoffs, usually made at the expense of validity (p.20). According to McCold (2008), the easiest and most cost-effective way to evaluate restorative justice processes is through the use of self-report surveys or questionnaires. This allows researchers/organizations to collect data easily and quickly, but depending on when the survey is given out, this may affect the validity of the responses.

Surveys are usually effective in aiding the exploratory research process (Neuman & Robson, 2009, p.182). Researchers can ask a variety of different types of questions, and "structured questions make for easy data coding and compilation" (Palys & Atchison, 2008, p.156). Questionnaires also afford respondents privacy to complete their survey on their own time and where they feel comfortable. This minimizes interviewer bias and reactivity, and maximizes anonymity (Neuman & Robson, 2009, p.182; Palys & Atchison, 2008, p.156).

While there are many advantages to self-administered surveys, there are numerous disadvantages, with the most frequently mentioned aspect being low response rates (Bryman & Teevan, 2005, p.81; Neuman & Robson, 2009, p.182; Palys & Atchison, 2008, p.154). Additional concerns include large amounts of missing data where respondents have either mistakenly missed or purposefully chosen not to answer questions and the researcher does not have the ability to monitor completion or the conditions under which questionnaire is written, and cannot clarify ambiguities/ misunderstandings (Bryman & Teevan, 2005, p.81; Neuman & Robson, 2009, p.182; Palys & Atchison, 2008, p.154).

Questionnaires also require respondent literacy and a high level of fluency in the chosen language is necessary to complete the survey (Palys & Atchison, 2008, p.156).

Vocabulary used in the survey must be accessible to a full range of respondents (Palys & Atchison, 2008, p.156), and there are limits to the type and number of questions a researcher can use (Neuman & Robson, 2009, p.182). Finally, data are limited to what is in the questionnaire. In other words, researchers are unable to rely on non-verbal cues, as they would do if they were face-to-face with the respondent (Palys & Atchison, 2008, p.156). Further to this, the researcher cannot know if respondents are being honest or authentic in their responses. Two of the major issues faced in this project (discussed below) were issues surrounding poor handwriting[27] and poor command of the English language. On several occasions, it was evident that the respondents spoke English as a second language (ESL) and this made interpretation of their responses difficult, as they were not fluent in English. In a number of surveys, ESL issues paired with illegible handwriting made data interpretation, coding and entry exceptionally difficult. Responses containing grammar and spelling errors were left in their original form, but overall, there were very few and there were no participant responses where the English was so poor that meaning could not be deduced.

Overall, despite the drawbacks in using self-administered questionnaires, given NSRJS's status as a non-profit organization with limited funding and support, questionnaires are the best and most affordable option for obtaining participant feedback.

All versions of the questionnaires contained a series of qualitative and quantitative questions and ranged in length from 21 to 26 questions. Quantitative questions took the format of binary (or dichotomous) responses (yes or no options) or Likert-type scale responses (On a scale of 1 to 5, with 5 representing "most

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[27] Poor handwriting, surprisingly, was not listed as a disadvantage by any of the sources used here.

agreement").[28] McCold (2008) suggests that it does not really matter how we ask the

questions to participants, but that we ask the questions in the first place. It matters less

what response scale is used: yes/no (which McCold suggests is an adequate measure),

a five-point scale (as used by NSRJS), or a zero-to-100 scale (McCold, 2008, p.17).

Arguably, using a forced-response question, without a neutral response, is the most

straightforward in that it provides clear categories for participants to respond to. In terms

of neutral responses, "no one is truly neutral and a neutral response cannot count as a

positive in computing [results]" (McCold, 2008, p.17).[29] Open-ended responses either

asked participants to elaborate on a previously asked quantitative question or asked

them to discuss issues that were not easily quantifiable (or would have lost

meaning/perspective if asked as quantitative questions).[30]

Secondary Data Analysis

The process of designing a study and collecting data is a daunting, expensive,

and time-consuming task. Secondary data analysis or archival methods, as Palys and

Atchison (2008) refer to them, can help alleviate the need to collect new data by offering

previously collected data for new or further analysis. Numerous researchers, agencies,

organizations, and research centres collect data and make the data accessible (Bryman

& Teevan, 2005, 130). In this study, NSRJS designed the surveys and collected the data

for their own purposes, which makes this project a secondary data analysis. The major

difference between my research and other secondary data analyses is the format of the

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[28] There was one question – "How well did this process meet your needs?" where the scale was opposite to the remaining scale questions with 1 being 'very well' and 5 being 'not well at all'. In the data entry process, responses were changed to reflect the other scale questions.

[29] The NSRJS survey questions were asked on a scale of 1 through 5 with 1 being 'not well at all' and 5 being 'very well,' so 3 was treated as a neutral response as the exact middle between the two scores. For the purposes of this project, category three was interpreted as "neutral" despite the fact it was not labelled as such in the survey. In traditional Likert scales, the exact middle category choice can indicate neutrality (Neuman & Robson, 2009, p.128)

[30] See Appendix B for copies of questionnaires.

data. As discussed earlier, I received the original surveys from NSRJS rather than in statistical aggregate forms, which Bryman and Teevan (2005) suggest is the case for most secondary data analyses. This study remains a secondary analysis, as it is limited to data analysis and does not include, research design, instrument creation, or data collection.

As with self-administered surveys, there are a number of advantages and disadvantages to secondary data analysis. Secondary data analysis requires a fraction of the resources involved in collecting new data (Bryman & Teevan, 2005, p.130-131) which, in the context of this research is extremely relevant. Collecting this data would have been well beyond the time constraints for a Master's degree. Secondary data analysis provides an opportunity for longitudinal and/or subgroup analysis (Bryman & Teevan, 2005, p.131), which applies to this project; the longitudinal aspect was important as the data ranged from 2002 to 2008.

One of the most important advantages of secondary data analysis is that it is non-reactive (Neuman & Robson, 2009, p.357), meaning participants are not influenced by the actions/expressions of the researcher. Secondary data analysis also has numerous benefits for the researcher in that it allows for results to checked and rechecked (Neuman & Robson, 2009, p.232). Most importantly, reanalysis of existing data can offer new interpretations and bring further insight about the issues (Bryman & Teevan, 2005, p.134). In the context of this project, although previous analysis of the data do not exist, secondary data analysis is the best opportunity to look at years of results without having to take years to collect the data.

Despite the advantages of secondary data analysis, one must be aware of the numerous (and potentially problematic) disadvantages as well. In undertaking secondary data analysis, as is the case here, I inherited the data collected by the agency and along

with that comes a range of associated issues. Not only is there no control over the research design, purpose of study, data collection, or data quality, the researcher also, usually unbeknownst to him/her, becomes heir to all of the biases, research decisions, and mistakes of the original researcher (Bryman & Teevan, 2005, p.134; Neuman & Robson, 2009, p.358). In addition to this, not being the principal researcher also brings a lack of familiarity with the data (Bryman & Teevan, 2005, p.134) and limits the types of research questions one can ask or answer (Neuman & Robson, 2009, p.357). Depending on the completeness of the data received, an absence of key variables or definitions of concepts being measured (in essence operationalization) could be highly problematic and could lead to erroneous assumptions or false interpretations (Bryman & Teevan, 2005, p.135; Neuman & Robson, 2009, p.233; Palys & Atchison, 2008, p.54). This coupled with potentially missing data could greatly affect reliability and validity of the secondary data analysis (Neuman & Robson, 2009, p.234-237). This study is based solely on secondary data, so having inherited the data as they are, it is up to this researcher to create meaning, breathe life, and paint a picture of the participants' perspectives.

One of the greatest limitations to any non-reactive or archival method is the absence of human connection or interaction. By not talking directly to participants, information may be missed and clarification cannot be sought. In addition, less tangible issues such as feelings are hard to capture without face-to-face interaction with participants because body language, facial expressions, and changes in voice or tone play an important role in understanding an individual's perspective. While I acknowledge this as a major limitation of my study, no interviews with past NSRJS participants were done because, for many, much time had elapsed between the time of their restorative process and this study. It would have been inappropriate to contact them. Interviews

would have provided another dimension of explanation, and would be a logical extension to the evaluation process in future.

Data Acquisition and Collection

NSRJS collected the sample from their files and retrieving all questionnaires received between 2002 and 2008. The program assistant at NSRJS made the decision to start at 2002 because collection of feedback questionnaires began that year. The last complete year of data collected provided was 2008, the final year of data for this project. Surveys from 2009 were available, but not all respondents returned them, thus it is not a complete year of data. Additionally, time constraints prevent me from waiting for the 2009 data to be complete. Because the files contain sensitive and confidential information, permission to access NSRJS files was not granted. This restriction means the study is based solely on the questionnaires provided and there is no way of knowing what other information in the files would or could have been useful. This is another limitation of this study, which is common to secondary data analysis. As NSRJS has never formally compiled this information, surveys provided were paper photocopies of the original documents. Surveys were kept locked up in my home when not in use and they will be destroyed following the completion of this research.

Data Organization and Entry

Data entry began in Excel, as one of the goals for this thesis is to build a database for NSRJS that could be easily used to track program participant feedback in future. Data were entered in Excel and the quantitative elements were exported to SPSS (Statistical Package for the Social Sciences[31]) to facilitate quantitative analysis.

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[31] As of January 2010, SPSS's name was changed to PASW due to SPSS's acquisition by IBM – for the purposes of this thesis, I will continue to refer to it as SPSS.

Data were systematically entered in the spreadsheet beginning with the 2002 questionnaires as this made it easier to track changes in the surveys over the period of study. The decision proved to be fruitful, though eventually I realized questions were constantly being removed from one version of the survey only to be later re-added in future versions of the questionnaires. Frequently, questions were added to the Excel spreadsheet. Missing data (relatively minor) and deciphering handwriting proved to be the most significant challenge in data entry.

During the data entry process, I quickly learned that people missed questions and in some cases, entire pages of the survey. Without talking to the individuals, I cannot know why this occurred but possibilities could include that they: chose not to complete specific questions, felt they did not have anything to say about the question, or did not feel compelled to finish the questionnaire. In total, very few questionnaires were missing responses to questions, with the overwhelming majority of missing responses being qualitative responses. The majority of participants completed the quantitative questions; therefore, no major issues with missing data presented themselves when conducting statistical analysis.[32] Response rates for the individual questions were not calculated as the surveys differed slightly due to changes over the years and it would be difficult to determine.

In addition, the mail-in surveys pose problems in deciphering handwriting and identifying certain words. In instances such as these, the surrounding sentences were read to determine if the content would help determine the word. If that did not work, comparisons between letters in the participant's other written responses were made in

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[32] Missing cases did not affect the statistical analysis in this research, as the level analysis undertaken was at the most basic level (i.e. frequencies and proportions). Had higher statistical analysis been necessary, missing case analysis would have been done. Though I suspect, due to the low numbers of missing cases, it would be a non-issue.

hopes of clarification. Consultation with others was the last resort[33] and more often than not, another person would see something that I did not, thus solving the "word mystery."

Finally, data entry and organization was complicated because the NSRJS evaluation process has evolved over the years and numerous versions of the questionnaires were administered. Despite these changes, the majority of questions remained consistent across all versions making comparisons possible. In most cases, questions were reworded, or combined in later versions of the surveys. The most frequently modified questions pertained to the facilitators. For example, in one survey participants were asked open-ended questions about their perceptions of the facilitators. In later versions of the survey, questions about the facilitators were close-ended and more specific, asking about fairness, respect, and caring.

Data Coding and Analysis

For quantitative data, data entry serves as basic coding. For the Likert-type scales, the respondent's answer was a number between one and five, remained in numerical form. For yes/no questions, keeping in alignment with quantitative coding practices, yes was coded as "1" and no coded as "0" in preparation for SPSS analysis. Due to the low level of measurement[34] of the variables (or simplistic nature of the statistics), statistical analysis was kept to descriptive statistics and frequencies, with some basic cross-tabulations done for comparative purposes (see Chapter 5 for results).

Qualitative analysis was more complicated in that coding was an organic process that evolved while reading the participants' responses. Neuman and Robson (2009) suggest qualitative coding involves "organizing raw data into conceptual categories and creates themes or concepts" (p.337). The first step required combining all of the

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[33] Thank you Sheri, Raegan, and Aimee for helping me figure out the mystery words!
[34] Nominal and ordinal levels of measurement – See Bryman & Teevan (2005)

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qualitative responses together in a spreadsheet and reading all of the data once to get a

feel for the content that would allow inferences to be made. This is known as the first

pass or open-coding (Neuman & Robson, 2009, p.337). All of the questionnaire

responses were read a second time, this time looking for re-occurring patterns or themes

emerging out of the data. This is known as axial coding, where an "organized set of

initial codes or preliminary concepts" is developed (Neuman & Robson, 2009, p.338).

Each time a new theme was identified, it was noted and the data was read again to see

if any other responses would align with that theme, which is known as selective coding

(Neuman & Robson, 2009, p.339). This process went back and forth between data

reviewing and theme identification until no new themes were identified. Creswell (2007)

refers to this as "winnowing" the data (p.152). In other words, not all data is used, some

discarded, or reduced (Creswell, 2007, p.152). After identifying more than 20 initial

themes, these were reduced to ten main themes – five for the "most helpful" aspects of

the conference and five for the "least helpful" (see Chapter 5 for a discussion of these

themes).

Ethics

For most research, respect for persons, conflict of interest, free and informed

consent, deception, privacy, and confidentiality are the main concerns about ethics

(Guillemin & Gillam, 2004, p.270; Palys & Atchison, 2008, p.71-78). The aforementioned

issues were not a major concern, as this research project was essentially secondary

data analysis. Though I did not conduct the survey administration and data collection,

obligations to the participants, the university, and NSRJS to preserve confidentiality and

anonymity are central to conducting an ethical project. As I am not a volunteer or

employee affiliated with NSRJS, both verbal and written permission to access the

questionnaires was granted by NSRJS. Prior to filing my ethics application to Simon

Fraser University's Office of Research Ethics (also known as the REB, Research Ethics Board), NSRJS viewed and responded to the proposal. No objections were voiced. Ethics approval from SFU's REB was granted on March 13, 2009; the project was deemed minimal risk.[35] Physical access to the NSRJS questionnaires was sought after ethical approval was granted.

