Sociology 3395: Criminal Justice & Corrections
Lecture 21: Victims & Criminal Justice 3: Restorative Justice:

* Restorative justice (i.e. "working things out") is widely touted as an alternative to traditional, retributive justice system

* History:

- Widely used in many (but not all) Aboriginal cultures
- Christie (1977) conflicts stolen from legitimate owners
- Mennonite Church initiated victim offender reconciliation (VORP)
- Increasingly popular among academics as a CJS alternative

* Dittenhoffer and Ericson (1983): Victim-Offender Reconciliation Program

- VORP program showed lack of interest in reconciliation
- Emphasized financial compensation by offender
- CJS officials chose "shallow end" cases/ wouldn't have been jailed
- Not an alternative to incarceration
- "Widens net" of CJS/ increased cost

* Mark Umbreight (1994):

- Preliminary study emphasizing use of VORP for violent crime
- Enables victims to answer questions/ obtain closure
- Cautions against pushing victims into such programs
- Emphasizes need for additional services/ resources in such cases

* International Studies:

- Contrast between Britain (low victim involvement 7%) and other
  jurisdictions (New Zealand 46%; Australia 73%)
- Masters (2002): problem lies in "poor practice" including:

(1) Victims not contacted

(2) Poor scheduling
(3) Poor staffing, training, agency cooperation, & high caseloads

* Newfoundland & Labrador: 3 programs:

(1) Community Mediation Services (volunteer mediation/minor disputes)
(2) John Howard Society (peer mediation program for youth)
(3) Circles of Support (post-conviction reintegration of violent/sex offenders)

* Some plans are in the works to expand RJ either through the Dept. Of Justice or NFLD Victims' Services

* Nova Scotia Program (1998 to present):

   - Much broader than VORP (e.g. wider array of conference options)
   - Four entry points (police, Crown, Judge, Corrections)
   - Includes violent crimes, but restricts entry points)
   - Expects much community/ agency involvement
   - Began with Young Offenders, eventually including adults

* My research with Don Clairmont: comprehensive evaluation of N.S. implementation over 4 years

* One aspect: 15 interviews of community groups/ CJS officials (11 vs. 4)

* Possible risks/ benefits to victims:

   - Most responses from victim organizations
   - Concerns: revictimization
               no veto/power in process
               serious/violent offences included
               RJ being used in lieu of charges
               few supports in place
               victim's expectations

- CJS respondents: depending on preparations and expectations, catharsis, understanding and closure possible

* Possible risks/ benefits to offenders:

- Avoiding incarceration (a good or bad thing, depends on viewpoint)
- Holding offenders accountable in better fashion
- CJS respondents: same themes, but concern over waiving offender's rights

* Possible risks/benefits to communities:

- "Cost effectiveness" vs. "downloading" w/o resources
- Need for education
- Impact on crime statistics
- Issue of community control
- CJS respondents: beneficial, but need properly informed decisions

* Effectiveness of RJ:

- Most qualified responses on basis of prior concerns/ wait and see
- CJS respondents more positive/ worth a shot

* Efficiency of RJ:

- Not likely: a government program dealing with human emotions
- If done right, will be expensive
- Clearing up vs. increasing court docket
- Efficient for who?

* Equity of RJ:

- Broke down on victim vs. offender lines
- CJS respondents: did not favor victim veto

* Ultimately:

  - Sharp differences depending on agency perspective
  - CJS respondents take more systemic approach

* Don Clairmont: <u>Two Year Interim Report:</u>

  - Only 11% of victims attended RJ sessions (poor practice?)
  - Cases referred predominantly first time/ less serious offences
  - While rating experience favorably, victim's views may change once more serious cases included

* In conclusion:

- Many problems in prior research appear
- More research needed/ will proceed