Prior to sharing the questionnaires, NSRJS anonymized the data by removing any identifying or personal information. In other words, NSRJS removed any contact information from the surveys, thus the identities of the participants were not known from the outset, which meant maintaining and preserving confidentiality was not an issue. This was an agreement made between myself and NSRJS in order to protect the identity of their participants because they are promised confidentiality during the conference. As described previously, questionnaires contained the opportunity for respondents to provide their contact information for future involvement in research. This information was blacked out prior to handing over the surveys. NSRJS is

> obligated by privacy legislation to keep [their participants'] personal information confidential and to use it only for the reasons disclosed above [outlined in the questionnaire]. Our commitment is to maintain confidentiality and security of [their] information in accordance with our Ten Privacy Principles, which govern our actions as they relate to the use of your information (NSRJS Post-restorative process evaluation, 2009)[36]

On occasion, participant qualitative responses mentioned first names of individuals involved in the process. This occurred in very few of the questionnaires with the names obviously mistakenly missed for redaction by NSRJS. In these instances, the name did not provide information to identify anyone[37] and in keeping with the promise to

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[35] The proposed research project did not have any contact with human participants, therefore deemed minimal risk as no potential harm was foreseeable.

[36] For the "Ten Privacy Principles", please see Appendix C

[37] Nor did the surveys include any specific information about what the "harm" caused, thus I had no way of connecting any questionnaire to any incident I may have inadvertently heard about.

anonymize the data, the name was removed and replaced with an "X". For the purposes

of this research, being able to distinguish participants mentioned was not pertinent.

Great care was taken to maintain confidentiality and anonymize the data throughout the

research and writing process.

All "good" research should be ethical. Palys and Atchison (2008) state

researchers have a "scientific obligation to do research in the best way we know how"

(p.69). To many, this means maintaining confidentiality and doing no harm to their

participants. While I fully support these tenets, I also ascribe to a much broader ethical

code. Research should be conducted in an authentic and honest way through accurate

portrayal of data.[38] Guillemin and Gillam (2004) note the underlying value surrounding

ethics is "integrity, which [is] defined as a commitment to the search for knowledge and

to honest and ethical conduct" (p.270). In order to do this, researchers must be reflexive,

which is

> a process whereby researchers place themselves and their practices
> under scrutiny, acknowledging the ethical dilemmas that permeate the
> research process and impinge on the creation of knowledge (McGraw,
> Zvonkovic, & Walker, 2000, p.68)

Engaging in reflexivity was constant throughout the research process, which

allowed me continuously to keep in mind the integrity of the research. This was achieved

through constant reflection and frequent re-visiting of the research questions to ensure

the research was kept plumb (Chenail, 1997, para. 9) and remained aligned with its

purpose.

Further to this, especially when engaging in qualitative research, the preservation

and maintenance of the participants' voices is paramount. While the amount of

qualitative data is relatively minimal, efforts were made to respect their perspectives.

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[38] This also means an absence of fabrication.

Most importantly, researchers must acknowledge the power they hold in terms of their position as main decision maker and as interpreter of data (Guillemin & Gillam, 2004, p.274; Palys & Atchison, 2008, p.86-87). Researchers create knowledge and "producing knowledge... [should be an] active process that requires scrutiny, reflection, and interrogation of the data, the researcher, the participants, and the context that they inhabit" (Guillemin & Gillam, 2004, p.274). Throughout the research process, I acknowledged my power of interpretation and "knowledge creation" and I made every effort to uphold these ethical values.

Description of Sample

As discussed previously, questionnaires from NSRJS are the basis of analysis for this study and the collection of the data is a result of normal operating practices of the organization. As this study is an analysis of secondary data, details regarding the collection of the information are not available, however all participants in every case are given the opportunity to respond and the sample contains all responses received by NSRJS. Sampling was non-probabilistic in nature, which negates the ability to have a formally representative sample, but allows for strategically chosen samples (Palys & Atchison, 2008, p.111) such as this. Due to the limits of secondary data, this project is limited by what has already been collected, therefore sampling was largely both purposive (criterion based) and convenient in nature. Bryman and Teevan (2005) suggest that convenience samples are ones that are "simply available to the researcher by virtue of its accessibility" (p.226).

Access to NSRJS's questionnaires was straightforward (through asking permission) and was easy (though tedious) to enter, thus making sampling incredibly convenient as the surveys were an untapped resource. Criterion or purposive sampling allows the researcher to "get all possible cases that fit particular criteria" (Neuman &

Robson, 2009, p.136). The criterion for inclusion was merely completed questionnaires, and files were purposefully searched for these.

The sample contains all questionnaires returned to NSRJS between the years of 2002 and 2008. In total, 160 surveys were included for analysis, which represents 67 different cases. Multiple surveys from the same case are a result of participants from the same restorative conference returning their individual surveys to NSRJS. During the span of six years for which the data represents, NSRJS conducted a total of 264 restorative conferences indicating the sample accounts for 25.4% of their cases.[39] Contained within the 160 surveys, there were nine different versions of the survey. Each questionnaire was two to three pages in length, depending on the version. Of the 160 respondents, 22 (13.5%) of them participated in shuttle mediations, while the remaining 138 (86.2%) participated in face-to-face restorative conferences. Shuttle mediation is used only when a face-to-face conference cannot be or should not be done, thus resulting in very low numbers. The infrequent use of shuttle mediation is consistent with the findings of Miers et al. (2001) where shuttle mediation is used as a last resort when a face-to-face meeting cannot be held (p.87).

Although imperfect, this thesis uses the best available data about NSRJS.[40] While representativeness[41] is an issue and I recognize the limits placed on this project regarding generalizability,[42] the sample and accompanying analysis and discussion will provide the organization with important feedback regarding their program and practices.

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[39] This is not surprising considering issues with mail-in surveys response rates.

[40] The sample does not include every person who participated in a restorative process, but limited to those who chose to mail the survey back in. Unfortunately, there was no way to know who (participant role) was less likely to complete and return their questionnaire.

[41] However, it is representative of all the individuals responded to the survey. Finding out why those who did not respond would be an interesting (yet nearly impossible) avenue to pursue.

[42] In the grand scheme of research, generalizability is THE goal, but in this case being able to provide NSRJS with a summary of feedback is more important. Also, as all restorative programs are different, the ability to generalize is quite difficult, but not impossible!

5: NSRJS QUESTIONNAIRES - RESULTS AND DISCUSSION

> *"I wish we had prior/better awareness of a program/society as beneficial and valuable as we experienced. The quality of leadership would lead me to believe that the process of understanding & accountability within the context of restoring a relationship could free up the court system"*
> *(NSRJS Participant)*

Overview

This chapter presents the results from both the quantitative and qualitative data analysis of the NSRJS questionnaires. Results from the individual respondents will be presented first, followed by an analysis of the survey composition.

Results and Discussion: Individual Responses

The sample includes participant evaluations collected between 2002 and 2008. Table 1 includes the total number of surveys per year included in this study, as well as the total number of cases included in this study and the total number of cases processed by NSRJS for each year. The final row summarizes the proportion of cases in the sample in relation to the total cases processed for each year.

Table 1: Number of Surveys and Cases per year

	2002	*2003*	*2004*	*2005*	*2006*	*2007*	*2008*	*Total*
Total Number of Surveys Returned	5	10	10	3	24	49	59	160
Total Number of Cases included in study	2	4	2	1	7	23	28	67
Total Cases processed per year[43] (%)	14 (14.3%)	18 (22.2%)	5 (40.0%)	33 (3.0%)	39 (17.9%)	79 (29.1%)	76 (36.8%)	264 (25.4%)

As shown in Table 1, the total number of cases processed by NSRJS has been steadily increasing since the beginning of data collection in 2002, with the exception of 2004, in which the number of cases processed was a meagre five. This is a marked difference compared to the number of cases processed in both 2003 and 2005. In speaking to NSRJS, 2005 was a year of transition and transformation, in that they revisited their process of conferencing and while they were modifying their practices, they did not promote the program in the community at all, thus explaining the low number of cases. In that year, NSRJS moved away from conferencing to "designing individual process[es] every time based on [their] values" and time and resources were put towards redeveloping materials and training (Abramson, 2010).

It is apparent that something changed with regard to the survey administration or response rates over the years, but it is not possible to determine why these shifts in response rates occurred. If there was a concerted effort by staff and volunteers to

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[43] This refers to all the cases handled by NSRJS for the entire year that went to either a face-to - face or shuttle mediation

promote filling out the questionnaire, this could have increased the responses. Follow up calls regarding the survey are not made, therefore participants are not given the friendly reminder to complete the questionnaire. The total number of cases processed each year between 2002 and 2008 was available, (each restorative process contains multiple participants), but the number of participants in each case was not available. This information would have allowed the calculation of participant response rates.

Who responded to the survey?

In all versions of the questionnaires, except 2002,[44] respondents were asked to choose the role that best described their participation in the restorative process, selecting one of three options: person harmed; person who caused harm; and supporter.[45] The majority of the respondents were expected to be "person harmed," as restorative justice is touted as being "victim-centred", yet the results painted a different picture.

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[44] This question did not appear in the 2002 version of NSRJS's survey.
[45] In "traditional" CJS language: Person harmed = victim, Person who caused harm = offender.

Table 2: Participant Role of Respondent by Year

Role / Year	Person Harmed	Person who caused harm	Supporter	Both Person harmed & Person who caused harm	No Response/ Not asked
2002	0	0	0	0	5
2003	2	3	4	0	1
2004	2	3	5	0	0
2005	1	1	1	0	0
2006	5	6	10	1	2
2007	17	11	20	1	0
2008	17	18	23	0	1
Total (%)	**44 (27.5%)**	**42 (26.3%)**	**63 (39.4%)**	**2 (1.3%)**	**9 (5.6%)**

(N=160)

"Supporters" comprised nearly 40% of the sample, which was initially surprising, but upon further reflection made sense. NSRJS's restorative processes primarily involve youth, both as those who were harmed and those who did the harming. Many conferences involving youth, include parents as support people, which may reflect the higher response rate for of "supporter" questionnaires. While there to support his/her child, a parent experiences the entire process with the youth and may be more likely to use an opportunity such as a post-restorative process evaluation to provide feedback and to reflect on his/her experience. While this is conjecture, it appears that "supporters" took advantage of evaluating their experiences more than any other role. This could also possibly be because youth may have more than one support person present at the conference, for example parents, guardians, or family members.

"Persons harmed" and "persons who caused harm" responded nearly the same amount (27.5% and 26.3% respectively). Although there were no formal hypotheses made for this study, based on Zehr (2002) victims tend to have a prominent voice in response to their experiences (both positive and negative) with restorative justice. The

expectation was to find more "persons harmed" responding to the questionnaire. Many questions arise as to why victims did not make up a larger proportion of the sample, yet data limitations prevent me from answering these questions at any level. Further insight would come from conducting interviews with all participants, including victims.

The data contain very little information on the participants themselves, apart from their self-identified role of person harmed, person who caused harm or supporter. According to some researchers (Kurki, 2003; Young, 2002; and Pemberton, Winkel, & Groenhuijsen 2008), the presentation of information regarding victims is largely homogeneous with little information on demographics of participants. "In much of the restorative justice literature, victims appear as ageless, colourless, genderless, classless individuals. In other words, they are presented as an undifferentiated homogenised mass" (Young, 2002, p.103). Young (2002) suggests this may be due to small sample sizes, as differentiation would not be possible (p.103) or able to be coded. Pemberton, Winkel, & Groenhuijsen (2008), indicate that this information may have little to do with the benefits of restorative justice, as most of the literature presents the effects of restorative justice as "generalized sweeping statements" without taking into consideration the population demographics for which these benefits occurred (p.101). Very few studies, with the exception of the RISE data, which looks at gender, include any demographic information. Information about restorative process participants could help answer the question of 'who does restorative justice works for?" (Both Strang & Sherman, 2010, and Pranis, 2004 ask this question).

How did respondents respond to value- and process-based questions?

For the purposes of this study, two types of analytic frameworks – values-based and process-based guide the research. While other valuable analytic frameworks exist, data limitations restricted their use. In other words, the survey's questions did not

address some of the possible analytic frameworks discussed in Chapter 2. Survey

questions included were arguably all process-based, which asked participants to reflect

on their experiences with the NSRJS restorative conference process. Some of the

questions, though, targeted specific values which restorative processes should emulate,

such as fairness, equal participation, and respect (Braithwaite, 2002a, would call these

constraining values). Questions including these concepts were categorized as values-

based. Interestingly, all the values-based questions were quantitative in nature, and

while process-based questions were a mix of both qualitative and quantitative questions.

As discussed in the previous chapter, having values-based responses ranked on a 5-

point scale is difficult for respondents determine what a "3" in fairness feels like

compared to a "4".

The following section presents quantitative results for both the process-based

and values-based questions.

Process-Based Questions

Process-based questions do exactly what their name suggests. They ask

participants about the process – details about how it went, what worked, and what did

not. With the exclusion of three questions included in later analyses and the qualitative

responses, four process-based questions remained. These questions include:

- Is there anyone else affected by what happened who should have been part of the process that **WAS NOT** included?
- Was someone involved that you feel should **NOT** have been?
- How do you feel the **police** handled the case before they referred it to restorative justice?
- How well **prepared** did you feel for this process?

The first two questions regarding inclusion of stakeholders were dichotomous questions,

while the latter two were asked on a Likert-type five-point scale.

People Included

These two questions asked participants if they felt if anyone was missing from the process and whether someone participated in the process who should not have. The results of these are not surprising, as staff at NSRJS make a conscious effort to include everyone who wants to be included. The "yes" responses for both questions (11.3% and 1.9%) are the most interesting as they represent people who think someone was missing from the process and someone who should not have been part of the process, respectively. For both questions, data limitations do not explain why respondents answered "yes" because the context of the case is not knowable. In the absence of additional information, the most logical interpretation is that there were people that the respondents wanted to have included in the process, but for whatever reason these people chose not to participate or could not participate due to unrelated circumstances. Restorative justice is a voluntary process and respects autonomy, so individuals are free to make the decision to participate or not (Wallis and Tudor, 2008, p.17). "Supporters" made up 50% of the people who said someone was missing from the conference. All but three respondents (1.9%) agreed that all the appropriate participants were present. One of these individuals was a "person harmed," one was a "person who caused harm," and one person was harmed and caused harm. The results indicate that 118 (73.8%) of respondents felt everyone who should be in attendance was there and 134 (83.3%) of respondents felt that there was no one participating in the conference who should not be there. Overall, these results indicate that NSRJS is doing well at including all of the relevant stakeholders. In terms of general restorative practices, including all affected parties is important for a successful and inclusive process, giving everyone a voice (Dignan, 2007, p.269).

Police

  Participants were quantitatively asked how well they felt the police handled their case before it was referred to NSRJS. Responses were dispersed over all five of the category choices, ranging from "the police did not handle the case well" to "the police handled the case very well." Almost half of the respondents (79; 49.4%) felt that the police handled their case well or very well (rank of 4 or 5), while 30 (18.8%) participants indicated they were neutral (rank of 3), and 22 (13.8%) felt the police handled their case poorly or very poorly. Nearly one-quarter of respondents (39; 24.4%) did not answer this question, in which the most obvious assumption about this finding is that the police were not involved in their case. Referrals to NSRJS come from a variety of sources including police, schools, and other community organizations/members, meaning that the police were not involved in all cases. Limited information about individual experiences makes it difficult to offer explanation regarding these results. Interestingly, a cross-tabulation comparing the roles of participants with perspectives about the police shows that nearly 65% of the respondents who said they did not think the police handled the case well were "supporters." As suggested before, most of the participants in NSRJS's restorative processes are youth and the support people are usually their parents/guardians. It would make sense parents/guardians would have the strongest opinions about actions affecting their child.

Preparation

  Preparation for the conference, discussed in more detail in the qualitative responses, was done well by NSRJS staff. Overall, nearly 65% (103) of the respondents felt well prepared for the process ahead of them. Only 23 (14.4%) of participants felt neutral about their preparedness, and a mere eight (5%) participants felt they were not prepared. When disaggregated into participant role, responses about preparedness

mirrored the proportions in the sample as a whole, indicating little or no differences between groups.

Quantitative Values-Based Questions

Values-based questions ask participants to consider values emulated in the restorative process. The values identified in this survey were voluntary participation, fairness, equality, understanding, neutrality, respect, and caring. These values reflect the foundations of restorative justice and it is important that participants both experience them and are able to acknowledge that they felt them.

The following seven questions were categorized as values based:

- Do you feel you had a **choice** to participate in this process?
- How **fair** was the outcome of this process for you?
- To what extent did everyone have the opportunity to participate **equally**?
- How much more **understanding** of this situation have you gained through this process?
- How **neutral** would you rate the facilitators?
- How **respected** did you feel during this process (by the facilitators)?
- How **cared about** did you feel during this process (by the facilitators)?

Voluntariness

Participants were asked whether they felt they had a choice to participate in the restorative process. Results indicate that 150 (93.8%) respondents said they felt choice in participating in the process while eight (5%) said they did not feel they were given a choice, and two who did not respond. It seems logical that the majority of people who said they did not have a choice to participate would have been "persons who caused harm," but results indicate that only three of the eight individuals who felt they had no choice were persons who caused harm. This question taps into the concept of voluntariness, which is crucial to restorative justice (Sharpe, 1998; Wallis & Tudor, 2008; Zehr, 2002; among others). For the process to be authentic and honest, participants should feel they chose to participate; coerced participation is contrary to RJ principles.

One major critique of restorative justice is that using restorative justice as a diversionary approach from the criminal justice system is problematic in that a choice between participation in restorative justice or going to court is not a "real" choice (Marshall, 1999, p.24). For instance, a young offender is given the choice between going to court and potentially receiving a juvenile record, and the option to participate in restorative process, where, when the agreement is completed there is no criminal record. It seems that restorative justice would be chosen because it is the "best of the bad" options because either are worse than getting caught. Potential restorative justice participants truly need to make up their own minds about whether or not to be involved with such a process. Forcing people to participate under threat of court or criminal record does nothing but begin the restorative process with added strain and might result in a lack of willingness to participate or worse unauthentic participation. At the same time, at least there is some level of choice here in Canada compared to the New Zealand model, where all youth are processed via restorative justice methods in youth court. Net widening is also relevant here. Net-widening[46] is a

> phrase often used to describe the very real potential for restorative justice programs to bring more people into the criminal justice system, rather than helping more people stay out of it. Instead of providing a true alternative to handling criminal cases in the courts, a restorative justice program can find itself occupied with cases that, if not for the program's existence, would likely not be in the justice system at all (Sharpe, 1998, p.94).

Volunteering to participate in restorative processes is only one part of the equation – cases should not add to the workload of the system or organization. In instances such as these, it may be better to drop the case, with no court or RJ for the offender. Then we must ask, what happens to the needs of the victims? Participating in

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[46] As mentioned by Bonta, Wallace-Capretta, Rooney, 1998; Cameron & Thorsborne, 2001; Latimer and Kleinknecht, 2000; Roche, 2003; Sharpe, 1998; and Sherman and Strang, 2007; among others.

a restorative process that would have never been taken to court may be just what the victim and the offender need to move forward.

Fairness

Our justice system is built on notions of fairness, procedural justice, and "equality under the law." Fairness is also an essential component of restorative justice as healing harms and addressing the needs of all those involved comes from a place of fairness or equality. In the NSRJS surveys, 140 of the 160 (87.5%) participants ranked fairness as well or very well (category 4 or 5). Of the remaining categories (3 through 1 and no response), 9 people (5.6%) felt neutral about fairness, 5 people (3.1%) said the process was unfair, and 6 people (3.8%) did not answer the questions. Based on the results, the overwhelming majority of respondents felt they were treated fairly and the outcome of their process was fair. The results of the NSRJS align with the findings of multiple studies, including Daly (2002) and Strang and Sherman (2003) who found that responses to fairness were extraordinarily positive. Umbreit, Coates, and Vos (2008), state that fairness is "often perceived as the cornerstone upon which justice is built" (p.57) and as a result of the commitment to ensuring fairness, the vast majority of participants in restorative justice processes felt they were fair.

Equal Participation

The traditional justice system is very offender-focused with many of the rules, guidelines, and operating principles involving protection of the rights of the offender from the unwieldy power of the state. For the most part, the criminal justice system is not inclusive of all the parties affected by crime and unfortunately, victims deal with the brunt of this. Restorative justice processes seek to be inclusive of all stakeholders connected to the harm and provide opportunities for all those involved to participate equally. Based on the results of NSRJS's questionnaire, aside from those who did not answer (2

people) and those who were not asked the question (23 people), the majority of people

responded that they had felt an equal chance to participate; while the remaining 135

people, 130 people (81.3%) ranked equal participation as well or very well (rankings 4

and 5). It is evident from the results that people of all roles felt included in the process.

Findings from Cameron and Thorsborne (2001) align with the NSRJS results in that the

majority of participants felt were afforded equal opportunity to participate (p.182). When

relating this to victims specifically,

> when given the choice, victims prefer to be treated in a manner that
> respects their situation and will prefer to receive sufficient and timely
> information concerning their case... but participation is a more
> complicated concept. The fact that victims feel they are lacking sufficient
> participation in their case as it progresses through the CJS leads to the
> obvious conclusion that they would prefer a higher level of participation
> than is currently available, but [this is not always the case] (Pemberton,
> Winkel, & Groenhuijsen, 2008, p.105).

In every discussion of participation, there is always another side to the coin as

Pemberton and colleagues suggest. Despite the fact victims want more information; this

does not mean they are prepared for the level of inclusivity involved in restorative justice.

As a suggestion for future research, interviews held with participants could specifically

ask why the decision to participate was made, which is something not asked in the

NSRJS surveys.

Better Understanding

The goal of restorative justice is to not only heal harms and come to resolutions,

but to provide participants with an understanding of the situation. When harms happen,

important questions about what happened, why the event happened, who the people

involved are, and for persons harmed, "why me" are asked (Strang et al., 2006, p.292).

One of the issues in the criminal justice system is the lack of voice and information that

both victims and offenders receive. Victims are especially affected by lack of information

as their fears and questions are not addressed. With information, comes power - the power to heal and remedy fears (Strang et al., 2006, p.292). Restorative justice processes provide participants with an opportunity to hear everyone's story, which helps them make sense of the event. As discussed by one participant in Strang et al.'s (2006) research on being involved in a restorative process, he/she said, "It was really interesting. It was quite hard work though – like being in therapy for two and a half hours. It was sad, but in the end it was quite empowering because it does help you move on. I now understand 'why' (p.302). Connecting this discussion to the results of the surveys, 125 of the 160 participants (78.1%) ranked "better understanding" as a "four" or better meaning they felt they did gain a better understanding of the situation and the people involved. Sixteen people (10%) were neutral regarding their understanding. Of the people (11; 6.9%) who ranked understanding as not good or poor (categories 1 and 2), over 50% of those individuals were "people harmed", which is alarming, yet not altogether surprising. This amounts to a total of six out of the 160 total participants. While this number is small, it is still important to acknowledge that most of the participants who did not get a better understanding were victims. This suggests there is still work to do in meeting victim needs. Pelikan and Trenczek (2008) suggest that because victims want more information, restorative justice provides an opportunity to have these questions answered, receive explanations about what happened, which leads to a better overall understanding (p.79). For the NSRJS participants, those that did not gain a better understanding might have been a result of language barriers.

Neutral Facilitators

In most restorative processes, facilitators are present to support all participants. Unlike the criminal justice system, where all parties have their own representatives (lawyers) looking out for their best interests, facilitators guide the discussion and

conversations among all the affected parties. In NSRJS, facilitators are supposed to remain neutral, not favouring any individual/party over the others (McCold, 2003, p.93). From those participants who were asked or who answered the questions (26 people or 16.3% fell into these two categories), only four participants ranked the neutrality of the facilitators as neutral or worse, with "category one – poor" not selected by any one. Participants felt, overall, the facilitators did a good job of remaining neutral as possible, not favouring any one over the other.

Respect

Respect is one of the cornerstones of all restorative processes. Respect for others, respect for the process, respect for feelings and opinions, and respect for self (see Zehr, 2002). In the context of this survey, respondents were asked how respected they felt during the process by the facilitators. It would have been interesting to see how participants would have responded if asked about whether or not they felt respect from other participants. With the exception of twenty-six people (16.3%) who did not answer or were not asked, all remaining 134 (83.8%) participants indicated they felt respected or very respected (categories 4 and 5). This indicates that, overwhelmingly, participants felt respect from the facilitators. Strang and Sherman (2003), among other results, indicated that the majority of participants felt respected and that their perspective was taken into account (p.51).

Feeling Cared About

Feeling cared about is a value that ties in very closely with feeling respected and feeling included. Cameron and Thorsborne (2001) found that the majority of participants felt cared about during the process along with feeling included and respected (p.182). NSRJS participants were asked whether or not they felt cared about by the facilitators during the process. It is important for people to feel that they their stories and

experiences matter. NSRJS does this very well, as is indicated by the 81.3% (130 people) of respondents who ranked "cared about" as very or exceptionally (categories four and five). Three people (1.9%) were neutral about the caring they felt from facilitators, while only one person (0.6%) said they did not feel cared about. While the people who said they did not feel cared about comprise a very small proportion of the entire sample, it is important to acknowledge what this may indicate. Three "offenders" felt they were not cared about and they may be leaving the process without the same "felt" experience as other "persons who caused harm." Again, the lack of information about why participants answered as they did limits interpretation. Future research using interviews would be interesting to further explore and expand on this finding asking people to give examples of how they felt cared about or not. In terms of survey research, the concept of caring could be phrased as an open-ended question allowing participants to give specific examples.

Responses to Helpfulness of Restorative Justice

As indicated in the literature review, one of the most oft cited measures of success for restorative justice programs is the measure of satisfaction and needs-meeting. This also includes, in the context of the NSRJS data, what participants felt was helpful and not helpful during the process. In these questions, participants were asked to answer open-ended questions, which produced a vast expanse of responses. These open-ended questions did not produce the rich, thick description commonly associated with qualitative research, but because the responses were written, qualitative analysis was done to identify major themes contained within the data. All of the open-ended responses were reviewed by reading and re-reading the responses to identify themes. Notes were kept documenting repeating responses, and once numerous passes through the data were done, themes were condensed by grouping similar items together, which

resulted in ten themes. Naturally, the themes separated into two major groups: helpful and not helpful – essentially the positives and negatives of the restorative process.

The Most Helpful – or – "This really made the process for me..."

Of all of the themes identified, five encompassed positive aspects that the participants felt helped "make the process for them." The following five sections discuss these themes in greater detail. Interestingly, the vast majority of participants had something positive to say about their experiences and what they found most helpful, evidenced by 150 (94%) participants providing responses.

"Setting is everything"

Upon doing analysis on the responses, participants continuously commented on the setting or environment for the restorative conference. In most instances, this went beyond the physical attributes of the space or how the room was set up, although some commented on how sitting in circle brings "everyone together." This theme specifically targets the atmosphere created by the facilitators and participants together. The atmosphere for the conference was a very helpful and positive thing for participants. One participant referred to this as a "comfortable and helping environment." Overall, respondents indicated that the environment was encouraging, supportive, and friendly, which elicited positive interactions making participants feel safe. This feeling of safety is essential to the success of any restorative conference in that for someone to share his/her authentic feelings; s/he must feel that it is safe to do so (Sharpe, 1998; Zehr, 2002). Part of safety includes, as one participant stated, a "non-threatening, non-judgemental" environment where listening to one another is of utmost importance.

"It's all in the approach!"

The approach is closely tied to environment or atmosphere, but is distinct in that the facilitators take great care to make sure the approach of holding the conference is

aligned with restorative values. This theme represents participants' feelings about how the approach manifests itself and/or their experiences of the process. The first thing noted by respondents about the approach was how great care was taken to prepare them and educate them about the restorative process. They found this helpful as "expectations were set" and "thoughts were organized," and as one participant states, the "prior meetings and preparation to [the] conference [which] made [me] aware of the process were incredibly helpful" in setting the tone for the conference. Another participant said that education and inclusion was not limited to the initial meetings, but continued throughout the process. As one person said, "The RJ coordinator had a set out agenda planned, specific, explained what would happen when." Participants felt "included and continuously updated with information" throughout their contact with NSRJS. This allowed participants to "seek clarification," ask questions, and "gain further insight" into the issue at hand.

In addition, respondents appreciated the "community-based" approach and how this "allowed for flexibility and freedom," regarding the facilitation or management and scheduling of the process. Participants felt that this flexibility allowed the process to meet their specific needs.

Arguably the most important part of the "setting" identified by participants were the feelings of integrity, respect, empathy, understanding, and caring felt throughout the process (Zehr & Mika, 1998, p.60-62). As one "supporter" stated, the process "allowed [his] daughter's self esteem [to] remain intact throughout the experience – she grew from exposure to this method," despite being involved in a difficult situation. Another participant suggested the restorative process is a "humanitarian approach that takes into account that there are human factors involved." Overall, participants in NSRJS's restorative conferences felt the approach supported their needs and facilitated respect

and understanding. Linking this back to environment, when people feel safe, respected, and heard, healing truly becomes possible.

"Where I am coming from..."

For victims, the most oft cited dissatisfactions with the traditional justice system are not being heard, not having an opportunity to share their stories, not feeling safe and comfortable, and not having a say in the process. In Canada, changes within the criminal justice system now provides victims with opportunities to complete "victim impact statements" for the purposes of sentencing, to be present at parole hearings, and opportunities to receive notifications about "their" offender (Schmalleger & Volk, 2008, p.120-124). While these changes are positive, albeit tiny steps in the right direction, restorative justice processes take victims level of participation to another level. Restorative justice provides an opportunity for all those involved to not only be an active participant in the process, but to be heard. Kay Pranis (2002) speaks of the great power in being able to tell stories, but also the power that comes from people listening to them (p.9). NSRJS's participants mentioned notions of being heard consistently. As one person said, this process afforded them an "opportunity to share personal experiences directly" and as another stated, it allowed others to "see where I am coming from." Not only was this an opportunity for people to share their own stories, but the process provided an opportunity for everyone to hear "all perspectives." A number of participants stated, "hear[ing] and understand[ing] everyones *(sic)* side," or "hearing the other sides of the story" helped them understand what happened during the incident. Howard Zehr (2005a) suggests it is essential to create a space for participation because "victims also need to be empowered. Justice cannot simply be done to and for them. They must feel needed and listened to in the process. Since one dimension of wrong was that they were robbed of power, one dimension of justice is to return power to them" (p.194). Furthering

this rationale, offenders also need this kind of support through their journey as well. From the responses of the participants, it is clear they felt listened to and supported. Umbreit, Coates, and Vos (2008), found that victims felt satisfied about participating in restorative justice processes because they were able to share their stories and pain with the offenders and they were able to gain understanding of why they were victimized (p.57).

Safety was something that participants brought up in several contexts and specifically to this theme; it was felt that "uninterrupted telling of [their] stories" indicated respect and understanding from the other participants. Alongside this, "open communication" made participants feel connected to the process and the other individuals in the process, while it allayed "fears and doubts about sharing [their] stories" and answered "queries about what had happened." Overall, participants felt willing to share their perspectives because it was safe to do so and because everyone had the same opportunity to do so. They felt heard because others listened attentively and because their perspectives respected. There is great power that comes from "having your say" and receiving information (Strang & Sherman, 2003, p.44).

"What's that I'm feeling?"
One would hope that any "justice" process would leave participants feeling resolved and at peace with the outcome. When people do not play a role in the process or have a say in the outcome they become frustrated and dissatisfied. While restorative justice is not a panacea, its ability to elicit feelings of resolution and healing in participants is astounding. Restorative justice does not force healing, closure, or resolution, but merely provides a vehicle for those feelings to emerge naturally (Sharpe, 1998). In this study, participants used a variety of words and phrases to indicate their feelings and satisfaction with the process and outcome.

Participants in all roles used words such as "healing," "reconciliation," "resolution," and "closure." One "person harmed" stated, "it [the process] helped put the event behind [me] and move on," while another "supporter" said, "it was relieving to express my feelings... [and it] helped with the healing process." Another person expressed how "relieving it was to come to a conclusion and put it all behind us." If one word could be used to summarize participants' feelings with the process, it would be "contentment," as participants indicated they felt at peace with the resolution of the incident. Due to the human-centred approach of restorative justice, reparation is possible along with the "prospective benefits include making victims feel better about what happened to them, fostering reconciliation between the parties, facilitating agreements as to reparative outcomes, and reconnecting both parties with their communities" (Dignan, 2005, p.10).

Surprisingly, the word "apology" was not mentioned often, but when it was, "persons who caused harm" used it in order to express taking responsibility. As one "person who caused harm" said, "it helped me understand the mistake I have made." Another participant stated, the process allowed "the family [to] accept my apologies, for their family to realize how I felt about it." Participants also mentioned taking responsibility, being accountable, how actions affect other people, and that there are consequences for those actions. One "supporter" stated, the process "helped our son understand the impact of his actions. Helped us (his parents) understand the impact on his family." Two participants stated that the person who caused harm "had to face up to his actions" and "understand consequences" respectively. Tavuchis (1991), as cited in Bottoms (2003), speaks of apology in the following way: "no matter how sincere or effective, [an apology] does not and cannot undo what has been done. And yet, it a mysterious way and according to its own logic, this is precisely what it manages to do"

(p.100). This is what Braithwaite (2002c) refers to as "symbolic reparation," of which apology is at the heart (p.327; see also Strang, 2002, p.55).

Lastly, participants spoke about feeling a sense of justice had been served, truth had been revealed, and lessons had been learned. One "person harmed" stated, the process afforded them the "ability to achieve a sense of closure," while another "supporter" said, "it helped us all to understand and to try to focus on supporting the person who caused the harm rather than acting with anger." For one parent "supporter," being involved in the restorative conference gave everyone a "better understanding of how to treat people better." In addition, some participants felt that the process offered hope for the future. As one "person harmed" suggests, "I think the person who caused the harm may turn his life around, hopefully this conduct will not be repeated" and that there was a general feeling of "prevention of the incident happening in the future." While this study does not have the capacity to address the concept of recidivism, these participants were alluding to one of the main arguments in support of restorative justice is that it can reduce recidivism and can increase the potential for actual change (See sources listed in Chapter 2: Measures of Success and Effectiveness).

"Sensational, supportive staff"

Overall, participants found the facilitators and staff at NSRJS to be very helpful in contributing to a successful process. Having trained, organized, and professional facilitators appeared to be important to participants. One respondent acknowledged the "commitment [to the] process [by] staff at NSRJS," while another stated the most helpful things in the process were, "the support of staff, empathy and compassion from all staff, and the efforts of staff to see the file through." Respondents viewed their facilitators as "very caring," "professional," and "supportive," and that facilitators were understanding and had a willingness to engage in discussion with them. Facilitators were also thought

of as "approachable," "helpful," "objective," "understanding," "organized" and that they took time ensuring details were attended to. One "person who caused harm" said, s/he appreciated the "facilitators being flexible with their time, and their calm and understanding nature." Not only were the facilitators accommodating and supportive, but participants saw the importance of having "facilitators to help find common ground for agreement," "paraphrase for understanding," and help people vocalize their emotions and feelings. As supported in the literature, a restorative process is very much dependent on the capabilities of the facilitators and their commitment to upholding restorative values. The respondents overwhelmingly indicated that this was the case and the facilitators, for many, were the best part about the process. Research in which participants were asked about the mediator who worked on their case, 90-95% of respondents said their mediator was fair, understanding, and helpful (Umbreit, Coates, & Vos, 2001, p.10).

Difference between the groups:

In asking the research question, "what people found most helpful about the process", I was interested to see if there were any differences between the roles (person who caused harm, person harmed, supporter) because I wanted to know what participants of certain roles felt was important to them. This could potentially assist programs to tailor approaches specifically to the needs of participants. In a brief exploration of the findings, I visually inspected all of the responses and looked at the participant role to compare. There was very little, if any, difference of opinion about what was most helpful when comparing "persons harmed," "persons who caused harm," and "supporters." Participants from all three roles contributed to the themes above. There was only one instance where difference was noted. For "persons who caused harm" and their "supporters" (who identified themselves as parents through comments like – "my

son" or "my daughter"), a benefit of being part of a restorative process was that the "offender" did not have to face court thus potentially resulting in a criminal record. Interestingly, this advantage was not noted by any "persons harmed."

The Least Helpful – or – "I've been thinking... that didn't work for me..."

Overall, compared to the "most helpful" responses, there were virtually no "least helpful" responses. Compared to the 150 participants who provided "most helpful" responses, 61 (38.1%) provided "least helpful" responses and a further 39 (23.4%) participants used the "least helpful" question to reiterate that everything worked well. Again, all of the qualitative responses were read and general disadvantages were recognized. These "unhelpful" aspects were listed and later, similar items were combined together for form five themes. These themes discussed below represent those few, yet important responses.

"You weren't there... to talk to"

A number of the restorative processes were "shuttle mediations" where the involved parties did not meet face-to-face and facilitators carried the conversations between the groups. For those respondents who participated in shuttle mediation, some felt they wanted to meet with the other people face-to-face. According to one "supporter," it "would have been much more useful all around if it had been possible for both sides to meet together" and that because of the shuttle mediation, the two youth involved were not able to meet face-to-face and share responsibility in the incident. Shuttle mediation is used for a variety of reasons including victims or offenders wanting to participate in restorative processes, but not wanting to meet face-to-face, or to prevent already volatile situations from becoming more so, yet still providing an opportunity for resolution (Miers et al., 2001, p.87, 92; Restorative Justice Consortium, 2007, p.2; Wallis & Tudor, 2008, p.73) From the responses of one parent "supporter," the "option to allowed *(sic)* shuttle

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mediation meant my son, having chosen this option, did not have the opportunity for resolution... I think shuttle mediation should not be given as an option for less volatile situation *(sic).*"

Additionally, there were some conferences where people deemed important to the process were not involved – either by their own choice or by some other decision. Participants identified this as something that was not helpful or could be improved. One "supporter" stated, NSRJS should "make sure all caregivers are indentified and contacted, then proceed." In another case, a "supporter" acknowledged that the parents of the other youth involved were not cooperative, communicative, or supportive, and did not participate as fully as s/he did. A participant identified a problem with not having everyone included that should be included, as s/he felt there was "no real resolution to the situation, given that others were involved [in the incident] who were not part of this process." In one case, someone chose not to participate in the restorative process and the "person who caused harm" said that because s/he chose not to participate directly in the process there would be "no personal resolution of the situation with him."

Unless there are safety reasons or serious concerns as to why a conference should not be held face-to-face, NSRJS participants who did not meet with each other frequently felt they wanted the opportunity to do so. Research indicates that shuttle mediation can be effective when done properly and treated to be as important as face-to-face conferencing, but there more potential for things to be "lost in translation" between the parties (Wallis & Tudor, 2008, p.73-74).

"We need the CJS... maybe we don't"

Restorative processes provide diversion options away from the traditional justice system, as is the case with NSRJS. When societies have had the same notions of crime and punishment for centuries, as in Canada, it is difficult to think about alternative

responses to crime. In the words of Dr. Liz Elliott,[47] if the only tool you have is a

hammer, every problem will look like a nail.[48] If you have an entire toolbox full of tools,

you can select the best "tool" to solve the problem (personal communication). Crawford

(2003) states, "over the last two centuries, the criminal justice apparatus has placed

increasing emphasis on bureaucratization, rationalization, and professional

specialization as the pillars of legitimacy and public conference. During the same period,

public involvement has declined" (p.312). The reliance on the criminal justice system is

not surprising as we, as a society, are conditioned to believe that "justice" should be left

to the experts, therefore it is not shocking to hear some participants express opinions of

"leaving justice to the courts."

In this theme, participants felt the incident still warranted the involvement of the

traditional criminal justice system. One particularly angry participant stated there was a

"lack of punitive damages, they got off too easy, I COULD CARE LESS ABOUT THESE

KIDS *(sic)* – leave the matter to the court... the courts are there!!!" This respondent was

clearly not happy with the resolution of his/her case and felt the criminal justice system

would have brought "justice." Other participants felt that the criminal justice system does

a better job of mandating accountability and punishment. One "supporter" stated that all

parties needed to be held accountable for "living up to their agreed obligations" and on

several occasions, respondents felt it "would be better if [the] legal system were still

involved and able to 'mandate' some form of retribution, i.e. community service, or

paying back for items/cash stolen." Some participants were conflicted in that they

appreciated the restorative process in that the "person who caused harm" did not have a

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[47] I have heard this phrase numerous times from Dr. Liz Elliott as I have been both her student and her teaching assistant.

[48] Though, I first heard this phrase from Dr. Liz Elliott, it is also the title of a chapter written by Sir Charles Pollard (2001) in Strang and Braithwaite's edited text *Restorative Justice and Civil Society* (p.165).

criminal record, but thought the force of the traditional criminal justice system would have an impact on changing his/her behaviour. For example, one "supporter" stated, "I'm glad my son does not have a criminal record, but I would have liked some kind of reprimand," while another said,

> I think the boys should have been given mandatory community work, even though the victims chose not to go this route. Restorative justice was good, but the crime was serious and some light punishment would have been good along with restorative justice.

These statements align with the misconceptions that restorative justice is the "easy way out" and punishments administered by the criminal justice system are more effective compared to the outcomes of restorative justice (Roche, 2007, p.79-80). Participants in restorative processes, especially offenders, would disagree with the RJ being an "easy way out," as they would say it is more difficult to participate in a restorative process than a court processes (Strang & Sherman, 2010). Having personally met both offenders and victims who have participated in both the CJS and RJ, they have talked about restorative processes being much more difficult, but more rewarding overall. In two lectures given to the Criminology 315 class at SFU Surrey (2010), prisoners from Ferndale institution in Mission, B.C. said that restorative justice is much harder because you have to be accountable for your actions and choices and that this is a different kind of accountability than is required from the court system. Essentially, they were saying you have to "own your choices" and it is not easy to do so (Ferndale Prisoners, 2010). Punishments administered by the criminal justice system, as stated by the second misconception, would be effective if they reduced crime and recidivism. Research shows they do not (see Faget, 2008, p.77; Pranis, 2004, p.137; among others in Chapter 2, Measures of Success and Effectiveness Section).

Several respondents felt conflicted between the criminal justice system and restorative justice processes. One parent "supporter" said his/her son and him/her "entered the process hoping to accept responsibility and some consequences. The consequence was extreme in my opinion – more than a court would have recommended." Another "supporter", who as mentioned above, hoped the justice system would still be involved to "mandate retribution," in his/her next answer said restorative justice is "preferable than [a] court and full trial process which is lengthier, costly to the system, and would give a criminal record to the 'new' offender." In both examples the respondents are supportive of the restorative process overall, but are still tied to the criminal justice system in order to solve problems "correctly."

"Need more guidance..."

While numerous participants touted the facilitators as being exceptionally helpful and supportive, some participants felt they needed more guidance or clarity throughout the process. One participant spoke about how the "first two meetings did not give us insight into what happened and left us feeling very confused and worried." Knowing the context of the case would have been helpful here, but limitations of the data prevented this. It sounds as if this individual needed to be more forthcoming about his/her worries with the facilitators or the facilitators needed to check-in more often with the participant.

In a different case, one respondent suggested that there be stronger lines of communication between him/herself, the police, and the program coordinator in order to have more clarity/understanding about what was happening. One final participant felt lost throughout the process as s/he did not know what to think or talk about prior to and during the conference. This individual suggested that NSRJS develop a "guideline" of generic things to think/talk about.

This theme solidifies the need for constant and clear communication between the participants and the restorative program staff.

"I'm concerned about..."

While it was evident from the "most helpful" themes that participants were satisfied with their overall experience, this theme represents concerns left unaddressed after the conference ended. Why these concerns were not addressed or whether these concerns were addressed and not yet resolved is unknown. Respondents raised four major concerns: not addressing the bigger issues; notions of compromise; compensation outstanding; and the emphasis on emotion.

With respect to addressing the bigger issues, restorative justice purports to do this better than the criminal justice system (Zehr, 2002). It is crucial to acknowledge that most crimes/harms happen as result of deeper issues, which need to be tackled if people are to make any significant changes in their lives. Addressing these deeper issues adds a burden to the otherwise complex process of resolving harms in a restorative context.

Secondly, notions of compromise concerned one participant who stated, "it forces victims to find a compromise between the two or more wishes." We assume that compromise is a positive thing, but I am reminded of the words of Barry Stuart (2008), in that a compromise is when everyone leaves a conflict with nothing they want/need (personal communication). Restorative justice literature does not speak of compromise, but of consensus, which Pranis, Stuart, and Wedge (2003) suggest is a frequently misunderstood concept. They suggest:

> Consensus doesn't mean everyone necessarily agrees with the outcome as a first choice. It happens, but not often. Neither does it mean that one or both sides were forced to compromise. It's not an uncreative, piecemeal effort to bargain in order to achieve an outcome that no one finds satisfying. Nor it is about passively submitting to the majority or

politely agreeing when we really don't (Pranis, Stuart, & Wedge, 2003, p.120-121).

It is, however, about incorporating everyone's interests and perspectives to come to an outcome that everyone is satisfied with and meets everyone's needs.

The third concern raised by participants is outstanding compensation. One can only imagine how difficult it would be to wait a long time for compensation, especially financial compensation.

Finally, a few participants identified the *emotional-ness* of restorative justice as something unhelpful. For most, emotions are scary and painful. The traditional justice system is largely devoid of the emotions elicited in a restorative process. For some participants being introduced to these emotions is difficult. In addition to this, emotions are not easily measured, described, or authenticated which connects to what a participant had to say about emotions. Further to this, expression of emotion is very culture centric and for some cultures, the outward expression of emotion is not commonplace. As one participant suggested, "the emphasis on emotions – sometimes it is difficult to measure/assess a person's integrity." In unpacking this statement, trust of other people and their honesty seems to be at issue. Restorative justice processes ask individuals to trust that the process that it will do what it is supposed to do and it also requires trust in the individuals involved. This, too, is scary.

These concerns warrant more investigation and if participants had been interviewed, we would have delved into the issues further. The questionnaire could have included a question asking about unresolved feelings or issues where participants would have the opportunity to voice concerns they (still) have.

Difference between the groups:

Much like the "most helpful" responses, there were virtually no differences between the roles. I am tentative about this conclusion as there were so many fewer responses about what was "least helpful" in comparison to the "most helpful." The one noticeable difference involved responses from "persons harmed," where nearly all of the comments made about more punishment, involvement of the traditional justice system, and mandating retribution came from "victims." This finding requires further investigation as this suggests that for some people, the restorative process did not appear to meet all of their needs.

Did the respondents feel the restorative process met their needs?

As suggested by Zehr and Mika (1998), restorative processes should meet the needs of all stakeholders and place equal emphasis on these needs (p.60). While many restorative justice advocates state that it is more victim focused, I would argue that it should be people focused. Ignoring the needs of anyone involved is problematic and emphasizing the needs of one particular stakeholder over another is equally troubling. If a restorative program is not meeting the needs of the people it serves, evaluation and augmentation need to occur in order to align the program better with those needs.

To ensure their program is meeting the needs of their participants, NSRJS, in their post-restorative process evaluation asked specifically about this. Respondents were asked, on a scale of one through five, with five being very well, how well the process served their needs. Nearly 85% (135 participants[49]) of the respondents felt the process met their needs in a positive way. Ten participants (6.3%) indicated they felt neutral about their needs being met. Only 13 (8.1%) of the 160 participants felt the

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[49] This combines categories 4 and 5, as 3 indicates neutrality, 4 and 5 would represent positive feelings towards the process meeting their needs.

process did not or partially did not meet their needs. The overwhelming majority of participants felt NSRJS met their needs, which can be interpreted as NSRJS running a program, in the eyes of its participants, does a superior job of meeting participant needs.

Additionally, NSRJS also asked participants if they would, in similar circumstances, choose this type of approach (restorative process) again. It makes sense that if individuals feel the process met their needs, they would be willing to participate in the process again. The results support this natural extension of the previous question in that, 153 (95.6%) respondents said they would participate in a process again, with only 3 (1.9%) people stating they would not and 2 (1.3%) individuals were not sure if they would.[50] To confirm this, a cross tabulation was conducted comparing participants' responses to how well the process met their needs and whether they would do the process again. The results overwhelmingly support the notion that if a person feels the process has met his/her needs; s/he would be willing to try the process again under a different circumstance. One hundred percent of those who said the restorative process met their needs very well (ranked met needs=5) indicated they would participate in this type of approach again.[51] Of the three people who said they would not participate in a restorative conference again, one felt the process did not meet his/her needs (ranked met needs=1), one felt neutral about the process meeting his/her needs (ranked met needs=3), and one did not answer the needs question.

Surprisingly, two out of the three respondents who said the process did not meet their needs stated they would do a restorative process again. This is an interesting finding it itself, as there is a disjuncture between the process of not meeting the person's

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[50] There were 2 missing responses for this question making up 1.3% of the sample.

[51] Similar results for Rank 4 (Total 31 responses: 30 individuals [96.8%] said they would do an RJ process again, with 1 individual saying maybe); Rank 3 (Total 10 responses: 8 individuals [80.0%] said they would do an RJ process again, with 1 person saying no and 1 saying maybe); and Rank 2 (Total 10 responses: 100% said they would do an RJ process again)

needs and his/her willingness to participate in a restorative justice process again. Further investigation and research into this finding would allow respondents to explain their answers and shed further light on an otherwise shocking result. According to McCold (2008), because most participants feel satisfied with the process, they would overwhelmingly return to a restorative process if a future dispute arose (p.23). The results from the NSRJS survey are consistent with McCold's findings.

Overall, NSRJS's participants felt that the process met their needs and overwhelmingly, they would agree to participate in a similar process again if need arose. It is my hope, and the hope of all restorative practitioners I am sure, that people have positive experiences with restorative justice and as a result are willing to talk about their encounters to spread the word about restorative justice. Public education and awareness, though outside the confines of this project, are essential to the continued support of and participation in restorative justice.

How did participants feel about the length of time their process took?

Length of time is often cited as a criticism of restorative justice as restorative processes are seen to drag out cases longer than necessary. Miers et al. (2001) found that a number of cases were delayed, not as a result of the process itself but by the logistics of having to bring together a number of people with different schedules (p.63). What is most fascinating is that restorative justice processes are no longer than traditional court cases – in some cases people wait years for their trial. One assumption that makes restorative processes feel longer is because participants are *actively* involved from the beginning as opposed to *standing by and waiting* for the justice system to solve the problem. It is much less work to have the court system deal with the problem than being an active participant.

Respondents were asked, on a scale of "one to five" with five being just the right amount of time, how they felt about the length of time the process took. Results indicate, 89 (55.6%[52]) respondents felt content with the amount of time the process took, with nearly one-fifth (28 people or 17.5%) of respondents feeling "neutral" (category 3[53]) about the time taken. Just over one-fifth of respondents (36 people or 22.5%) indicated the process took too long (categories 1 or 2).

Respondents also voiced their opinions about the length of time their processes took when responding to qualitative responses. Length of time was a major theme identified in qualitative questions where respondents suggested improvement or changes to the process. Interestingly, conflicting perspectives arose when considering the length of the process. For some, resolution was quick and cases were processed in a timely manner. One respondent, a "person harmed," stated, "The incident was not forgotten and was handled in a timely fashion." Another, a "supporter," appreciated the speed of the process, how quick meeting with the offender was and how they were able to resolve the damage without the police. Finally, another "supporter" stated, "[The] quick resolution and immediate consequences [were] a chance for all parties to talk face-to-face." For some, the length of the process was not an issue.

Others were not pleased with the length of time the process took. When given the opportunity to suggest changes for the process, length of time was a consistent response. Here there were two types of responses. One, those where the respondents felt the process was too long, and two, responses where participants felt their "valuable" time was taken up by a lengthy process.

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[52] This combines categories 4 and 5, as 3 indicates neutrality, 4 and 5 would represent feeling satisfied with the amount of time the process took.

[53] For the purposes of this project, category three was interpreted as "neutral" despite the fact it was not labelled as such in the survey. In traditional Likert scales, the exact middle category choice can indicate neutrality (Neuman & Robson, 2009, p.128)

The first type was suggested numerous times with responses such as "the length from incident to closing was very very long," "make it shorter," "tighten up the timeline," "length of time the process took to be completed," and one respondent stated, "[The process] tends to drag out the situation, would have preferred to resolve things quicker." One "person harmed" stated, "I found the timing of the meeting to be a challenge. As the victim, I would have appreciated more attention paid to my requests in this matter." For some, scheduling conflicts when trying to get everyone together for meetings took too long and dragged out the process unnecessarily.

Conversely, some respondents acknowledged that the process took a long time, but that time was necessary. One "support person" stated, "The amount of time that passed from the time of the incident to the time of resolution... I do understand why it took time." Another person suggested, "Maybe it took a little long, although it couldn't be done quicker." Finally, perhaps the most insightful comment about the length of time,

> At one point I thought this was taking some time, but in retrospect the time was an appropriate consequence. And resolution at the conference made the elapsed time even more desirable from my point of view (Supporter).

These individuals, while suggesting the process was quite lengthy, seemed to suggest that the time was necessary to achieve the outcomes they did. One could see the alignment between this and the old adage "time heals all wounds." When time is taken to ensure a positive, useful, and respectful process, the length of time this takes does not appear to matter, for some respondents anyways.

The second type of responses regarding time suggested being involved in the restorative process, "personal time" had been wasted. One person stated, "The amount of time required – I don't have a lot," meaning the process encroached on valuable time they do not have. Continuing on this, another stated, "More work and time has been

added to my work load." One respondent, a "person harmed," went as far to say, "A complete WASTE OF TIME. Energy spent with wrong people. [I] felt I got involved with someone else's problem" and that the process ate up their "MY TIME!" In some of the instances where time affected personal time, those people still found the process helpful and useful. The latter respondent, however, did not feel the process was worthwhile and suggested the matter should be left to the courts, indicating further irritation with his/her time being wasted.

General Reflections of NSRJS's individual questionnaire data

As the results indicate, participants of NSRJS's restorative processes were satisfied with their experiences. The majority of respondents felt the process met their needs, was fair and respectful, was handled in an appropriate amount of time, and that, for the majority of participants it made a positive impact on them. As previously discussed in the review of the literature, participant feedback only provides one view of the "success" or "failure" of a program (See discussion of Measures of Success/Effectiveness in Chapter 2). Depending on the needs of the organization, the needs of the funders and supporters, and the needs of the participants, a variety of evaluative tools can be used in concert with one another. Presser & Van Voorhis (2002) suggest that evaluation processes must be flexible and employ multiple approaches, methods, and measures in order to be in harmony with restorative justice itself (p.181).

In the next section, the content and composition of the questionnaire itself will be analyzed and suggestions for change/improvement will be made. As an outsider to NSRJS, I can only suggest changes and hope that the suggestions will be helpful, but the organization must determine if changing the evaluation will serve a purpose and help meet its needs.

Results and Discussion: The Post-Restorative Process Evaluation Tool

The purpose of this thesis, as mentioned before, is twofold. The first is to provide a summary of participant feedback, discussed in the previous section. The second is to assess the composition of the survey and assist NSRJS in modifying the questionnaire and to develop a revised tool for evaluation, which will be undertaken in this section.

Three research questions were developed to help guide the initial analysis. First, what questions were asked targeting "values" based evaluation? What wording was used to indicate this? Second, what questions were asked targeting "process" based evaluation? What wording was used to indicate this? Finally, third, were there any question outside of "values and process" based evaluation asked? In addition to these questions, an overall analysis or critique of the survey itself will be discussed.

In the previous section, results from the participants' answers to the values-based and process-based questions were presented. Here, the discussion focuses on the mechanics and composition of the post-restorative process evaluation, beginning with the questions included.

Process-based Questions

Overall, the majority of the questions contained in the survey were process based. As stated before, arguably, all the questions could be considered process-based in that they ask respondents to discuss the process experienced. Some questions, despite asking about the process, target specific values (to be discussed in the next section). All the questions were read and either categorized as process- or values-based depending on their scope and targeted outcome. The questions identified as process-based were:

- In TWO/THREE words, how would you describe the process you have just been through? (Qualitative)
- What TWO/THREE things did you find **most helpful** about the process (from start to finish)? (Qualitative)
- What did you find **least helpful** about the process? What did not work for you? (Qualitative)
- How well did this process serve your needs? (Quantitative)
- In similar circumstances, would you choose this type of approach again? Yes/No? If not, what would you prefer? (Quantitative/Qualitative)
- If we could start over again, how do you think we should change the process? (Qualitative)
- Is there anyone else affected by what happened who should be part of the process that was not included? Yes/No? What was important about them being included? (Quantitative/Qualitative)
- Was someone involved that you feel should NOT have been? Yes/No? What made is less important for them to be involved? (Quantitative/Qualitative)
- How do you feel the **police** handled the case before they referred it to restorative justice? (Quantitative)
- How do you feel about the **length of time** this process took? (Quantitative)
- How **well prepared** did you feel for this process? (Quantitative)
- How do you feel about the process overall? Final comments? (Qualitative)

In all of these questions participants are asked to reflect on their experiences with the process – how it worked/did not, and specifics about their experiences. Process-based questions are important to organizations as they give staff an idea of whether their process is working for the participants. As discussed in the literature, much of the evaluations done by restorative justice organizations are participant focused and tend to focus on process-based elements (Bazemore & Elis, 2007, p.403). The NSRJS post-restorative process evaluation does just that, as over half of the questions asked target process elements. Process is crucial because 'you cannot get to a good place in a bad way,' but striking a balance between process- and values-based questions would be ideal.

Values-based Questions

Restorative justice is known for its focus on values (Zehr, 2002; Zehr, 2005a; among others). RJ processes are built on a foundation of values, processes are run with

values infused into them, and people who participate in these processes experience these values. In keeping with this, NSRJS's post-restorative process evaluation contains questions about values. Arguably, these questions are about the process itself, but they specifically target the values, as indicated by the emphasized words (those words in bold) in various questions. Below are the seven questions that, due to the language used, encompass values-based evaluation. They are:

- Do you feel you had a **choice** to participate in this process? Yes/No? (Quantitative)
- How **fair** was the outcome of this process for you? (Quantitative)
- To what extent did everyone have the opportunity to participate **equally**? (Quantitative)
- How much more **understanding** of this <u>situation</u> have you gained through this process? (Quantitative)
- How **neutral** would you rate the facilitators? (Quantitative)
- How **respected** did you feel during this process by the facilitators? (Quantitative)
- How **cared about** did you feel during this process by the facilitators? (Quantitative)

The values targeted by these questions are voluntariness, fairness, equality, understanding, neutrality, respect, and caring. Zehr (2002) suggests that these are important values, yet we should also consider truth telling, empowerment, empathy, support, encouragement, healing, and resolution (p.14-18). As outlined in NSRJS's Annual Report (2009), the values that form the foundation to guide all staff and volunteer behaviour are respect, trust, humility, sharing, inclusivity, compassion, and forgiveness (p.3). When comparing this list to the values asked about in the questionnaire, nearly all of the values expressed in the Annual Report are represented in the questionnaire, which indicates consistency with the values that are important to NSRJS. Interestingly, trust was not asked about in the questionnaire, though it is implied throughout the survey: "Trust" is one value I would suggest NSRJS add to their survey. For example, a question asking participants to reflect on whether or not they felt trust in the process, other participants, and/or the facilitators could tap into this value.

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"Other" Questions

In the entire questionnaire, there were only two questions asked that did not fall into either the process- or values-based categories. These questions were:

- What best describes your role in this restorative process? Person harmed/person who caused harm/supporter, and;
- Would you be willing to be contacted in future by us (NSRJS) for your thoughts about this process? Yes/no. Contact Information: Name, phone number, email address

The first question is the only "demographic" question asked in the survey that made analyzing the questionnaires quite difficult because this was the only descriptor available for the participants (discussed in the beginning of the Results section). The second question opens up the opportunity for NSRJS staff to contact participants for clarification of responses or for future involvement in research or events. Interestingly, as an aside, 114 (71.3%) of respondents said they would be willing to be contacted in the future. This would have provided another method of data triangulation (Golafshani, 2003) as speaking to the participants would allow for clarification, and most importantly elaboration. As discussed previously, the decision not to do interviews was made at the outset of the project since, for many participants, much time has passed since their restorative processes.

Both of these questions are crucial to the survey as they provide a single demographic piece of information and an opportunity for future information respectively, which are both helpful to the organization. The feedback surveys were the only pieces of information I received about the participants, therefore I was limited to what was contained in the responses. The NSRJS case-files would contain more information regarding demographics, but I would recommend that at a minimum, gender and age be collected for comparison purposes. The demographic information collected is dependent on the projected use of the information. In other words, if NSRJS will not use the

information for any purposes, is there a point in collecting it? From a research standpoint, collecting demographic information is interesting, at the very least.

Post-Restorative Process Evaluation Critique

Not only is it important to look at the content of questionnaires, but it is also crucial to examine the composition and organization of the surveys as well. There are two main points here: first, what is the purpose of the evaluation, and second, what does the layout, composition, and content of the evaluation look like? Both are equally important. The first directly connects to the contemporary literature about evaluation in restorative justice and examines why, for whom and what purpose we evaluate restorative programs. The second, as researchers know, is that a well developed, thought out, and written survey is crucial to evaluating anything. If respondents cannot understand what they are being asked or how to complete the survey, we have not done our jobs as researchers.

Purpose

When conducting survey research, or any research for that matter, one needs to undertake it with a purpose in mind. Whether it is to learn more about a population, hear feedback about a service provided or item sold, or merely to collect information, all surveys or evaluations must have a clear purpose. As seen in the literature review, there is little agreement over why evaluations should be conducted. The 2007 CAP (Community Accountability Programs[54]) Conference was held in Richmond, B.C. and provided an opportunity for all CAP funded programs to meet together to discuss

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[54] CAP programs receive funding provincially through the Minister of Public Safety and Solicitor General office. This CAP designation specifically targets restorative justice programs in British Columbia. For more information, please see the information provided on the BC Provincial Government's website:
http://www.pssg.gov.bc.ca/crimeprevention/justice/index.htm

restorative justice in British Columbia. There was much talk about program evaluation. As a volunteer, I facilitated the discussion with conference participants about evaluation and I heard two distinct camps emerge. The first spoke of evaluation as a way to collect evidence of "success" of their program to provide to funders, include with grant applications, and share with referring agencies to legitimate/advocate the existence and continuance of their program. The second group spoke of evaluations as an opportunity to self-check the program and elicit feedback to make improvements/changes in future. I argue that evaluation can do both and ROCA[55] in Boston illustrates that both can be done. Funders and grant providers want to see numbers, evidence that monies given would be put to good use. Programs want to hear the words of their participants. Learning that the majority of participants ranked "the program met my needs" as a "four" or "five" out of five would be useful for funders, but this does not tell programs specifically what they are doing well and what they could improve upon. Striking a balance between the purposes, a holistic approach, would create an evaluation tool that would serve both purposes and be useful in both situations.

The NSRJS post-restorative process evaluation appears to facilitate both of these purposes, but it is not made clear to respondents why they are filling out the questionnaire. It could be as simple as – "In order for us to continue meeting the needs of our participants and running a beneficial program, your feedback would be greatly appreciated."

Not only is it important for respondents to know why they are filling out the questionnaire, the organization itself needs to have a clear vision of what they are going to do with the information. Not only is the "why" question important, as in why are we collecting this information, but the "what" question is equally so. Organizations need to

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[55] For more information on ROCA, see http://www.rocainc.org/index.php

be clear on what they want to know. Are there specific issues to address? Are there practices that require modification and if so, what are they? Are the volunteers doing a good job? The questions here are endless. Once an organization decides why they are evaluating and what they are evaluating, a well-designed evaluation tool is needed. Collecting data for the sake of collecting data is not a useful use of resources, or participant and staff time. It is imperative that an organization's vision, mission, and evaluation process all work together. For example, ROCA[56] in Boston works hard to integrate vision, mission, and evaluation which results in an evaluation process that is meaningful and useful.

In talks with NSRJS executive director, it is evident that they very much value the voices of their participants and make every effort to consider their feedback. The next step, discussed below, is creating a survey that makes respondents feel that.

Layout, Content, and Organization

One of the goals of this study is to provide constructive ideas to NSRJS as to how they can modify and improve their evaluation process. Part of this, as suggested previously, is to establish the purpose of doing evaluation. In addition to this, there is need for a user-friendly, well thought out, and useful evaluation tool. The foundation of the questionnaire developed by NSRJS is solid, but some tweaking and reworking could make the survey much more approachable.

The post-restorative process evaluation begins with that label at the top of the page and nothing else. It is unknown as to whether participants receive a cover letter explaining the evaluation process with the survey, but even with a cover letter, the questionnaire begins abruptly with no introduction. A brief introduction to the survey is

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[56] For more information on ROCA, see http://www.rocainc.org/index.php

necessary as it helps respondents understand why they should fill out the questionnaire. Further to this, information pertaining to confidentiality and consent should be included at the beginning of the survey, not at the end as it is currently. The information contained at the end of the survey can simply be moved to the beginning of the survey and changed to a larger font size. It should be clear to respondents as to why they are completing the survey and what will be done with their responses/information after the survey is returned to the organization.

The NSRJS questionnaire is two pages long. According to Neuman and Robson (2009), there is no proper length, but three- or four-page surveys are generally considered short and appropriate for most audiences (p.177). In keeping with this, NSRJS does have some room to add questions if they deem it necessary/useful

Organization of the questionnaire is extremely important and great attention must be paid to ensuring that organization is logical to "minimize the discomfort and confusion of respondents" (Neuman & Robson, 2009, p.177). The questionnaire should have a distinct opening, middle, and ending and after an introduction, the opening questions should be "pleasant, interesting, and easy to answer [in order] to help a respondent feel comfortable about the questionnaire" (Neuman & Robson, 2009, p.177). The first question asked in the NSRJS survey is about the respondent's role in the process. This is a straightforward question to ask, but following this question are a series of qualitative questions about the best/worst parts of the restorative process. These questions may be a little overwhelming for respondents, thus starting out with quantitative questions may be a more pleasant way to begin the survey to ease them into answering longer, and deeper written questions.

Continuing on with organization, "there are two format/layout issues: the overall physical layout of the questionnaire and the format of questions and responses"

(Neuman & Robson, 2009, p.179). The overall layout of a questionnaire should be easy on the eye and facilitate answering questions. Further to this, they should be neat, clear, and easy to follow (Neuman & Robson, 2009, p.179). "A professional appearance with high quality graphics, space between questions, and good layout improves accuracy and completeness and helps the questionnaire flow" (Neuman & Robson, 2009, p.179). NSRJS's questionnaire is fairly cramped and needs more space between questions. Further to this, when respondents are given the opportunity to respond qualitatively, ample space for them to answer should be provided. In a number of points throughout the evaluation, participants are only given a single line of space to answer in. This, depending on the question, may not be enough space to answer, and it also sends the message that it appears that NSRJS is not interested in their qualitative responses.

Additionally, numbering the questions and using subject headings might help distinguish questions from one another and result in less missing responses. Bryman and Teevan (2005) suggest that changes in print style – fonts, font size, font style (italics, bold, capitals) can help not only make the survey more visually appealing, but make it more organized (p.102). For example, the NSRJS evaluations use underlining, bold letters, and capitalization as emphasis in their questions. I suggest being consistent with how you use this, in that you may want to only use underlining to emphasize the main issue/point of each question and do it for every question, not just one or two. Consistency is essential because otherwise it may be confusing to respondents. Using the same font, size, and emphasis for the same purpose every time helps respondents settle into the questionnaire. For example, specific instructions about how to respond to questions could be italicized and then respondents would know each time they see italics those words are instructions.

One notable omission with the NSRJS evaluation is there are no instructions to participants. It is important to specifically tell respondents what they are supposed to do (rank, circle, describe, etc.). If the participants are to circle a word indicating that is their answer, then the survey should advise them of that. In revamping the evaluation, instructions should be added to help participants understand what it is they should do. This should not be "implied".

Finally, when ending a survey, "always end with 'Thank you for your participation.' Questionnaires should leave respondents with a positive feeling about the survey and a sense that their participation is appreciated" (Neuman & Robson, 2009, p.179). The NSRJS questionnaire states, "we welcome and value your feedback!" but does not specifically thank respondents for their participation. This could be included in the cover letter, but it is generally good practice to reiterate this again at the end of the survey.

The second issue regarding layout pertains to question and response wording, organization, and formatting. Question design matters in that a poorly worded or formatted question could mislead or frustrate respondents. The "principle is to make responses unambiguous" (Neuman & Robson, 2009, p.180) as possible. Providing specific instructions as to how respondents should answer the questions and being attentive to how the question is worded and organized would alleviate the problem of ambiguity. Overall, this is the major pitfall of the NSRJS post-restorative process evaluation. The concepts queried are important and the way the survey tries to capture them does not do them justice. Pair this with poor wording and question structure and participants are, more than likely, left feeling confused about their responses. For example, asking the question "how fair was the outcome of this process for you?" could be revamped to say "The outcome of this process was fair" where participants have the

option to indicate their feelings on a Likert-type scale between strongly disagree and strongly agree. The slight change in wording from a question to a statement makes it more approachable and less wordy.

Arguably, the most problematic issue with the NSRJS questionnaire was the scale used to measure quantitative responses. Typically, in scaled items, the higher the number of the response, the "better" something is. For example, on a scale of "one" through "five" with one being very fair, "how fair was the outcome of this process for you?" In all questions, with the exception of one, this was the case. In the very important "how well did this process serve your needs" question, the scale was reversed where "one" indicated "very well" and "five" indicated "not well at all". This clearly confused some respondents as they saw the numbers and immediately circled "five" because the process was very helpful, but they failed to look at the words qualifying "one and five". In terms of analysis, these responses were reverse coded so that they aligned with the remainder of the questions. In addition, the NSRJS questionnaire arranged the responses horizontally which isn't a problem, but it caused confusion for some respondents in that the qualifiers for "one" and "five" were right next to the numbers respectively. For example:

> **How fair was the outcome of this process for you?**
>
> Unfair   1   2   3   4   5   Very fair

The response to this question is unclear as to whether the answer is just "one through five" or if "unfair or very fair" are included in the response set as well. A few participants circled the words at either end. When coding these, I interpreted them as either "one" or "five" depending on what word they circled. Had instructions for the questions been

present and had the qualifier words been below the numbers or in place of the numbers, the questions would be much clearer. Formatting the questions vertically (having the answers run from top to bottom) also could have helped avoid this problem (but takes up more space).

To avoid confusion, statements could have been used instead of asking questions and providing respondents with a consistent response set (strongly disagree, disagree, somewhat disagree, neutral/undecided/neither agree nor disagree, somewhat agree, agree, strongly agree) instead of a ranking from one to five. Additionally, grouping all of the quantitative questions together in a matrix may keep respondents consistent in their answers, would save space in formatting the survey, and looks visually appealing (Neuman & Robson, 2009, p.180).

A researcher making comments about the content of the post-restorative process evaluation is acceptable, but making changes to the evaluation tool without conferencing with NSRJS is not. There may be specific reasons for why certain concepts are included and others are not and as an "outsider" I am not privy to these reasons. Prior to completely reworking the questionnaire from NSRJS, discussions with staff would need to take place in order to determine the needs of the organization and establish whether the content of the survey needs changing. In terms of content, I would make two main changes. I would construct the survey in such a way that the values listed in NSRJS's mission statement and guiding principles are represented. For the most part, this was done, as discussed previously, but the questions can be reworded to better represent the values. Secondly, I would include more demographic information about the participants so NSRJS has a better idea of who they are working with. If the information collected through the evaluation is linked with information contained in the case file, as is done by another local RJ organization, then asking these questions is not necessary.

Based on my knowledge of NSRJS's operations, they do not have a database linking this information together.

For the most part, all of the suggestions I have made regarding changing the survey have been mechanical changes in format, layout, and wording, which do not change the underlying concepts of the survey. The modifications merely make the questionnaire more accessible to respondents.

Due to the nature of the data contained in the evaluations, this research is limited in its scope. While this research was not looking to explain anything, because of data exploration, a number of questions arose leaving me wanting to do further research to answer them. Questions such as:

- Was the method of delivery effective in collecting data that is useful to NSRJS? Would another mode of delivery, such as electronic, online surveys, work better?
- Is the evaluation accessible in terms of language and literacy to all participants?
- What type of agreement was reached – apology letter, restitution, volunteer hours, etc.?
- Did the "persons who caused harm" recidivate?
- What did other stakeholders have to say about the program? Police? Justice system officials? Community members?
- What is the definition of a successful restorative process for NSRJS? Is it a complete conference? Is it a fulfilled agreement? Is it no recidivism?
- Is the co-facilitated method of restorative conferencing that NSRJS uses effective? Can participants help answer this question? How can we ensure efficacy of volunteers? Is there are difference between training in restorative justice and learning about it?

To answer these questions, triangulation would be helpful. As Golafshani (2003) suggests, triangulation involves using multiple methods of data collection and analysis to "improv[e] the validity and reliability of research or evaluation of findings" (p.605) and to

help further understanding. Future research could include interviews with participants,

police, NSRJS staff and volunteers, and community members; data analysis of NSRJS

case files; and analysis of police data for recidivism information.

6: THE FUTURE OF RESTORATIVE JUSTICE EVALUATION - MOVING FORWARD!

> *"Out of clutter, find simplicity. From discord, find harmony. In the middle of difficulty, lies opportunity."*
> *(Albert Einstein[57])*

Overview

This final chapter outlines reflections on the NSRJS survey results overall and re-visits the research questions. Finally, suggestions about the future of restorative justice evaluation will be made including recommendations for moving forward.

Reflections on NSRJS Survey Results

After analyzing 160 participant feedback surveys, it is clear that NSRJS works diligently to provide all participants with a positive experience and feel *restorativeness;* given that, the feedback in general is overwhelmingly supportive of their efforts in providing a safe and caring experience of justice. Most participants felt they were treated fairly, received a better understanding of what happened, had an opportunity to participate, and felt respected and cared about. This positive level of satisfaction is further exemplified by the response to the question, "would you participate in another restorative conference with NSRJS if opportunity arose?"; 95% of participants stated "yes." The NSRJS participants had much positive feedback, and very little negative feedback based, on their experiences. In terms of the research questions regarding the individual participant responses, most respondents felt the process met their needs, was

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[57] Quote taken from Simon Fraser University's Centre for Restorative Justice Website, at http://www.sfu.ca/crj/quotes.html

handled in an appropriate amount of time, and that, for the majority of participants, it made a positive impact on them. In terms of participant roles, all three categories (person harmed, person who caused harm, and supporter) were represented and there were no recognizable differences of the responses between categories. The NSRJS post-restorative evaluation survey aligns with a number of the measures of success and effectiveness identified in the literature, outlined in Chapter 2. Most notably, participant satisfaction was central to the NSRJS survey, while other measures of success such as recidivism, cost effectiveness, participation rates, reached agreements, and overall participant changed were not measurable because the survey did not include information to make statements about the aforementioned measures. As previously discussed in the review of the literature, participant feedback only provides one view of the "success" or "failure" of a program. From the narrow scope of respondent satisfaction and in the eyes of their participants, NSRJS creates an opportunity for positive experiences and learning of justice.

The second set of research questions pertained to the composition, content, and organization of the NSRJS feedback survey. Overall, the NSRJS has a good basic structure, which aligns with concepts outlined in the literature, however, in the previous chapter suggestions were made to help improve accessibility and readability for respondents, along with suggestions to add questions about demographics and additional concepts. For example, the survey could broach concepts such as trust, agreements reached, and why participants chose to participate. Future research may consist of working with NSRJS to assist in revamping the evaluation process and evaluation tool.

The Future of Restorative Justice Evaluation

> *"When a community can draw on and trust its own inner resources to
> discover the validity of a new paradigm, the community is liberated from
> bondage to old, embedded, fixated ways of being in the world. The
> community is then able to embrace the creativity of chaos, the
> possibilities of dreams. People are empowered to imagine new ways of
> being, to problem-solve on a deep level"*
> *(Rhea Miller, 1996 as quoted in Pranis, 2004, p.150)*

Evaluation of restorative justice programs is a growing field of inquiry in which the

overarching themes are to establish restorative justice practices as legitimate and

credible responses to crime, as well as to measure whether respective programs are

reaching their goals and meeting their aims. While the literature review served to paint a

picture of what restorative justice evaluation looks like, the various authors also made

suggestions about how to move evaluation forward for the future. The most frequently

mentioned suggestions included advocating for standardization and information sharing;

employing a mix of methodologies, especially qualitative methods; thinking outside the

box for evaluation practices; and making evaluation an active and participatory process.

Dale and Hydle (2008) suggest that the literature has the same "lessons…crop up, again

and again, but people keep doing the same old thing" (p.73). It is time to embrace these

suggestions and move forward. It is time to listen to what is being said on the frontlines

of restorative justice and make evaluation work for restorative justice, not the other way

around.

Standardization of evaluation has been a constant argument for making

restorative justice evaluation more methodologically sound; others suggest that

standardization would solidify the future of restorative justice because it will provide a

dearth of evidence to support restorative justice (Lemonne, 2008, p. 46; McCold, 2008,

p.23; Schiff & Bazemore, 2001, p.327). In the scientific community, standardized

practices are equated with objectivity, validity, and reliability. However, Forget (2003)

states that objectivity may not be a worthy goal, in that

> the concern that [restorative justice] evaluation would lack objectivity and
> may in fact interfere with the process it's meant to evaluate is certainly
> understandable, and can easily be addressed. In the first half of the 20th
> century, physicists studying quantum theory demonstrated that there is no
> such thing as objectivity; the mere fact of observing an action or reaction,
> even in the subatomic realm, affects the perception of the action or
> reaction that's being observed. If objectivity is not possible in the physical
> sciences, it should not even be mentioned in the social sciences. Even in
> a traditional evaluation framework, the evaluator inevitably introduces a
> substantial element of subjectivity to any evaluation by choosing what to
> ask, how to ask it, and how to interpret and compile the answers (Forget,
> 2003, p.5).

Pranis (2004) furthers this point by stating that we assume, through scientific processes,

that restorative justice must be evaluated by rational and objective processes; but

restorative justice has a different set of assumptions based on interrelatedness:

> In an interrelated world, knowledge is not an objective entity without an
> existence of its own. Knowledge is always in context and rational
> processes are not the only ways of gaining or demonstrating knowledge.
> The restorative paradigm requires that we explore other ways of looking
> at questions and knowledge and that we maintain some awareness of
> when we are using the old paradigm to discuss the new paradigm
> (Pranis, 2004, p.149).

There is talk of standardization and objective, scientific approaches, but as Pranis and

Forget both illustrate, this may not be the most appropriate response to evaluation in

restorative justice because the organic nature of restorative justice may not align well

with scientific methodology. The very nature of the approach to crime, harm, and wrong-

doing is fundamentally different from the current justice system in that restorative justice

embraces a mindful, holistic, and creative response (Zehr & Mika, 1998, p.60-62) and

may not be amenable or appropriate for quantitative methodologies.

Interestingly, standardization was a "hot topic" at the last two CAP Conferences

in British Columbia in 2007 and 2010. In 2007, the response to standardization was

overwhelmingly "no way!" (CAP Conference, 2007) In 2010, the topic of standardization was broached, but the consensus was that restorative justice evaluation processes should not be standardized, but we should be sharing information and best practices (CAP Conference, 2010). Sherman and Strang (2008) also question the need for national policies on restorative justice that are large scale and generate evidence through the scientific method (p.15). However, they would argue that there IS a place for rigorous trials of RJ, and while the comparative abilities of rigorous studies would definitely be a benefit, it should not be the only approach to evaluating restorative justice. I believe that, as seen with the NSRJS surveys, evaluation should meet the needs of the organization it evaluates. After working with NSRJS and seeing their evaluation process and their community tailored approach, standardization would not serve the organization at all. Standardization for the sole purpose of methodological superiority, I think, is the complete antithesis of what restorative justice is all about – grassroots in nature. Standardization should not be something that we solely focus on, despite its methodological advantages, because evaluation processes should reflect the practices, values, and processes of each program. In agreement with this, Mika (2002) suggests, "evaluation design must be responsive to the circumstances at hand; and most importantly, the opportunities for learning from evaluation are enhanced to the extent to which collaboration between researchers and the communities in which they labour flourishes" (p.340).

Among some of the most frequent suggestions for "how to do restorative justice evaluation differently" were discussions of employing mixed methodologies and thinking outside of the box and outside the traditional methods to achieve meaningful and accurate representation of restorative justice. Using the same evaluative processes as the criminal justice system is not necessarily appropriate, because the aims and goals

are not congruent; as such, restorative justice researchers must "think outside the box"

when developing a whole new set of criteria and methodology of measurement (Forget,

2003, p.4). Restorative justice is "non-linear and intricate," as Presser and Van Voorhis

(2002) suggest, thus "creative evaluation methods and measures will likely be developed

after in-depth exploratory studies…and evaluation will be more flexible" (p.181). Creative

evaluations would include, as Mika (2002) suggests,

> employing a mix of methodologies, both conventional and innovative, that are responsive to local needs, resources, and exigencies of the field; maintaining overlays of perspectives for the evaluation – longitudinal, historical, and comparative – that render program outcomes understandable and relevant; and ensuring transparency of the evaluation and research processes, its goals, rationales, uses and impacts (p.342).

Frequently, when reading the literature, it was recommended that different

methods of evaluation be used when evaluating restorative justice programs. This

suggestion does not discount the use of quantitative results, but argues for a

"methodological pluralism," where both qualitative and quantitative methods, among

others, are seen as equally important and valid (Faget, 2008; Mika, 2002; Zehr, 2005b).

Quantitative methods provide information regarding the number of cases, types of

offences, types of participants, numbers of agreements signed, and so on. Qualitative

methods allow for deeper and meaningful understanding (Faget, 2008, p.82). Using

stories or qualitative accounts as an evaluation technique is incredibly powerful because

these

> transformation [stories are] often of a profound nature, and stories of these experiences of transformation speak most convincingly of the potential of this new vision of justice. A remarkable advantage offered by this new approach to the evaluation of justice processes is that it would benefit the participants as much as it would provide information needed to improve the justice process and promote the new vision of justice (Forget, 2003, p.5).

In the survey of the academic literature, there was a noticeable absence of qualitative

evaluation studies on restorative justice and as suggested, qualitative and ethnographic

research would add much to our understanding of restorative justice as well as allow us

to map processes of transformation (see Dignan, 2005; Faget, 2008; Moore, 2003;

Presser & Van Voorhis, 2002). It is unfortunate that as a society we place so much

emphasis on statistical results and quantitative research. In the course of doing so, we

devalue qualitative research. There are definite benefits and drawbacks of each, yet

using both in tandem fills the void of the other. When choosing methodologies to

evaluate restorative justice, it should not be an "either-or" decision, but a balanced blend

of both qualitative and quantitative approaches. As all good researchers know the

approach to research must align with the questions asked. With the myriad of questions

asked about evaluating restorative justice, I think mixed methodologies are the only way

to move forward.

The last major theme observed as a suggestion for moving restorative justice

evaluation forward was advocacy for action or participatory research (Vanfraechem,

2005, p.281, Aertsen et al., 2004, p.79). Action research advocates for giving voice to

everyone involved and being inclusive (Dale & Hydle, 2008) because "an elemental

character of injustice is exclusion" (Mika, 2002, p.341). The most important aspect of

action research is that it makes evaluation an important and built-in part of the justice

experience through the use of participatory methodology, as well as using it (evaluation)

as part of the transformation process for participants (Forget, 2003, p.5). Evaluation

could be a transformative process by continuing to advocate for restorative ideals such

as participation, inclusion, accountability, peace and justice, explicit values and

processes, and most importantly action and collaboration (Mika, 2002). Building

evaluation into the restorative process as learning and healing processes completely

align with the holistic approach of restorative justice as a whole. Restorative justice advocates for a holistic approach to dealing with crime and harm, so it makes sense that the approach to evaluation should also be holistic and integrated. Both Dale and Hydle (2008) and Mika (2002) view action research as a process that involves planning, action, evaluation/reflection, and learning which are based on the assumptions that:

- Partnerships and participation are essential
- The process embraces development and change
- The approach to knowledge, understanding, and action is holistic and interdisciplinary, and
- There is a relationship between theory and practice where both inform the other.

According to these goals, the most favourable option for the future of evaluation research in restorative justice is that it is active, participatory, inclusive, and integrated into the process of doing justice. Moore (2003) suggests an integral approach to evaluation: with a focus on victims, offenders, and communities; an emphasis on four domains, including psychological, behavioural, sociological, and cultural; and program and process aims (p.10, 18). Those who have experienced restorative justice know there is much more to restorative justice outcomes than statistics can show. Restorative justice requires and deserves an approach that is akin to its values, meaning, and spirit.

> It is highly questionable whether the future of restorative justice could or should ever be reducible to a purely empirical question, since its appeal in the eyes of its proponents has always had as much to do with values as verdicts and has been inspired much by issues of principle as evidence of its performance. This is something that cannot be done simply by evaluating the effectiveness of particular forms of restorative justice practice in reducing offender reconviction rates, or meeting the needs of victims, however methodologically sound or rigorous the methods by which this is attempted. It calls instead for a more nuanced approach (Dignan, 2005, p.26)

Overall, whatever the practice or process of restorative justice evaluation put forth, there will be advocates and critics, and new ideas will continue to crop up. In order to determine if the new ideas are working, they need to be used. How to do this is the

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question that I am left with. How do we encourage and embrace something new and different? How do we make evaluation meaningful for restorative justice while sending the message that restorative justice is effective, should be supported and implemented? This is something that the future of restorative justice evaluation needs to embrace. It is one thing to talk about new ways of doing things, but it is another thing, entirely, to give life to ideas by taking action. This is the future of restorative justice evaluation.

Concluding Remarks

> *"At the end of the day, it is better that restorative justice learn from making mistakes than it make the mistake of refusing to learn"*
> *(Braithwaite, 2002a, p.575).*

Restorative justice is growing and expanding in leaps and bounds and as cliché as it sounds, the possibilities for the future appear to be endless. There will be many butterflies to collect, admire, and emulate. These butterflies should be protected at all costs, because these butterflies represent the restorative justice programs that are living their values and illustrating their worth by "walking their talk." These butterflies are those programs that encourage transformative, active, and participatory evaluation. We all should want to be these butterflies, not for the adoration of beauty but for the knowledge that this approach to restorative justice serves participants best. Sadly, there will also be ugly "bullfrogs" that appear from time to time, but as stated above by Braithwaite, learning from mistakes is better than not doing anything at all.

In developing this thesis, I utilized three main questions which guided my research:

What? (Has been done; is being done)
So What? (Why does it matter; why is it meaningful)
Now What? (How do we take what we have learned and move forward)

In reviewing the literature and analyzing the feedback from NSRJS, I was able to paint a picture of what has been done and what is being done (albeit in a very specific context). So much good work has been and is being done, but at the same time many changes will happen in the future of restorative justice. The picture of evaluation that is painted by the literature shows restorative justice evaluation as using quantitative methods and measures of success and standards utilized by the traditional justice system such as recidivism. Overwhelmingly, missing from this picture are qualitative methods and measures of success that take into account personal change and overall holistic well-being.

Addressing the 'so what?' question is imperative because to those affiliated with restorative justice, a restorative approach that is not meaningful, holistic, respectful, and all-inclusive should not be called restorative justice. An evaluation process that is not meaningful and inclusive should not be used to represent restorative justice as a whole. It is important that we, as practitioners and academics, ask these tough questions and constantly ensure an alignment of values and practice, committing ourselves to work that matters, makes a difference, and is meaningful.

Finally, I struggled with the 'now what?' question. After reviewing the literature, the diversity of restorative justice left me conflicted. On one hand, I am proud of the diversity, which allows the freedom to model restorative justice programs to reflect the needs of the respective communities in which they serve. Conversely, it is frustrating because diversity results in the ability to continue to use recidivism as a "meaningful" measure of success and allows concepts like restorative punishment to emerge. How do we use what we have learned to move forward? If we continue to do the same things we have always done, we will get what we have always got (Anthony Robbins, 2010). If we continue to seek validation from the criminal justice system, we will have to play their

game, by their rules, by using their measures of success. If restorative justice loses

favour with government and funders will it continue to flourish? At the end of this project,

I consider two options. One, to not play the "game" and stick it out on our own, playing

by our own rules (whatever those may be), defining our own evaluation processes, and

hope for the best. Alternatively, two, continue to play the game, giving the funders the

"evidence" they want and still have enough autonomy to continue doing restorative

practice and restorative evaluation in a meaningful way. I have seen the positive

outcomes of restorative justice practice and hope for its existence long into the future

(however that may look). After this analysis and exploration, I am left with many more

questions than answers and we need, in the future, to take what has come before into

account when blazing the path forward.

If one thing can be concluded from this thesis, it is that hope is plentiful for the

continuance of restorative justice because, as evidenced by the NSRJS results,

restorative justice makes positive influences on people. Restorative justice is "unique in

this regard and thereby, [could be] destined to become the greatest discovery in criminal

justice history with implications well beyond criminal justice" (McCold, 2008, p.10). In

terms of restorative justice evaluation moving forward, we need to be realistic about

what it is we are trying to achieve, and avoid the poles of idealism and impossibilism

because neither any positive purpose (Daly, 2003, p.49). Daly (2003) suggest that

> we need to analyze the degree to which the process succeeds, assuming
> all the while that there are limits on individuals' capacities and interests to
> think and act restoratively. We should expect variation in restorative
> processes and outcomes; without it, we would be unable to test the
> theory of restorative justice. Variation occurs because there is both
> potential for and limits on transforming relations between victims and
> offenders in the aftermath of crime (p.49).

In order to advance restorative justice, we need to be evaluated and take the results to

heart; we need to be accountable in meaningful ways; we need to advocate for open and

honest dialogue; and we need to operate in accordance with restorative justice values,

including during the process of evaluation (Zehr, 2005b, p.302).

After reviewing the academic literature and the NSRJS survey results, it is

evident that evaluation is a work in progress (Pemberton, Winkel, & Groenhuijsen, 2008,

p.101), that the agenda for the field of restorative justice evaluation is certainly evolving

(Mika, 2002, p.340), and that there is tremendous evidence for the potential of

restorative justice. With that being said,

> for many a restorative approach is common sense and does not require
> proof – just as many aspects of our life do not require proof...Some
> people don't need proof that when harm happens, we should focus our
> response on repairing the harm. And many don't need proof to know that
> bringing people together in a safe, respectful, reflective process to speak
> truth and listen deeply will make the community healthier and safer
> (Pranis, 2004, p.150).

Restorative justice, as indicated by the research and the NSRJS evaluation results,

demonstrates positive results, even in comparison to the criminal justice system. Without

a doubt, there is much work to do and many tough questions to ask (and answer). My

final thoughts are summed up by the insightful story told by Edward Monkton (2010).

The Butterfly of Freedom:

"Why do you fly outside the box?"

"I fly outside the box because I can"

"But we know the box. We are SAFE inside the box."

"That, my friend, is why I leave it. For you may be SAFE...

but I AM FREE!"

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APPENDICES

Appendix A

North Shore Restorative Justice Society: Mission, Vision, and Values

Mission:

The mission statement of the North Shore Restorative Justice Society is:

Connecting, caring, and repairing to

- Promote shared accountability for conflict
- Heal and reunite those impacted by the conflict
- Build the desire and capacity of community members to resolve conflict and repair harm
- Nurture the growth of an increasingly connected community

Vision:

The vision statement of the Society is:

Creating a more compassionate community by

- Increasing capacity in the community for resolving conflict
- Modelling skills and alternatives for resolving conflict
- Providing community-based alternatives to the justice system
- Fostering a shift in community attitudes towards conflict
- Community members taking responsibility for resolving conflict instead of deferring to justice system professionals
- Breaking down of victim and offender stereotypes
- Sharing responsibility for conflict and outcomes
- Recognizing that restorative justice is a set of attitudes, values, and approaches; not just a program or programs
- Impacting and changing the justice system to reflect the changing needs of the community
- Engaging in a dialogue with justice system professionals (relies on shifting community attitudes)

Values:

The following values guide the behaviour of staff and volunteers in all aspects of the Society's work:

- *RESPECT* for ourselves and others call us to listen and value all opinions
- *TRUST* in ourselves, in others, and in our processes allows us to reach out, to take risks, and to build relationships
- *HUMILITY* leads us to recognize and acknowledge the contributions of all
- *SHARING* commits us to letting go of power and control and opening ourselves to others
- *INCLUSIVITY* requires us to strive to include everyone and to actively welcome and support the participation of all
- *COMPASSION* connects us to others
- *FORGIVENESS* moves us to closure, to acceptance of ourselves and others

Appendix B

Examples of North Shore Restorative Justice Society Participant Feedback Surveys

Face-to-Face Conference Feedback Form:

Restorative Justice Process Evaluation

What best describes your role in this restorative process:

Person harmed   Person who caused harm   Supporter

In TWO words, how would you describe the process you have just been through?

_____   _____

What TWO things did you find <u>most helpful</u> about the process (from start to finish)?

1._____
2._____

How well did this process serve your needs?
Not well at all   1   2   3   4   5   Very Well

What did you find <u>least helpful</u> about this process? What did not work for you?
_____
_____

In similar circumstances, would you choose this type of approach again?
Yes   No
If not, what would you prefer?
_____

<u>Support people</u>
Is there anyone else affected by what happened who should have been part of the process that was not included?   Yes   No

What was important about them being included?
_____

Was someone involved that you feel should NOT have been? Yes   No

What made it less important for them to be involved? _____

Do you feel that you had a choice to participate in this process?
Yes   No

How do you feel the **police** handled the case before they referred it to restorative justice?

Not well at all   1   2   3   4   5   Very Well

Please explain_____

How **fair** was the outcome of this process for you?

Unfair   1   2   3   4   5   Very Fair

How do you feel about the **length of time** this process took?

Too long   1   2   3   4   5   Just right amount of time

To what extent did everyone have the opportunity to participate **equally**?

Not equal   1   2   3   4   5   Equal

How much more **understanding** of this situation have you gained through this process?

No more   1   2   3   4   5   Greater understanding

How **well prepared** did you feel for this process?

Not at all prepared   1   2   3   4   5   Very prepared

Facilitators

How **neutral** would you rate the facilitators?

Not neutral   1   2   3   4   5   Neutral (did not take sides)

How **respected** did you feel during this process by the Facilitators?

Not respected 1   2   3   4   5   Very respected

How **cared about** did you feel during this process by the Facilitators?

Not cared for 1   2   3   4   5   Cared for

Are there any other comments you would like to share with us? We welcome and value your feedback!

_____
_____
_____

Request for Future Contact:
Would you be willing to be contacted in future by us for your thoughts about this process?   Yes   No

Contact Information:Name _____

Best way to contact you for this information (please check one and fill in information):

☐ Email   _____

☐ Phone   _____

North Shore Restorative Justice Society is obligated by privacy legislation to keep your personal information confidential and to use it only for the reasons disclosed above. Our commitment is to maintain confidentiality and security of your information in accordance with our Ten Privacy Principles (available on request), which govern our actions as they relate to the use of your information.

Shuttle Mediation Feedback Form:

Evaluation

Although this case did not result in a face-to-face meeting, we would still like to hear feedback about the experience you had with our organization. Your comments will help us serve the community better in the future.

Please circle the name that best describes your role in this restorative process:

Person harmed   Person who caused harm   Supporter

What did you find <u>most helpful</u> about the process (from start to finish)?
_____
_____

How well did this process serve your needs?
Very well   1   2   3   4   5   Not well at all

What did you find <u>least helpful</u> about this process? What did not work for you?

_____
_____

If we could start over again, how do you think we should change the process?
_____
_____

In similar circumstances, would you choose this type of approach again? Yes
No
If not, what would you prefer?
_____
_____

<u>The Values of a Restorative Response</u> – *Please circle the most appropriate response*

Do you feel that you had a choice to participate in this process?   **Yes
      No**

Please
explain_____

How do you feel the police handled the case before they referred it to restorative justice?
Not well at all   1   2   3   4   5   Very Well

Please explain_____

How well did this process meet your expectations?   Not well at all   1   2   3   4   5   Very Well

Please explain_____

How fair was the outcome of this process for you?   Unfair   1   2   3   4   5   Very fair

Please explain_____

How do you feel about the length of time this process took? Too long   1   2   3   4   5 Just right

Please explain_____

How much more understanding of this <u>situation</u> have you gained through this process?
No more   1   2   3   4   5   Greater understanding

Please explain_____

How much more understanding of the <u>people</u> have you gained through this process?
No more   1   2   3   4   5   Greater understanding

Please explain_____

How well did the process meet your needs?   Not well at all 1 2 3 4 5 Very well

Please explain_____

<u>Facilitators</u>

Please comment about the two facilitators that you worked with:
_____
_____

Are there any other comments you would like to make about how you feel about this process?
We welcome and value your feedback!

_____
_____
_____

Request for Future Contact:
Would you be willing to be contacted by us for future evaluations?   Yes
     No

Contact Information:Name _____
Best way to contact you for this information (please check one and fill in information):

☐ Email   _____

☐ Fax   _____

☐ Phone   _____

Thank you for taking the time to complete this evaluation!

Appendix C

North Shore Restorative Justice Society: Ten Privacy Principles (Ethics)

The NSRJS Ten Privacy Principles are derived from those outlined by the Office of the Privacy Commissioner of Canada in their *Personal Information Protection and Electronic Documents Act* (PIPEDA[58]). The PIPEDA includes ten principles, which NSRJS bases its information collection, management, and storage. These ten principles are as follows:

1. Accountability
2. Identifying purposes
3. Consent
4. Limiting collection
5. Limiting use, disclosure, and retention
6. Accuracy
7. Safeguards
8. Openness
9. Individual access
10. Challenging compliance

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[58] For more information, please see http://www.priv.gc.ca/index_e.cfm